



**Law  
Commission**  
Reforming the law

# Statute Law Repeals: Nineteenth Report Draft Statute Law (Repeals) Bill





# **The Law Commission and The Scottish Law Commission**

(LAW COM No 333)

(SCOT LAW COM No 227)

## **STATUTE LAW REPEALS: NINETEENTH REPORT**

### **DRAFT STATUTE LAW (REPEALS) BILL**

*Presented to the Parliament of the United Kingdom by the Lord Chancellor  
and Secretary of State for Justice  
by Command of Her Majesty*

*Laid before the Scottish Parliament by the Scottish Ministers*

*April 2012*

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The Law Commission and the Scottish Law Commission were set up by the Law Commissions Act 1965 for the purpose of promoting the reform of the law.

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The terms of this report were agreed on 7 March 2012.

The text of this report is available on the Internet at:

<http://www.lawcom.gov.uk> (See Publications > Statute Law Repeals reports)

<http://www.scotlawcom.gov.uk/law-reform-projects/joint-projects/statute-law-repeals>

**LAW COMMISSION**

**SCOTTISH LAW COMMISSION**

**STATUTE LAW REPEALS: NINETEENTH REPORT**

**DRAFT STATUTE LAW (REPEALS) BILL**

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# THE LAW COMMISSION AND THE SCOTTISH LAW COMMISSION

## STATUTE LAW REPEALS: NINETEENTH REPORT Draft Statute Law (Repeals) Bill

*To the Right Honourable Kenneth Clarke QC, MP, Lord Chancellor and Secretary of State for Justice, and the Scottish Ministers*

1. In pursuance of section 3(1)(d) of the Law Commissions Act 1965, we have prepared the draft Bill which is *Appendix 1* and recommend that effect be given to the proposals contained in it. An explanatory note on the contents of the draft Bill forms *Appendix 2*. *Appendix 3* lists the individuals and organisations we consulted about our proposals.
2. The report recommends the repeal of enactments which have been identified, after detailed research and consultation, as being spent, obsolete, unnecessary or otherwise not now of practical utility.<sup>1</sup> The proposals have been widely canvassed with the government departments and other bodies concerned, including the relevant authorities throughout Wales, Scotland and Northern Ireland.<sup>2</sup> We have also consulted the relevant authorities in Ireland and India about the enactments that related to those countries. The report is available on the Law Commissions' websites ([www.lawcom.gov.uk](http://www.lawcom.gov.uk) and [www.scotlawcom.gov.uk](http://www.scotlawcom.gov.uk)).
3. The report is submitted in pursuance of the Law Commissions' programme on statute law. The broad objective of this programme is to modernise and simplify the statute book.

*(Signed)* JAMES MUNBY

*Chairman, Law Commission*

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MALCOLM McMILLAN

*Chief Executive*

7 March 2012

<sup>1</sup> The enactments proposed for repeal are specified in Schedule 1 to the draft Bill. The Schedule is divided into Parts, some of which are subdivided into Groups. The Parts are, in accordance with the drafting practice adopted in Statute Law (Repeals) Acts since 1975, presented according to their alphabetical order of title.

<sup>2</sup> Where the proposals extend to Wales, those consulted include the Wales Office and the Counsel General to the Welsh Assembly Government. Where the proposals extend to Scotland, those consulted include the Scottish Government and the departments responsible for reserved matters in relation to Scotland. Where the proposals extend to Northern Ireland, those consulted include the Northern Ireland Office and the Northern Ireland Executive.



# **Appendix 1 - Draft Statute Law (Repeals) Bill**

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- 1 Repeals and revocations
- 2 Extent
- 3 Short title and commencement

- 
- Schedule 1 – Repeals and Revocations
    - Part 1 – Benevolent Institutions
    - Part 2 – Civil and Criminal Justice
    - Part 3 – Indian Railways
    - Part 4 – Ireland (Dublin City)
    - Part 5 – Local Courts and Administration of Justice
    - Part 6 – London
    - Part 7 – Lotteries
    - Part 8 – Poor Relief
    - Part 9 – Railways
    - Part 10 – Taxation and Pensions
    - Part 11 – Turnpikes
  - Schedule 2 – Savings

A  
**B I L L**

TO

Promote the reform of the statute law by the repeal, in accordance with recommendations of the Law Commission and the Scottish Law Commission, of certain enactments which (except in so far as their effect is preserved) are no longer of practical utility.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Repeals and revocations**

The enactments referred to in Schedule 1 are repealed or revoked to the extent shown, subject to the savings contained in Schedule 2.

**2 Extent**

- (1) Any repeal or revocation made by this Act (and any saving in Schedule 2 which relates to it) extends to the part or parts of the United Kingdom to which the enactment being repealed or revoked extends. 5
- (2) Her Majesty may by Order in Council provide for any repeal or revocation made by this Act to extend, with or without modifications, to any of the Channel Islands, the Isle of Man or any British overseas territory. 10

**3 Short title and commencement**

- (1) This Act may be cited as the Statute Law (Repeals) Act 2012.
- (2) This Act comes into force on the day on which it is passed.

## SCHEDULES

## SCHEDULE 1

Section 1

## REPEALS AND REVOCATIONS

## PART 1

## BENEVOLENT INSTITUTIONS

5

## GROUP 1 - SUTTON'S HOSPITAL IN CHARTERHOUSE

<i>Reference</i>	<i>Extent of repeal</i>	
8 Geo.1 c.29 (1721) (Charterhouse Governors (Quorum) Act)	The whole Act.	10
Sutton's Hospital in Charterhouse Charity Scheme Confirmation Act 1948 (11 & 12 Geo.6 c.v)	The whole Act.	
Sutton's Hospital (Charterhouse) Charity Scheme Confirmation Act 1956 (4 & 5 Eliz.2 c.lvi)	The whole Act.	15

## GROUP 2 - ADDENBROOKE'S HOSPITAL

<i>Reference</i>	<i>Extent of repeal</i>	
7 Geo.3 c.99 (1767) (Addenbrooke's Hospital, Cambridge Act)	The whole Act.	20
Addenbrooke's Hospital Scheme Confirmation Act 1903 (3 Edw.7 c.clv)	The whole Act.	25

## GROUP 3 - MAGDALEN HOSPITAL

<i>Reference</i>	<i>Extent of repeal</i>	
9 Geo.3 c.31 (1769) (Magdalen Hospital, London Act)	The whole Act.	30

<i>Reference</i>	<i>Extent of repeal</i>	
Magdalen Hospital Amendment Act 1848 (11 & 12 Vict. c.xvii)	The whole Act.	
Magdalen Hospital Amendment Act 1866 (29 & 30 Vict. c.cxxx)	The whole Act.	5
Magdalen Hospital Charity Scheme Confirmation Act 1937 (1 Edw.8 & 1 Geo.6 c.xxiv)	The whole Act.	10

GROUP 4 - FEMALE ORPHAN ASYLUM

<i>Reference</i>	<i>Extent of repeal</i>	
39 & 40 Geo.3 c.lx (1800) (Female Orphan Asylum Act)	The whole Act.	15
5 Geo.4 c.v (1824) (Asylum for Female Orphans Act)	The whole Act.	
Female Orphan Asylum Amendment Act 1870 (33 & 34 Vict. c.xv)	The whole Act.	20
Board of Education Scheme (Female Orphan Asylum &c.) Confirmation Act 1924 (14 & 15 Geo.5 c.xxi)	The whole Act.	

GROUP 5 - DURHAM COUNTY SCHOOLS

25

<i>Reference</i>	<i>Extent of repeal</i>	
41 Geo.3 c.cxx (1801) (Durham County Schools Act)	The whole Act.	
3 Geo.4 c.26 (1822) (Durham County Schools Amendment Act)	The whole Act.	30

GROUP 6 - PHILANTHROPIC SOCIETY

<i>Reference</i>	<i>Extent of repeal</i>	
Philanthropic Society's Act 1806 (46 Geo.3 c.cxliv)	The whole Act.	35
Philanthropic Society's Act 1823 (4 Geo.4 c.18)	The whole Act.	
Philanthropic Society's Act 1848 (11 & 12 Vict. c.cix)	The whole Act.	

GROUP 7 - BETHLEM HOSPITAL

<i>Reference</i>	<i>Extent of repeal</i>	
50 Geo.3 c.cxcviii (1810) (Bethlem Hospital Act)	The whole Act.	
2 & 3 Vict. c.20 (1839) (Bethlem Hospital Act)	The whole Act.	5
Bethlem Hospital Act 1871 (34 & 35 Vict. c.cxxii)	The whole Act.	

GROUP 8 - EARL OF LEICESTER'S HOSPITAL

<i>Reference</i>	<i>Extent of repeal</i>	<i>10</i>
53 Geo.3 c.ccxiii (1813) (Earl of Leicester's Hospital, Warwick Act)	The whole Act.	
Robert Earl of Leicester's Hospital Charity Scheme Confirmation Act 1926 (16 & 17 Geo.5 c.xxv)	The whole Act.	15

GROUP 9 - BRISTOL SCHOOL FOR THE BLIND

<i>Reference</i>	<i>Extent of repeal</i>	
2 & 3 Will.4 c.xxxix (1832) (Bristol Asylum or School of Industry for the Blind Act)	The whole Act.	20
Bristol Blind Asylum Act 1905 (5 Edw.7 c.clxxi)	The whole Act.	

GROUP 10 - MIDDLESEX HOSPITAL

<i>Reference</i>	<i>Extent of repeal</i>	<i>25</i>
6 & 7 Will.4 c.vii (1836) (Middlesex Hospital Act)	The whole Act.	
Middlesex Hospital Act 1938 (1 & 2 Geo.6 c.xii)	The whole Act.	30

GROUP 11 - NEWCASTLE HOSPITAL

<i>Reference</i>	<i>Extent of repeal</i>	
10 & 11 Vict. c.34 (1847) (Holy Jesus Hospital, Newcastle- upon-Tyne Act)	The whole Act.	
Saint Mary Magdalene Hospital (Newcastle-upon-Tyne) Act 1940 (3 & 4 Geo.6 c.xxxv)	The whole Act.	35

GROUP 12 - LONDON HOSPITAL

<i>Reference</i>	<i>Extent of repeal</i>	
London Hospital Act 1884 (47 & 48 Vict. c.xviii)	The whole Act.	
London Hospital Act 1899 (62 & 63 Vict. c.l)	The whole Act.	5

GROUP 13 - IRELAND

<i>Reference</i>	<i>Extent of repeal</i>	
48 Geo.3 c.cxlvi (1808) (Maynooth Academy Act)	The whole Act.	10
50 Geo.3 c.cviii (1810) (Kilkenny City Asylum Act)	The whole Act.	
50 Geo.3 c.clii (1810) (Kildare County Infirmary Act)	The whole Act.	
11 Geo.4 & 1 Will.4 c.lxxii (1830) (Barrington's Hospital, Limerick Act)	The whole Act.	15
2 & 3 Will.4 c.ciii (1832) (Cork General Hospital Act)	The whole Act.	
8 & 9 Vict. c.25 (1845) (Maynooth College Act)	The whole Act.	20
42 & 43 Vict. c.ccxx (1879) (Mungret Agricultural School, &c. Act)	The whole Act.	
Barrington's Hospital Amendment Act 1885 (48 & 49 Vict. c.xlvii)	The whole Act.	25
Galway Hospital Act 1892 (55 & 56 Vict. c.ccxvii)	The whole Act.	
Waterford Infirmary Act 1896 (59 & 60 Vict. c.xxii)	The whole Act.	30
Waterford and Bishop Foy Endowed Schools Act 1902 (2 Edw.7 c.xxxv)	The whole Act.	

GROUP 14 - GENERAL REPEALS

35

<i>Reference</i>	<i>Extent of repeal</i>	
48 Geo.3 c.lxxvii (1808) (Hospital for Poor French Protestants Act)	The whole Act.	
52 Geo.3 c.clvii (1812) (Wigan Free Grammar School Act)	The whole Act.	40

<i>Reference</i>	<i>Extent of repeal</i>	
3 & 4 Will.4 c.cxvii (1833) (Troopers Fund (or St. George's Fund Society) Act)	The whole Act.	
4 & 5 Will.4 c.xxxviii (1834) (St. George's Hospital, Hyde Park Corner Act)	The whole Act.	5
6 & 7 Will.4 c.xx (1836) (Westminster Hospital Act)	The whole Act.	
1 & 2 Vict. c.lxxi (1838) (Refuge for the Destitute Act)	The whole Act.	10
3 & 4 Vict. c.cxxv (1840) (Lord Scudamore's Charity Act)	The whole Act.	
Imprisoned Debtors Discharge Society's Act 1856 (19 & 20 Vict. c.cxxxiii)	The whole Act.	15
Mason's Orphanage Act 1897 (60 & 61 Vict. c.xix)	The whole Act.	
Infant Orphan Asylum Act 1899 (62 & 63 Vict. c.xlix)	The whole Act.	20
Alton Military Hospital Act 1907 (7 Edw.7 c.xc)	The whole Act.	
Whittington Charity Scheme Confirmation Act 1909 (9 Edw.7 c.cxlviii)	The whole Act.	25
Haberdashers' Company Loan Fund Bearing Interest Scheme Confirmation Act 1912 (2 & 3 Geo.5 c.clxxiii)	The whole Act.	
Bournemouth Hospitals Scheme Confirmation Act 1913 (3 & 4 Geo.5 c.clxxv)	The whole Act.	30
Lucas's Hospital Charity Scheme Confirmation Act 1923 (13 & 14 Geo.5 c.lvi)	The whole Act.	35
French Protestant Episcopal Church of the Savoy Act 1925 (15 & 16 Geo.5 c.xlvi)	The whole Act.	
Passmore Edwards (Tilbury) Cottage Hospital Charity Scheme Confirmation Act 1926 (16 & 17 Geo.5 c.xxiii)	The whole Act.	40
Feltwell Fuel Allotment Charity Scheme Confirmation Act 1927 (17 & 18 Geo.5 c.xxxii)	The whole Act.	45
Richmond Parish Charity Lands Scheme Confirmation Act 1928 (18 & 19 Geo.5 c.xv)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Goldsmiths' Consolidated Charities Scheme Confirmation Act 1932 (22 & 23 Geo.5 c.xvii)	The whole Act.	5
Ford Street Charity Scheme Confirmation Act 1932 (22 & 23 Geo.5 c.xviii)	The whole Act.	
Jesus Hospital (Chipping Barnet) Scheme Charity Confirmation Act 1933 (23 & 24 Geo.5 c.xiv)	The whole Act.	10
Cancer Hospital (Free) Act 1933 (23 & 24 Geo.5 c.xxxvi)	The whole Act.	
Samaritan Free Hospital for Women Act 1933 (23 & 24 Geo.5 c.xc)	The whole Act.	15
Prince of Wales's Hospital Plymouth Act 1934 (24 & 25 Geo.5 c.lii)	The whole Act.	20
Buckingham's Charity (Dunstable) Scheme Confirmation Act 1936 (26 Geo.5 & 1 Edw.8 c.lxxvi)	The whole Act.	
Reading Almshouse and Municipal Charities Scheme Confirmation Act 1958 (6 & 7 Eliz.2 c.x)	The whole Act.	25
St James's Dwellings Charity Scheme Confirmation Act 1958 (6 & 7 Eliz.2 c.xii)	The whole Act.	30

PART 2

CIVIL AND CRIMINAL JUSTICE

GROUP 1 - CRIMINAL PROCESS

<i>Reference</i>	<i>Extent of repeal</i>	35
Criminal Law (Scotland) Act 1830 (11 Geo.4 & 1 Will.4 c.37)	Section 2. Section 6.	

GROUP 2 - DISTRESS

<i>Reference</i>	<i>Extent of repeal</i>	40
Statutes of the Exchequer (statutes of uncertain date)	Chapter 12 (relating to the Exchequer Court).	



GROUP 3 - EXTRADITION

<i>Reference</i>	<i>Extent of repeal</i>
Extradition Act 1873 (36 & 37 Vict. c.60)	The whole Act.

GROUP 4 - FORGERY

5

<i>Reference</i>	<i>Extent of repeal</i>
Forgery of Foreign Bills Act 1803 (43 Geo.3 c.139)	The whole Act.

GROUP 5 - FRAUD

10

<i>Reference</i>	<i>Extent of repeal</i>
Criminal Justice (Scotland) Act 1987 (c. 41)	Sections 51 to 53.
Criminal Justice Act 1988 (c.33)	In Schedule 15, paragraph 111.

GROUP 6 - POLICE

15

<i>Reference</i>	<i>Extent of repeal</i>
Police Act 1969 (c.63)	The whole Act.

GROUP 7 - SALE OF PUBLIC OFFICES

<i>Reference</i>	<i>Extent of repeal</i>
Sale of Offices Act 1551 (5 & 6 Edw.6 c.16)	The whole Act.
Sale of Offices Act 1809 (49 Geo.3 c.126)	The whole Act.
Government of Ireland (Adaptation of Enactments) (No.3) Order 1922 (SR&O 1922 No.183)	Article 41(a).
Common Informers Act 1951(14 & 15 Geo.6 c.39)	In the Schedule, the entry relating to section 6 of the Sale of Offices Act 1809.

20

25

PART 3

INDIAN RAILWAYS

GROUP 1 - ASSAM RAILWAYS AND TRADING COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Assam Railways and Trading Company's Act 1897 (60 & 61 Vict. c.xvii)	The whole Act.	5
Assam Railways and Trading Company's Act 1910 (10 Edw.7 & 1 Geo.5 c.xiv)	The whole Act.	10

GROUP 2 - BENGAL AND NORTH WESTERN RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Bengal and North Western Railway Company Limited Act 1914 (4 & 5 Geo.5 c.viii)	The whole Act.	15

GROUP 3 - BOMBAY BARODA AND CENTRAL INDIA RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Bombay Baroda and Central India Railway Act 1906 (6 Edw.7 c.lix)	The whole Act.	20
Bombay Baroda and Central India Railway Act 1924 (14 & 15 Geo.5 c.vii)	The whole Act.	
Bombay Baroda and Central India Railway Act 1938 (1 & 2 Geo.6 c.x)	The whole Act.	25
Bombay Baroda and Central India Railway Act 1942 (5 & 6 Geo.6 c.v)	The whole Act.	

GROUP 4 - CALCUTTA AND SOUTH EASTERN RAILWAY COMPANY

30

<i>Reference</i>	<i>Extent of repeal</i>	
Calcutta and South-eastern Railway Act 1857 (20 & 21 Vict. c.xxiii)	The whole Act.	

GROUP 5 - CEYLON RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Ceylon Railway Company's Act 1856 (19 & 20 Vict. c.ci)	The whole Act.	
Ceylon Railway Company's Dissolution Act 1862 (25 & 26 Vict. c.ci)	The whole Act.	5

GROUP 6 - EAST INDIAN RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
12 & 13 Vict. c.xciii (1849) (East Indian Railway Act)	The whole Act.	10
16 & 17 Vict. c.ccxxvi (1853) (East Indian Railway Company Act)	The whole Act.	
18 & 19 Vict. c.xxxviii (1855) (East Indian Railway Act)	The whole Act.	15
19 & 20 Vict. c.cxxi (1856) (East Indian Railway Company Act)	The whole Act.	
East Indian Railway Company's Act 1864 (27 & 28 Vict. c.clvii)	The whole Act.	20
East Indian Railway Company Purchase Act 1879 (42 & 43 Vict. c.ccvii)	The whole Act.	25
East Indian Railway Company Sinking Fund Act 1892 (55 & 56 Vict. c.x)	The whole Act.	
East Indian Railway Company's Act 1895 (58 & 59 Vict. c.xx)	The whole Act.	30

GROUP 7 - EASTERN BENGAL RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Eastern Bengal Railway Act 1857 (20 & 21 Vict. c.clix)	The whole Act.	35
Eastern Bengal Railway Act 1866 (29 & 30 Vict. c.cxxxvi)	The whole Act.	
Eastern Bengal Railway Company Purchase Act 1884 (47 & 48 Vict. c.cxiv)	The whole Act.	40

GROUP 8 - GREAT INDIAN PENINSULA RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
12 & 13 Vict. c.lxxxiii (1849) (Great Indian Peninsula Railway Company Act)	The whole Act.	5
17 & 18 Vict. c.xliv (1854) (Great Indian Peninsula Railway Company Act)	The whole Act.	
Great Indian Peninsula Railway Purchase Act 1900 (63 & 64 Vict. c.cxxxviii)	The whole Act.	10
Great Indian Peninsula Railway Annuities Act 1927 (17 & 18 Geo.5 c.v)	The whole Act.	

GROUP 9 - MADRAS RAILWAY COMPANY

15

<i>Reference</i>	<i>Extent of repeal</i>	
16 & 17 Vict. c.xlvi (1853) (Madras Railway Act)	The whole Act.	
17 & 18 Vict. c.xxix (1854) (Madras Railway Company Act)	The whole Act.	20
18 & 19 Vict. c.xl (1855) (Madras Railway Act)	The whole Act.	
Madras Railway Annuities Act 1908 (8 Edw.7 c.iii)	The whole Act.	25
Madras Railway Annuities Act 1922 (12 & 13 Geo.5 c.vii)	The whole Act.	

GROUP 10 - OUDE RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Oude Railway Act 1858 (21 & 22 Vict. c.lxxxiii)	The whole Act.	30

GROUP 11 - SCINDE RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Scinde Railway Act 1857 (20 & 21 Vict. c.clx)	The whole Act.	35
Scinde Railway Company's Amalgamation Act 1869 (32 & 33 Vict. c.lxxx)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Scinde, Punjaub and Delhi Railway Purchase Act 1886 (49 & 50 Vict. c.xlii)	The whole Act.	
GROUP 12 - SOUTH INDIAN RAILWAY COMPANY		5
<i>Reference</i>	<i>Extent of repeal</i>	
Great Southern of India Railway Act 1858 (21 & 22 Vict. c.cxxxviii)	The whole Act.	
Great Southern of India Railway Amendment Act 1860 (23 & 24 Vict. c.xlix)	The whole Act.	10
South Indian Railway Act 1874 (37 & 38 Vict. c.cxii)	The whole Act.	
South Indian Railway (Additional Powers) Act 1888 (51 & 52 Vict. c.v)	The whole Act.	15
PART 4		
IRELAND (DUBLIN CITY)		
GROUP 1 - DUBLIN STEAM PACKET COMPANY		20
<i>Reference</i>	<i>Extent of repeal</i>	
3 & 4 Will.4 c.cxv (1833) (City of Dublin Steam Packet Company Act)	The whole Act.	
6 & 7 Will.4 c.c (1836) (Dublin Steam Packet Act)	The whole Act.	25
City of Dublin Steam Packet Company's Act 1860 (23 & 24 Vict. c.xcviii)	The whole Act.	
City of Dublin Steam Packet Company's (Consolidation of Shares) Act 1861 (24 & 25 Vict. c.iii)	The whole Act.	30
City of Dublin Steam Packet Company's Act 1868 (31 & 32 Vict. c.xxx)	The whole Act.	35
City of Dublin Steam Packet Company's Act 1876 (39 & 40 Vict. c.xi)	The whole Act.	
City of Dublin Steam Packet Company's Act 1884 (47 & 48 Vict. c.cxxx)	The whole Act.	40

<i>Reference</i>	<i>Extent of repeal</i>	
City of Dublin Steam Packet Company's Act 1895 (58 & 59 Vict. c.cxxiii)	The whole Act.	
City of Dublin Steam Packet Company's Act 1910 (10 Edw.7 & 1 Geo.5 c.vii)	The whole Act.	5
City of Dublin Steam Packet Company's Act 1916 (6 & 7 Geo.5 c.viii)	The whole Act.	10
City of Dublin Steam Packet Company's Act 1920 (10 & 11 Geo.5 c.i)	The whole Act.	

GROUP 2 - DUBLIN HOSPITALS

<i>Reference</i>	<i>Extent of repeal</i>	
50 Geo.3 c.cxcii (1810) (Dublin Foundling Hospital Act)	The whole Act.	15
54 Geo.3 c.128 (1814) (Dublin Foundling Hospital Act)	The whole Act.	
55 Geo.3 c.lxxxii (1815) (Meath Hospital and County of Dublin Infirmary Act)	The whole Act.	20
59 Geo.3 c.lxi (1819) (Meath Hospital and County of Dublin Infirmary Act)	The whole Act.	25
1 Geo.4 c.29 (1820) (Dublin Foundling Hospital Act)	The whole Act.	
1 Geo.4 c.49 (1820) (Dublin House of Industry Act)	The whole Act.	
3 Geo.4 c.35 (1822) (Dublin Foundling Hospital Act)	The whole Act.	30
Dublin Hospitals Regulation Act 1856 (19 & 20 Vict. c.110)	The whole Act.	
Dublin Eye and Ear Hospital Act 1897 (60 & 61 Vict. c.cvi)	The whole Act.	35

GROUP 3 - DUBLIN POLICE AND JUSTICE

<i>Reference</i>	<i>Extent of repeal</i>	
5 Geo.4 c.102 (1824) (Dublin Justices Act)	The whole Act.	
6 & 7 Will.4 c.29 (1836) (Dublin Police Act)	The whole Act.	40
2 & 3 Vict. c.78 (1839) (Dublin Police Act)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
5 & 6 Vict. c.24 (1842) (Dublin Police Act)	The whole Act.	
11 & 12 Vict. c.113 (1848) (Dublin Police Act)	The whole Act.	5
Four Courts (Dublin) Extension Act 1858 (21 & 22 Vict. c.84)	The whole Act.	
Dublin Police Act 1859 (22 & 23 Vict. c.52)	The whole Act.	
30 & 31 Vict. c.95 (1867) (Dublin Police Act)	The whole Act.	10

GROUP 4 - DUBLIN GENERAL POST OFFICE AND RECORD OFFICE

<i>Reference</i>	<i>Extent of repeal</i>	
48 Geo.3 c.48 (1808) (Dublin General Post Office Act)	The whole Act.	15
49 Geo.3 c.70 (1809) (Dublin General Post Office Act)	The whole Act.	
54 Geo.3 c.63 (1814) (Dublin General Post Office Act)	The whole Act.	
54 Geo.3 c.113 (1814) (Dublin Site of Record Office Act)	The whole Act.	20
7 Geo.4 c.13 (1826) (Site for Record Office (Ireland) Act)	The whole Act.	

GROUP 5 - DUBLIN CARRIAGES

<i>Reference</i>	<i>Extent of repeal</i>	25
Dublin Carriage Act 1853 (16 & 17 Vict. c.112)	The whole Act.	
Dublin Amended Carriage Act 1854 (17 & 18 Vict. c.45)	The whole Act.	
Dublin Amended Carriage Act 1855 (18 & 19 Vict. c.65)	The whole Act.	30

GROUP 6 - DUBLIN CORPORATION

<i>Reference</i>	<i>Extent of repeal</i>	
13 & 14 Vict. c.81 (1850) (Dublin Corporation Act)	The whole Act.	35
Dublin Corporation Loans Act 1889 (52 & 53 Vict. c.cxxix)	The whole Act.	
Dublin Corporation Act 1893 (56 & 57 Vict. c.xv)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>
Dublin Corporation Act 1900 (63 & 64 Vict. c.cclxiv)	The whole Act.

PART 5

LOCAL COURTS AND ADMINISTRATION OF JUSTICE

5

<i>Reference</i>	<i>Extent of repeal</i>	
1 Will. & Mar. c.17 (1688) (Erecting Newcastle-upon-Tyne Court of Conscience Act)	The whole Act.	10
1 Will. & Mar. c.18 (1688) (Erecting Bristol and Gloucester Courts of Conscience Act)	The whole Act.	
45 Geo.3 c.lxi (1805) (High Peak and Castleton Courts Baron Act)	The whole Act.	15
46 Geo.3 c.iii (1806) (West Riding of Yorkshire Court Houses Act)	The whole Act.	20
46 Geo.3 c.xxxi (1806) (York Judges' House Act)	The whole Act.	
46 Geo.3 c.lxxxvii (1806) (Southwark and East Brixton Court of Requests Act)	The whole Act.	25
46 Geo.3 c.cxxx (1806) (Croydon Court House, Market House and Burial Ground Act)	Sections 9 to 12. Sections 15 to 18.	
47 Geo.3 Sess.2 c.xxxii (1807) (Cumberland County Court Act)	The whole Act.	30
48 Geo.3 c.cxxxiv (1808) (Kingston-upon-Thames and Imworth Inclosure, Court House and Market House Act)	Sections 47 to 54.	35
49 Geo.3 c.lxxv (1809) (Lincolnshire Courthouse Act)	The whole Act.	
49 Geo.3 c.clxxxv (1809) (Northumberland Gaol and Courts of Justice Act)	The whole Act.	40
55 Geo.3 c.ix (1815) (Hereford County Offices Act)	The whole Act.	



<i>Reference</i>	<i>Extent of repeal</i>	
55 Geo.3 c.xciii (1815) (City of London Courts of Justice Act)	The whole Act.	
1 & 2 Geo.4 c.xcvi (1821) (Salop County Judges' Accommodations Act)	The whole Act.	5
1 & 2 Geo.4 c.cxxiv (1821) (Louth County Court House Act)	The whole Act.	
3 Geo.4 c.lxxiv (1822) (Lincolnshire County Offices Act)	The whole Act.	10
10 Geo.4 c.xxxiii (1829) (St. Albans Court House Act)	The whole Act.	
1 & 2 Will.4 c.xxxiii (1831) (Lincoln County Offices Act)	The whole Act.	15
4 & 5 Will.4 c.xl (1834) (Glamorgan, Brecon and Monmouth Court of Requests Act 1809 Repeal Act)	The whole Act.	20
6 & 7 Will.4 c.xi (1836) (Ipswich Assizes Act)	The whole Act.	
6 & 7 Will.4 c.xii (1836) (Bodmin Assizes Act)	The whole Act.	25
1 & 2 Vict. c.xci (1838) (Ashby de la Zouch Court of Requests Act)	The whole Act.	
2 & 3 Vict. c.xcvii (1839) (Hatfield (Yorkshire) Small Debts Recovery Act)	The whole Act.	30
2 & 3 Vict. c.cxcix (1839)(Newark Small Debts Recovery Act)	The whole Act.	
3 & 4 Vict. c.lxix (1840) (Kingsnorton and Northfield Small Debts Recovery Act)	The whole Act.	35
Justices of the Peace Act 1949 (12, 13 & 14 Geo.6 c.101)	The whole Act.	
Solicitors Act 1974 (c.47)	In Schedule 3, paragraph 4.	
Access to Justice Act 1999 (c.22)	Section 45.	40
Legal Services Act 2007 (c.29)	In Schedule 21, paragraph 130.	

PART 6

LONDON

GROUP 1 - CHURCHES

<i>Reference</i>	<i>Extent of repeal</i>	
28 Hen.8 c.27 (1536) (Church of Elsing Spytle, Parish Church of St. Alphes Act)	The whole Act.	5
8 & 9 Will.3 c.14 (1696) (Rebuilding of St. Paul's and Westminster Abbey Act)	The whole Act.	10
9 Ann. c.17 (1710) (New Churches in London and Westminster Act)	The whole Act.	
1 Geo.1 St.2 c.23 (1714) (Building of Churches, London and Westminster Act)	The whole Act.	15
4 Geo.1 c.5 (1717) (St. Michael, Cornhill Building Act)	The whole Act.	
4 Geo.1 c.14 (1717) (St. Giles in the Fields Rebuilding Act)	The whole Act.	20
5 Geo.2 c.4 (1731) (Church at Woolwich Act)	The whole Act.	
6 Geo.2 c.8 (1732) (Church of St. George, Southwark Act)	The whole Act.	25
10 Geo.2 c.18 (1736) (Church of St. Olave, Southwark Act)	The whole Act.	
12 Geo.2 c.7 (1738) (Ealing Church Act)	The whole Act.	
12 Geo.2 c.9 (1738) (Woolwich Church Act)	The whole Act.	30
12 Geo.2 c.17 (1738) (St. Catherine Coleman Act)	The whole Act.	
15 Geo.2 c.12 (1741) (St. Catherine Coleman Act)	The whole Act.	35
24 Geo.2 c.15 (1750) (Islington Church Act)	The whole Act.	
26 Geo.2 c.94 (1753) (St. Botolph Church Aldersgate Act)	The whole Act.	
1 Geo.3 c.38 (1760) (Croydon Parish Church Act)	The whole Act.	40
28 Geo.3 c.62 (1788) (St. Peter le Poor Parish Church Act)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
32 Geo.3 c.39 (1792) (St. Botolph Church Aldersgate Act)	The whole Act.	
32 Geo.3 c.64 (1792) (St. Bride Church Act)	The whole Act.	5
36 Geo.3 c.35 (1796) (St. Bride's Church, City Act)	The whole Act.	
36 Geo.3 c.103 (1796) (St. Martin Outwich Church, City Act)	The whole Act.	
39 Geo.3 c.lxxxi (1799) (St. Mary-le-Bow Lecturer's Trust Act)	The whole Act.	10
47 Geo.3 Sess.1 c.xxviii (1807) (Bridewell Hospital Chapel Act)	The whole Act.	15
57 Geo.3 c.vii (1817) (St. Olave Southwark Rectory Act)	The whole Act.	

GROUP 2 - IMPROVEMENTS

<i>Reference</i>	<i>Extent of repeal</i>	
8 & 9 Will.3 c.37 (1696) (Streets (London) Act)	The whole Act.	20
12 Geo.1 c.37 (1725) (Kensington, Chelsea and Fulham Roads (Tolls) Act)	The whole Act.	
4 Geo.2 c.34 (1730) (Fulham Roads Act)	The whole Act.	25
16 Geo.2 c.6 (1742) (Charterhouse Square Rates Act)	The whole Act.	
23 Geo.2 c.10 (1749) (Fulham Roads Act)	The whole Act.	30
23 Geo.2 c.18 (1749) (Southwark Streets Act)	The whole Act.	
24 Geo.2 c.58 (1750) (Southwark Roads Act)	The whole Act.	35
27 Geo.2 c.25 (1754) (St. Luke's, Middlesex (Lighting and Watching) Act)	The whole Act.	
29 Geo.2 c.43 (1756) (Bethnal Green Road Act)	The whole Act.	40
31 Geo.2 c.36 (1757) (Passage from Charing Cross Act)	The whole Act.	
4 Geo.3 c.54 (1764) (South London Roads Act)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
7 Geo.3 c.105 (1767) (Bethnal Green Road Act)	The whole Act.	
8 Geo.3 c.33 (1768) (Shoreditch Streets Act)	The whole Act.	5
12 Geo.3 c.38 (1772) (Christchurch, Middlesex Act)	The whole Act.	
16 Geo.3 c.60 (1776) (Shoreditch Streets Act)	The whole Act.	10
17 Geo.3 c.23 (1776) (London Streets Act)	The whole Act.	
18 Geo.3 c.49 (1778) (Ratcliff Highway Act)	The whole Act.	
18 Geo.3 c.50 (1778)(Goodman’s Fields Act)	The whole Act.	15
18 Geo.3 c.51 (1778) (Southwark Streets Act)	The whole Act.	
18 Geo.3 c.73 (1778) (London Streets Act)	The whole Act.	20
18 Geo.3 c.77 (1778) (Shoreditch Streets Act)	The whole Act.	
18 Geo.3 c.78 (1778) (Spitalfields Streets Act)	The whole Act.	
22 Geo.3 c.43 (1782) (Spitalfields Improvement Act)	The whole Act.	25
25 Geo.3 c.96 (1785) (Shoreditch Streets Act)	The whole Act.	
28 Geo.3 c.60 (1788) (Christchurch, Middlesex Improvement Act)	The whole Act.	30
30 Geo.3 c.76 (1790) (Hans Town, Chelsea Improvement Act)	The whole Act.	
39 Geo.3 c.lxxiv (1799) (Charles Street, Westminster Act)	The whole Act.	35
39 & 40 Geo.3 c.xlii (1800) (Temple Bar Improvement Act)	The whole Act.	
43 Geo.3 c.xi (1803) (Hans Town (Chelsea) Improvement Act)	The whole Act.	40
44 Geo.3 c.xxvii (1804) (Temple Bar Improvement Act)	The whole Act.	
44 Geo.3 c.lxxxvi (1804) (Southwark Improvement Act)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
45 Geo.3 c.vi (1805) (Bethnal Green Road Act)	The whole Act.	
46 Geo.3 c.xcvii (1806) (City of London Lottery Act)	The whole Act.	5
49 Geo.3 c.lxx (1809) (London and Westminster Houses Lottery Act)	The whole Act.	
51 Geo.3 c.ccciii (1811) (Temple Bar Improvement Act)	The whole Act.	10
8 & 9 Vict. c.xiii (1845) (Southwark Improvement Act)	The whole Act.	
Westminster Improvement Association Act 1853 (16 & 17 Vict. c.ccxv)	The whole Act.	15
Pimlico Improvement Act 1857 (20 & 21 Vict. c.67)	The whole Act.	

GROUP 3 - LONDON GASLIGHT ACTS

<i>Reference</i>	<i>Extent of repeal</i>	20
London Gaslight Act 1852 (15 & 16 Vict. c.lxxxii)	The whole Act.	
London Gaslight Act 1857 (20 & 21 Vict. c.lxxiii)	The whole Act.	
London Gaslight Act 1866 (29 & 30 Vict. c.lv)	The whole Act.	25
London Gaslight Act 1880 (43 & 44 Vict. c.xcvi)	The whole Act.	

GROUP 4 - MARKETS

<i>Reference</i>	<i>Extent of repeal</i>	30
4 & 5 Will.4 c.xlv (1834) (South London Market Act)	The whole Act.	
7 Will.4 & 1 Vict. c.cxiv (1837) (South London Market Company Act)	The whole Act.	35
Islington Market Repeal Act 1854 (17 & 18 Vict. c.lxiii)	The whole Act.	
South London Market Act 1864 (27 & 28 Vict. c.cxli)	The whole Act.	
South London Market Act 1866 (29 & 30 Vict. c.cclxix)	The whole Act.	40

<i>Reference</i>	<i>Extent of repeal</i>	
Lambeth Market Act 1868 (31 & 32 Vict. c.clxviii)	The whole Act.	
South London (Elephant and Castle) Market Act 1882 (45 & 46 Vict. c.cxliv)	The whole Act.	5
London River-side Fish Market Act 1882 (45 & 46 Vict. c.cxlvi)	The whole Act.	
Paddington Market Act 1883 (46 & 47 Vict. c.clviii)	The whole Act.	10
London River-side Fish Market Act 1885 (48 & 49 Vict. c.xlix)	The whole Act.	
London Riverside Fish Market (Transfer to Corporation of London) Act 1901 (1 Edw.7 c.lxxi)	The whole Act.	15

GROUP 5 - GENERAL REPEALS

<i>Reference</i>	<i>Extent of repeal</i>	
5 & 6 Will. & Mar. c.10 (1694) (Orphans, London Act)	The whole Act.	20
21 Geo.2 c.29 (1747) (Orphans, London Act)	The whole Act.	
12 Geo.3 c.65 (1772) (St. George's Fields, Surrey: Right of Common Extinguished Act)	The whole Act.	25
16 Geo.3 c.31 (1776) (Theatre Royal, Covent Garden Act)	The whole Act.	
42 Geo.3 c.lxxxviii (1802) (London Fish Trade Act)	The whole Act.	30
46 Geo.3 c.cxxxii (1806) (Port of London Act)	The whole Act.	
54 Geo.3 c.clxxix (1814) (Westminster Society for Insurance of Lives and Survivorship and for Granting Annuities Act)	The whole Act.	35
57 Geo.3 c.lx (1817) (City of London Gauger)	The whole Act.	40
3 Geo.4 c.cxiii (1822) (Orphans' Fund, City of London Act)	The whole Act.	
London Printing and Publishing Company's (Limited) Act 1856 (19 & 20 Vict. c.cvii)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
London Hydraulic Power Company Limited Act 1860 (23 & 24 Vict. c.lxxxv)	The whole Act	
City of London Traffic Regulation Act 1863 (26 & 27 Vict. c.ccvii)	The whole Act.	5
South London Polytechnic Institutes (Borough Road Site) Act 1890 (53 & 54 Vict. c.ix)	The whole Act.	10
King Edward's Hospital Fund for London Act 1907 (7 Edw.7 c.lxx)	The whole Act.	
National Theatre Act 1949 (12, 13 & 14 Geo.6 c.16)	Section 1.	15
National Theatre Act 1974 (c.55)	The whole Act.	

PART 7

LOTTERIES

<i>Reference</i>	<i>Extent of repeal</i>	<i>20</i>
10 Ann. c.27 (1711) (Million Lottery Tickets Act)	The whole Act.	
38 Geo.3 c.iii (1798) (Macklin's Lottery Act)	The whole Act.	
39 & 40 Geo.3 c.cii (1800) (Pigot and Fisher Diamond Lottery Act)	The whole Act.	25
44 Geo.3 c.vi (1804) (Boydell's Lottery Act)	The whole Act.	
45 Geo.3 c.xxiv (1805) (Bowyer's Lottery Act)	The whole Act.	30
47 Geo.3 Sess.1 c.i (1807) (Bowyer's Lottery Act)	The whole Act.	
Pool Competitions Act 1971 (c.57)	The whole Act.	35

PART 8

POOR RELIEF

GROUP 1 - GENERAL REPEALS

<i>Reference</i>	<i>Extent of repeal</i>	
9 Will.3 c.17 (1697) (Crediton Workhouse Act)	The whole Act.	5
9 Will.3 c.18 (1697) (Tiverton Workhouse Act)	The whole Act.	
9 Will.3 c.33 (1697) (Exeter Workhouse Act)	The whole Act.	10
9 Will.3 c.34 (1697) (Hereford Workhouse Act)	The whole Act.	
9 Will.3 c.37 (1697) (Colchester Workhouse Act)	The whole Act.	
9 Will.3 c.48 (1697) (Shaftesbury Workhouse Act)	The whole Act.	15
16 Geo.2 c.9 (1742) (St Botolph, Aldgate Poor Relief Act)	The whole Act.	
19 Geo.2 c.15 (1745) (Bethnal Green, Church Completion and Poor Relief Act)	The whole Act.	20
4 Geo.3 c.90 (1764) (Loddon and Clavering (Norfolk) Poor Relief Act)	The whole Act.	
6 Geo.3 c.64 (1766) (St Botolph, Aldgate Poor Relief Act)	The whole Act.	25
7 Geo.3 c.72 (1767) (Queensborough Poor Relief Act)	The whole Act.	
15 Geo.3 c.13 (1775) (East and West Flegg Poor Relief Act)	The whole Act.	30
15 Geo.3 c.59 (1775) (Mitford and Launditch (Norfolk) Poor Relief Act)	The whole Act.	
16 Geo.3 c.9 (1776) (Forehoe Poor Relief Act)	The whole Act.	35
19 Geo.3 c.13 (1779) (Hartsmere, etc (Suffolk) Poor Relief Act)	The whole Act.	
26 Geo.3 c.28 (1786) (Romford Poor Relief Act)	The whole Act.	40
30 Geo.3 c.81 (1790) (Manchester Poor Relief Act)	The whole Act.	
31 Geo.3 c.24 (1791) (Oswestry Poor Relief Act)	The whole Act.	



<i>Reference</i>	<i>Extent of repeal</i>	
31 Geo.3 c.78 (1791) (Ellesmere Poor Relief Act)	The whole Act.	
32 Geo.3 c.20 (1792) (Stone Poor Relief Act)	The whole Act.	5
32 Geo.3 c.70 (1792) (Tewkesbury Poor Relief Act)	The whole Act.	
32 Geo.3 c.85 (1792) (Whitchurch (Salop) Poor Relief Act)	The whole Act.	10
32 Geo.3 c.95 (1792) (Salop Poor Relief Act)	The whole Act.	
35 Geo.3 c.61 (1795) (Bishopsgate Poor Relief Act)	The whole Act.	
36 Geo.3 c.102 (1796) (Lincoln Poor Relief Act)	The whole Act.	15
39 Geo.3 c.xlii (1799) (Samford Poor Relief Act)	The whole Act.	
39 & 40 Geo.3 c.xlviii (1800) (Aldbourne Workhouse and Overseers Act)	The whole Act.	20
41 Geo.3 c.lxiii (1801) (Mitford and Launditch (Norfolk) Poor Relief Act)	The whole Act.	
46 Geo.3 c.xliv (1806) (Norfolk Poor Relief Act)	The whole Act.	25
47 Geo.3 Sess.2 c.lxxiii (1807) (Cosford and Polstead Poor Relief Act)	The whole Act.	
52 Geo.3 c.xii (1812) (Wangford (Suffolk) Poor Relief Act)	The whole Act.	30
52 Geo.3 c.xiii (1812) (Westfirse, Beddingham and Glynde Poor Relief Act)	The whole Act.	
53 Geo.3 c.cxxvii (1813) (Colneis and Carlford Poor Relief Act)	The whole Act.	35
54 Geo.3 c.xliv (1814) (Forehoe Poor Relief Act)	The whole Act.	
56 Geo.3 c.v (1816) (Mitcham Parish Rates Act)	The whole Act.	40
56 Geo.3 c.lxvi (1816) (Shardlow and Wilne Poor Relief Act)	The whole Act.	
1 Geo.4 c.vi (1820) (Blything Poor Relief Act)	The whole Act.	
5 Geo.4 c.xiii (1824) (Hull Poor Relief Act)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
5 Geo.4 c.xviii (1824) (Stow Poor Relief Act)	The whole Act.	
5 Geo.4 c.xli (1824) (South Lynn Poor Relief Act)	The whole Act.	5
6 Geo.4 c.cxxiii (1825) (Montgomery and Pool Poor Relief Act)	The whole Act.	
7 Geo.4 c.i (1826) (Loes and Wilford Poor Relief Act)	The whole Act.	10
7 Geo.4 c.cxli (1826) (Shrewsbury Poor Relief Act)	The whole Act.	
1 Will.4 c.iv (1831) (Bristol Poor Relief Act)	The whole Act.	
2 & 3 Will.4 c.x (1832) (Leicester Rates and Poor Relief Act)	The whole Act.	15
3 & 4 Will.4 c.ii (1833) (Bosmere and Claydon Poor Relief Act)	The whole Act.	
3 & 4 Will.4 c.xlviii (1833) (Wangford (Suffolk) Poor Relief Act)	The whole Act.	20
3 & 4 Will.4 c.cvii (1833) (Forehoe Poor Relief Act)	The whole Act.	
Manchester Overseers Act 1858 (21 & 22 Vict. c.lxii)	The whole Act.	25

GROUP 2 - PROVISIONAL ORDERS CONFIRMATION REPEALS

<i>Reference</i>	<i>Extent of repeal</i>	
Salisbury Poor Relief Act 1868 (31 & 32 Vict. c.cl)	The whole Act.	
Poor Law Board's Provisional Orders Confirmation Act 1869 (32 & 33 Vict. c.cxxiii)	The whole Act.	30
Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) Act 1875 (38 & 39 Vict. c.clxviii)	The whole Act.	35
Local Government Board's (Poor Law) Provisional Orders Confirmation (Birmingham, &c.) Act 1878 (41 & 42 Vict. c.civ)	The whole Act.	40
Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1879 (42 & 43 Vict. c.cvi)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
Local Government Board's Provisional Order Confirmation (Poor Law) (No.7) Act 1888 (51 & 52 Vict. c.xciv)	The whole Act.	5
Local Government Board's Provisional Order Confirmation (Poor Law) Act 1889 (52 & 53 Vict. c.cxviii)	The whole Act.	10

PART 9

RAILWAYS

GROUP 1 - ABORTIVE RAILWAY PROJECTS

(1) AFON VALLEY RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	<i>15</i>
Afon Valley Railway Act 1865 (28 & 29 Vict. c.ccclxxvi)	The whole Act.	
Afon Valley Railway Act 1866 (29 & 30 Vict. c.xlv)	The whole Act.	

(2) ALEXANDRA PARK RAILWAY COMPANY

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<i>Reference</i>	<i>Extent of repeal</i>	
Alexandra Park Railway Act 1871 (34 & 35 Vict. c.cxcix)	The whole Act.	
Alexandra Park Railway Abandonment Act 1874 (37 & 38 Vict. c.lxxix)	The whole Act.	25

(3) ATHENRY AND TUAM RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Athenry and Tuam Railway Act 1858 (21 & 22 Vict. c.cxii)	The whole Act.	30
Athenry and Tuam Railway (Leasing or Sale) Act 1860 (23 & 24 Vict. c.clxxxii)	The whole Act.	
Athenry and Tuam Railway (Claremorris Abandonment) Act 1877 (40 & 41 Vict. c.liii)	The whole Act.	35

(4) BARRY RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Barry Railway Act 1865 (28 & 29 Vict. c.ccxxxiv)	The whole Act.	
Barry Railway (Alteration) Act 1866 (29 & 30 Vict. c.xcii)	The whole Act.	5
Barry Railway (Extension) Act 1866 (29 & 30 Vict. c.cccxxxiii)	The whole Act.	
Barry Railway Act 1868 (31 & 32 Vict. c.xcvii)	The whole Act.	10

(5) BIRMINGHAM AND LICHFIELD JUNCTION RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Birmingham and Lichfield Junction Railway Act 1872 (35 & 36 Vict. c.clxxii)	The whole Act.	15
Birmingham and Lichfield Junction Railway (Deviation) Act 1874 (37 & 38 Vict. c.xcii)	The whole Act.	
Birmingham and Lichfield Junction Railway Act 1875 (38 & 39 Vict. c.lii)	The whole Act.	20
Birmingham and Lichfield Junction Railway Act 1877 (40 & 41 Vict. c.ccxiii)	The whole Act.	

(6) BODMIN RAILWAY COMPANY

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<i>Reference</i>	<i>Extent of repeal</i>	
Bodmin Railway Act 1864 (27 & 28 Vict. c.clxx)	The whole Act.	
Bodmin Railway Act 1865 (28 & 29 Vict. c.liiii)	The whole Act.	30
Bodmin Railway Act 1867 (30 & 31 Vict. c.cxix)	The whole Act.	

(7) BOURTON-ON-THE-WATER RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Bourton-on-the-Water Railway (Extension to Cheltenham) Act 1864 (27 & 28 Vict. c.ccx)	The whole Act.	35

<i>Reference</i>	<i>Extent of repeal</i>	
Bourton-on-the-Water Railway (Extension to Cheltenham) Abandonment Act 1867 (30 & 31 Vict. c.cxciii)	The whole Act.	5
(8) BRISTOL AND SOUTH WALES JUNCTION RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	
Bristol and South Wales Junction Railway Act 1846 (9 & 10 Vict. c.cv)	The whole Act.	10
Bristol and South Wales Junction Railway and Aust Ferry Act 1847 (10 & 11 Vict. c.lxxxi)	The whole Act.	
(9) CENTRAL CORNWALL RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	
Launceston, Bodmin, and Wadebridge Junction Railway Act 1864 (27 & 28 Vict. c.cclxxxix)	The whole Act.	20
Central Cornwall Railway Act 1865 (28 & 29 Vict. c.cclxxiv)	The whole Act.	
Central Cornwall Railway Act 1867 (30 & 31 Vict. c.cxcix)	The whole Act.	
(10) CLAY CROSS RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	
Clay Cross Railway Act 1902 (2 Edw.7 c.clxxxiii)	The whole Act.	
Clay Cross Railway (Abandonment) Act 1905 (5 Edw.7 c.xxvii)	The whole Act.	30
(11) COLUMBIA MARKET RAILWAY		
<i>Reference</i>	<i>Extent of repeal</i>	
Columbia Market Act 1885 (48 & 49 Vict. c.lxxiv)	The whole Act.	35
Columbia Market (Extension of Time) Act 1888 (51 & 52 Vict. c.iii)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Columbia Market Railways (Abandonment) Act 1890 (53 & 54 Vict. c.iii)	The whole Act.	
(12) CORK AND FERMOY AND WATERFORD AND WEXFORD RAILWAY COMPANY		5
<i>Reference</i>	<i>Extent of repeal</i>	
Cork and Fermoy and Waterford and Wexford Railway Act 1890 (53 & 54 Vict. c.ccxlii)	The whole Act.	10
Cork and Fermoy and Waterford and Wexford Railway (Guarantee) Act 1893 (56 & 57 Vict. c.v)	The whole Act.	
Cork and Fermoy Railway (Waterford and Wexford Section Abandonment) Act 1893 (56 & 57 Vict. c.xlvi)	The whole Act.	15
(13) FAREHAM AND NETLEY RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	20
Fareham and Netley Railway Act 1865 (28 & 29 Vict. c.cliii)	The whole Act.	
Fareham and Netley Railway Act 1868 (31 & 32 Vict. c.clix)	The whole Act.	
(14) GUISELEY YEADON AND HEADINGLEY RAILWAY COMPANY		25
<i>Reference</i>	<i>Extent of repeal</i>	
Leeds and Yeadon Railway Act 1891 (54 & 55 Vict. c.cxcviii)	The whole Act.	
Guiseley Yeadon and Headingley Railway (Abandonment) Act 1893 (56 & 57 Vict. c.xxiv)	The whole Act.	30
(15) KENSINGTON STATION AND NORTH AND SOUTH LONDON JUNCTION RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	35
Kensington Station and North and South London Junction Railway Act 1859 (22 & 23 Vict. c.cxxviii)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Kensington Station and North and South London Junction Railway Act 1862 (25 & 26 Vict. c.ccxv)	The whole Act.	5
(16) LLANFYLLIN AND LLANGYNOG RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	
Llanfyllin and Llangynog Railway Act 1873 (36 & 37 Vict. c.lxx)	The whole Act.	10
Llanfyllin and Llangynog Railway Abandonment Act 1876 (39 & 40 Vict. c.lxxviii)	The whole Act.	
(17) LONDON WALTHAMSTOW AND EPPING FOREST RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	15
London Walthamstow and Epping Forest Railway Act 1898 (61 & 62 Vict. c.lxii)	The whole Act.	
London Walthamstow and Epping Forest Railway Act 1899 (62 & 63 Vict. c.ccxlix)	The whole Act.	20
London Walthamstow and Epping Forest Railway (Abandonment) Act 1900 (63 & 64 Vict. c.cclii)	The whole Act.	25
(18) LONDON, WORCESTER, AND SOUTH WALES RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	
London, Worcester, and South Wales Railway Act 1865 (28 & 29 Vict. c.cclxx)	The whole Act.	30
London, Worcester, and South Wales Railway (Deviation) Act 1866 (29 & 30 Vict. c.clxiv)	The whole Act.	
(19) LYNTON RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	35
Lynton Railway Act 1885 (48 & 49 Vict. c.cliv)	The whole Act.	
Lynton Railway Act 1886 (50 Vict. c.xxxii)	The whole Act.	40

<i>Reference</i>	<i>Extent of repeal</i>
Lynton Railway Act 1890 (53 & 54 Vict. c.ccxlv)	The whole Act.

(20) NORTH EAST LONDON RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
North East London Railway Act 1905 (5 Edw.7 c.ccviii)	The whole Act.	5
North East London Railway Act 1906 (6 Edw.7 c.lxxxviii)	The whole Act.	
North East London Railway Act 1907 (7 Edw.7 c.x)	The whole Act.	10
North East London Railway Act 1908 (8 Edw.7 c.xxxv)	The whole Act.	
North East London Railway Act 1909 (9 Edw.7 c.l)	The whole Act.	15

(21) RICKMANSWORTH, AMERSHAM, AND CHESHAM RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Rickmansworth, Amersham, and Chesham Railway Act 1862 (25 & 26 Vict. c.clxxi)	The whole Act.	20
Rickmansworth, Amersham, and Chesham Railway (Level Crossing at Rickmansworth) Act 1864 (27 & 28 Vict. c.cclxxvi)	The whole Act.	25
Rickmansworth, Amersham, and Chesham Railway Amendment Act 1865 (28 & 29 Vict. c.cxlvii)	The whole Act.	

(22) RUTHIN AND CERRIG-Y-DRUIDION RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Ruthin and Cerrig-y-druidion Railway Act 1876 (39 & 40 Vict. c.lxxxix)	The whole Act.	30
Ruthin and Cerrig-y-druidion Railway (Amendment) Act 1881 (44 & 45 Vict. c.xlii)	The whole Act.	35
Ruthin and Cerrig-y-druidion Railway (Abandonment) Act 1884 (47 & 48 Vict. c.lxx)	The whole Act.	40



## (23) SAINT IVES AND WEST CORNWALL JUNCTION RAILWAY COMPANY (1)

<i>Reference</i>	<i>Extent of repeal</i>	
Saint Ives and West Cornwall Junction Railway Act 1853 (16 & 17 Vict. c.clv)	The whole Act.	5
Saint Ives and West Cornwall Junction Railway Act 1856 (19 & 20 Vict. c.xli)	The whole Act.	

## (24) SAINT IVES AND WEST CORNWALL JUNCTION RAILWAY COMPANY (2)

<i>Reference</i>	<i>Extent of repeal</i>	10
Saint Ives and West Cornwall Junction Railway Act 1863 (26 & 27 Vict. c.ccxxx)	The whole Act.	
Saint Ives and West Cornwall Junction Railway Amendment Act 1868 (31 & 32 Vict. c.cxxi)	The whole Act.	15

## (25) SANDBACH AND WINSFORD JUNCTION RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Sandbach and Winsford Junction Railway Act 1872 (35 & 36 Vict. c.lxxvi)	The whole Act.	20
Sandbach and Winsford Junction Railway Abandonment Act 1875 (38 & 39 Vict. c.lxv)	The whole Act.	25

## (26) SELBY AND MID-YORKSHIRE UNION RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Selby and Mid-Yorkshire Union Railway (Wistow to Drax) Abandonment Act 1889 (52 & 53 Vict. c.lxxiii)	The whole Act.	30
Selby and Mid-Yorkshire Union Railway (Abandonment) Act 1890 (53 & 54 Vict. c.xii)	The whole Act.	35

(27) SEVERN BRIDGE AND FOREST OF DEAN CENTRAL RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Severn Bridge and Forest of Dean Central Railway Act 1879 (42 & 43 Vict. c.xxxii)	The whole Act.	5
Severn Bridge and Forest of Dean Central Railway Act 1882 (45 & 46 Vict. c.ccv)	The whole Act.	
Severn Bridge and Forest of Dean Central Railway (Abandonment) Act 1884 (47 & 48 Vict. c.xxxiv)	The whole Act.	10

(28) SIDMOUTH RAILWAY AND HARBOUR COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Sidmouth Railway and Harbour Act 1862 (25 & 26 Vict. c.ccxxvii)	The whole Act.	15
Sidmouth Railway and Harbour Act 1865 (28 & 29 Vict. c.ccxxxvii)	The whole Act.	20
Sidmouth Railway and Harbour Act 1867 (30 & 31 Vict. c.cv)	The whole Act.	

(29) SOUTHERN RAILWAY COMPANY (IRELAND)

<i>Reference</i>	<i>Extent of repeal</i>	
Southern Railway Act 1865 (28 & 29 Vict. c.cccliii)	The whole Act.	25
Southern Railway (Deviation and Branches) Act 1866 (29 & 30 Vict. c.cclxxi)	The whole Act.	
Southern Railway (Additional Powers) Act 1871 (34 & 35 Vict. c.ccv)	The whole Act.	30
Southern Railway (Extension and Further Powers) Act 1873 (36 & 37 Vict. c.ccxlvi)	The whole Act.	35
Southern Railway (Further Powers) Act 1874 (37 & 38 Vict. c.cxcvi)	The whole Act.	
Southern Railway Act 1876 (39 & 40 Vict. c.ccxlii)	The whole Act.	40
Southern Railway Act 1878 (41 & 42 Vict. c.cxxiii)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Southern Railway (Cashel Extension Abandonment) Act 1880 (43 & 44 Vict. c.lvi)	The whole Act.	
(30) SOUTH ESSEX RAILWAY COMPANY		5
<i>Reference</i>	<i>Extent of repeal</i>	
South Essex Railway Act 1865 (28 & 29 Vict. c.cccxlv)	The whole Act.	
South Essex Railway Act 1866 (29 & 30 Vict. c.cccxl)	The whole Act.	10
(31) SUNNINGDALE AND CAMBRIDGE TOWN RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	
Sunningdale and Cambridge Town Railway Act 1864 (27 & 28 Vict. c.ccvii)	The whole Act.	15
Sunningdale and Cambridge Town Railway (Extensions) Act 1865 (28 & 29 Vict. c.cxcvii)	The whole Act.	
Sunningdale and Cambridge Town Railway (Alterations) Act 1866 (29 & 30 Vict. c.clxi)	The whole Act.	20
(32) USK AND TOWY RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	
Usk and Towy Railway Act 1871 (34 & 35 Vict. c.clxxiii)	The whole Act.	25
Usk and Towy Railway Act 1874 (37 & 38 Vict. c.lxxx)	The whole Act.	
Usk and Towy Railway Act 1877 (40 & 41 Vict. c.cxliv)	The whole Act.	30
(33) UXBRIDGE AND RICKMANSWORTH RAILWAY COMPANY (1)		
<i>Reference</i>	<i>Extent of repeal</i>	
Uxbridge and Rickmansworth Railway Act 1861 (24 & 25 Vict. c.lxxiii)	The whole Act.	35
Uxbridge and Rickmansworth Railway Act 1862 (25 & 26 Vict. c.xxxvi)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Uxbridge and Rickmansworth Railway Amendment Act 1863 (26 & 27 Vict. c.clxxiii)	The whole Act.	
Uxbridge and Rickmansworth Railway Act 1866 (29 & 30 Vict. c.cxli)	The whole Act.	5
Uxbridge and Rickmansworth Railway (Further Time) Act 1868 (31 & 32 Vict. c.li)	The whole Act.	10

(34) UXBRIDGE AND RICKMANSWORTH RAILWAY COMPANY (2)

<i>Reference</i>	<i>Extent of repeal</i>	
Uxbridge and Rickmansworth Railway Act 1884 (47 & 48 Vict. c.cxciii)	The whole Act.	15
Uxbridge and Rickmansworth Railway (Abandonment) Act 1888 (51 & 52 Vict. c.x)	The whole Act.	

(35) WATERLOO AND WHITEHALL RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Waterloo and Whitehall Railway Act 1865 (28 & 29 Vict. c.cclviii)	The whole Act.	20
Waterloo and Whitehall Railway (Amendment) Act 1867 (30 & 31 Vict. c.cxcvii)	The whole Act.	25
Waterloo and Whitehall Railway Act 1868 (31 & 32 Vict. c.clxix)	The whole Act.	

(36) WEALD OF KENT RAILWAY COMPANY 30

<i>Reference</i>	<i>Extent of repeal</i>	
Weald of Kent Railway Act 1864 (27 & 28 Vict. c.ccxxxiii)	The whole Act.	
Weald of Kent Railway Act 1865 (28 & 29 Vict. c.lxxxii)	The whole Act.	35

(37) WENSUM VALLEY RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Wensum Valley Railway Act 1864 (27 & 28 Vict. c.clxxxii)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Wensum Valley Railway Abandonment Act 1867 (30 & 31 Vict. c.cxxiv)	The whole Act.	
(38) WEST METROPOLITAN RAILWAY COMPANY		5
<i>Reference</i>	<i>Extent of repeal</i>	
West Metropolitan Railway Act 1899 (62 & 63 Vict. c.ccl)	The whole Act.	
West Metropolitan Railway (Abandonment) Act 1904 (4 Edw.7 c.xxi)	The whole Act.	10
(39) WESTMINSTER TERMINUS RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	
Westminster Terminus Railway Extension Act, Clapham to Norwood, 1855 (18 & 19 Vict. c.cxcviii)	The whole Act.	15
West End of London and Clapham and Norwood Junction Railway Act 1856 (19 & 20 Vict. c.cxxx)	The whole Act.	20
Westminster Terminus Railway Extension, Clapham to Norwood, Abandonment Act 1857 (20 & 21 Vict. c.c)	The whole Act.	25
West End of London and Clapham and Norwood Junction Railway Abandonment Act 1858 (21 & 22 Vict. c.cxliv)	The whole Act.	30
(40) WEST SUSSEX JUNCTION RAILWAY COMPANY		
<i>Reference</i>	<i>Extent of repeal</i>	
West Sussex Junction Railway Act 1864 (27 & 28 Vict. c.cclxxviii)	The whole Act.	35
West Sussex Junction Railway Deviation Act 1865 (28 & 29 Vict. c.cxxvii)	The whole Act.	
West Sussex Junction Railway Act 1867 (30 & 31 Vict. c.cliv)	The whole Act.	40

(41) WILTS AND GLOUCESTERSHIRE RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Wilts and Gloucestershire Railway Act 1864 (27 & 28 Vict. c.ccxxii)	The whole Act.	5
Wilts and Gloucestershire Railway Act 1867 (30 & 31 Vict. c.lvii)	The whole Act.	

(42) WORCESTER, DEAN FOREST, AND MONMOUTH RAILWAY COMPANY

<i>Reference</i>	<i>Extent of repeal</i>	
Worcester, Dean Forest, and Monmouth Railway Act 1863 (26 & 27 Vict. c.clxxxv)	The whole Act.	10
Worcester, Dean Forest, and Monmouth Railway (Extension to Gloucester) Act 1864 (27 & 28 Vict. c.ccxcv)	The whole Act.	15
Worcester, Dean Forest, and Monmouth Railway Act 1865 (28 & 29 Vict. c.cccix)	The whole Act.	20

(43) GENERAL REPEALS

<i>Reference</i>	<i>Extent of repeal</i>	
Hadlow Railway Act 1863 (26 & 27 Vict. c.ccxvi)	The whole Act.	
Ribblesdale Railway Act 1864 (27 & 28 Vict. c.lxxx)	The whole Act.	25
Helston and Penryn Junction Railway Act 1864 (27 & 28 Vict. c.cxcvii)	The whole Act.	
West Grinstead, Cuckfield, and Hayward's Heath Junction Railway Act 1864 (27 & 28 Vict. c.ccli)	The whole Act.	30
Petersfield and Bishop's Waltham Railway Act 1864 (27 & 28 Vict. c.cccx)	The whole Act.	35
Luddenden Valley Railway Act 1865 (28 & 29 Vict. c.xxiii)	The whole Act.	
Skipton and Wharfedale Railway Act 1865 (28 & 29 Vict. c.cccii)	The whole Act.	40
Coventry and Great Western Junction Railway Act 1865 (28 & 29 Vict. c.cxciii)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Deal and Dover Railway Act 1865 (28 & 29 Vict. c.cxcvi)	The whole Act.	
Bude Canal and Launceston Junction Railway Act 1865 (28 & 29 Vict. c.cclxiii)	The whole Act.	5
Wiltshire Railway Act 1865 (28 & 29 Vict. c.cccxviii)	The whole Act.	
North and South Wiltshire Junction Railway Act 1865 (28 & 29 Vict. c.cccxxxviii)	The whole Act.	10
Waterford, Lismore, and Fermoy Railway Act 1865 (28 & 29 Vict. c.cclli)	The whole Act.	
Limerick and North Kerry Junction Railway Act 1865 (28 & 29 Vict. c.cclxix)	The whole Act.	15
Saltash and Callington Railway Act 1865 (28 & 29 Vict. c.ccclxxiii)	The whole Act.	20
North Kent Railway Extension Railway Act 1865 (28 & 29 Vict. c.ccclxxv)	The whole Act.	
Berks and Hants Extension Railway (Extension) Act 1866 (29 & 30 Vict. c.cliv)	The whole Act.	25
Great Northern Railway (Barnet Branch Abandonment) Act 1866 (29 & 30 Vict. c.clxvi)	The whole Act.	
West Bromwich and Walsall Railway Act 1866 (29 & 30 Vict. c.ccxxxviii)	The whole Act.	30
Laugharne Railway Act 1866 (29 & 30 Vict. c.cclxxix)	The whole Act.	
Aberdare and Central Wales Junction Railway Act 1866 (29 & 30 Vict. c.ccciv)	The whole Act.	35
Elham Valley Railway Act 1866 (29 & 30 Vict. c.cccxvi)	The whole Act.	
Teme Valley Railway Act 1866 (29 & 30 Vict. c.cccxlvi)	The whole Act.	40
Brampton and Longtown Railway Act 1866 (29 & 30 Vict. c.cccxlix)	The whole Act.	
West Riding and Grimsby Railway (Abandonment) Act 1868 (31 & 32 Vict. c.lv)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
Ilfracombe Railway (Abandonment) Act 1868 (31 & 32 Vict. c.lxxi)	The whole Act.	
London, Lewes, and Brighton Railways Abandonment Act 1868 (31 & 32 Vict. c.cxxiii)	The whole Act.	5
Southsea Railway (Abandonment) Act 1869 (32 & 33 Vict. c.xciii)	The whole Act.	10
Harrow, Edgware, and London Railway (Abandonment) Act 1874 (37 & 38 Vict. c.cvi)	The whole Act.	
Truro and Perran Mineral Railway (Abandonment) Act 1875 (38 & 39 Vict. c.xlv)	The whole Act.	15
London Central Railway (Abandonment) Act 1875 (38 & 39 Vict. c.cxiv)	The whole Act.	
Leeds, Roundhay Park, and Osmondthorpe Junction Railway (Abandonment) Act 1877 (40 & 41 Vict. c.xi)	The whole Act.	20
Fareham Railway Abandonment Act 1877 (40 & 41 Vict. c.xli)	The whole Act.	25
Sheffield and Midland Railway Companies Committee Abandonment Act 1877 (40 & 41 Vict. c.xlii)	The whole Act.	30
Temple Mineral Railway (Abandonment) Act 1877 (40 & 41 Vict. c.lv)	The whole Act.	
Freshwater, Yarmouth, and Newport Railway (Abandonment) Act 1877 (40 & 41 Vict. c.cv)	The whole Act.	35
Harrow and Rickmansworth Railway (Abandonment) Act 1877 (40 & 41 Vict. c.cxxxii)	The whole Act.	40
London, Essex, and Kent Coast Junction Railway (Abandonment) Act 1877 (40 & 41 Vict. c.cxxxix)	The whole Act.	
Birkenhead, Chester, and North Wales Railway (Abandonment) Act 1878 (41 & 42 Vict. c.v)	The whole Act.	45



<i>Reference</i>	<i>Extent of repeal</i>	
Bodmin and Wadebridge and Delabole Railway (Abandonment) Act 1878 (41 & 42 Vict. c.vi)	The whole Act.	5
Cornwall Mineral and Bodmin and Wadebridge Junction Railway (Abandonment) Act 1878 (41 & 42 Vict. c.vii)	The whole Act.	
Somerset and Dorset Railway (Nettlebridge Branch Railway Abandonment) Act 1878 (41 & 42 Vict. c.xxv)	The whole Act.	10
Nettlebridge Valley Railway (Abandonment) Act 1878 (41 & 42 Vict. c.lxxxv)	The whole Act.	15
Brewood and Wolverhampton Railway (Abandonment) Act 1879 (42 & 43 Vict. c.xv)	The whole Act.	
Worcester and Aberystwith Junction Railway (Abandonment) Act 1880 (43 & 44 Vict. c.xii)	The whole Act.	20
Wednesfield and Wyrley Bank Railway (Abandonment) Act 1880 (43 & 44 Vict. c.xv)	The whole Act.	25
Ely and Bury Saint Edmunds Railway (Abandonment) Act 1880 (43 & 44 Vict. c.xix)	The whole Act.	
Manchester and Milford Railway (Devil's Bridge Branch Abandonment) Act 1880 (43 & 44 Vict. c.lxv)	The whole Act.	30
Welshpool and Llanfair Railway (Abandonment) Act 1882 (45 & 46 Vict. c.xli)	The whole Act.	35
Cheadle Railway (Abandonment) Act 1882 (45 & 46 Vict. c.cxxi)	The whole Act.	
Market Deeping Railway (Abandonment) Act 1883 (46 & 47 Vict. c.clxx)	The whole Act.	40
Upwell Outwell and Wisbech Railway (Abandonment) Act 1884 (47 & 48 Vict. c.xxxi)	The whole Act.	45
Totnes, Paignton and Torquay Direct Railway (Abandonment) Act 1884 (47 & 48 Vict. c.lv)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Skipton and Kettlewell Railway (Abandonment) Act 1885 (48 & 49 Vict. c.xiv)	The whole Act.	
Tilbury and Gravesend Tunnel Junction Railway (Abandonment) Act 1885 (48 & 49 Vict. c.xxi)	The whole Act.	5
Charing Cross and Waterloo Electric Railway (Abandonment) Act 1885 (48 & 49 Vict. c.lxxi)	The whole Act.	10
Metropolitan Outer Circle Railway (Abandonment) Act 1885 (48 & 49 Vict. c.clxiii)	The whole Act.	15
Beaconsfield, Uxbridge and Harrow Railway (Abandonment) Act 1886 (49 & 50 Vict. c.iii)	The whole Act.	
Radstock, Wroughton and Congresbury Junction Railway (Abandonment) Act 1886 (49 & 50 Vict. c.xxix)	The whole Act.	20
Midland and Central Wales Junction Railway (Abandonment) Act 1886 (50 Vict. c.li)	The whole Act.	25
London, Hendon and Harrow Railway (Abandonment) Act 1887 (50 & 51 Vict. c.xxxvii)	The whole Act.	30
Bishop's Castle and Montgomery Railway (Abandonment) Act 1887 (50 & 51 Vict. c.lxviii)	The whole Act.	
Merionethshire Railway (Abandonment) Act 1887 (50 & 51 Vict. c.cviii)	The whole Act.	35
Billinghay and Metheringham (Light) Railway (Abandonment) Act 1888 (51 & 52 Vict. c.iv)	The whole Act.	40
Isle of Axholme Railway (Abandonment) Act 1888 (51 & 52 Vict. c.viii)	The whole Act.	
Rotherham and Bawtry Railway (Abandonment) Act 1888 (51 & 52 Vict. c.cc)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
Oswestry and Llangynog Railway (Abandonment) Act 1889 (52 & 53 Vict. c.lxxxii)	The whole Act.	
Burry Port and North Western Junction Railway (Abandonment) Act 1889 (52 & 53 Vict. c.cliii)	The whole Act.	5
Llangammarch and Neath and Brecon Junction Railway (Abandonment) Act 1890 (53 & 54 Vict. c.xxvi)	The whole Act.	10
Burnley Clitheroe and Sabden Railway (Abandonment) Act 1890 (53 & 54 Vict. c.xxxiv)	The whole Act.	15
Kenmare Junction Railway (Abandonment) Act 1890 (53 & 54 Vict. c.xlviii)	The whole Act.	
Pewsey and Salisbury Railway (Abandonment) Act 1891 (54 & 55 Vict. c.x)	The whole Act.	20
Ogmore Dock and Railway (Abandonment) Act 1891 (54 & 55 Vict. c.xvii)	The whole Act.	
Great Western and Great Northern Junction Railway (Abandonment) Act 1891 (54 & 55 Vict. c.cxx)	The whole Act.	25
Beverley and East Riding Railway (Abandonment) Act 1891 (54 & 55 Vict. c.cxxxiii)	The whole Act.	30
Lincoln Horncastle Spilsby and Skegness Railway (Abandonment) Act 1891 (54 & 55 Vict. c.clxxiv)	The whole Act.	35
Welshpool and Llanfair Railway (Abandonment) Act 1892 (55 & 56 Vict. c.ii)	The whole Act.	
Felixstowe and Bawdsey Ferry Railway (Abandonment) Act 1892 (55 & 56 Vict. c.xvi)	The whole Act.	40
Holsworthy and Bude Railway (Abandonment) Act 1892 (55 & 56 Vict. c.xx)	The whole Act.	
St. Austell Valleys Railway and Dock (Abandonment) Act 1892 (55 & 56 Vict. c.xxxv)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
Eastbourne Seaford and Newhaven Railway (Abandonment) Act 1892 (55 & 56 Vict. c.lxxix)	The whole Act.	5
Porthdinlleyn Railway (Abandonment) Act 1892 (55 & 56 Vict. c.xcvi)	The whole Act.	
Whitland Cronware and Pendine Railway (Abandonment) Act 1892 (55 & 56 Vict. c.cxxvi)	The whole Act.	10
North West Central Railway (Abandonment) Act 1893 (56 & 57 Vict. c.lxxxviii)	The whole Act.	15
Towcester and Buckingham Railway (Abandonment) Act 1893 (56 & 57 Vict. c.cci)	The whole Act.	
Worcester and Broom Railway (Abandonment) Act 1894 (57 & 58 Vict. c.xi)	The whole Act.	20
Brighton Rottingdean and Newhaven Direct Railway (Abandonment) Act 1894 (57 & 58 Vict. c.cxliv)	The whole Act.	25
Metropolitan Outer Circle Railway (Abandonment) Act 1895 (58 & 59 Vict. c.vi)	The whole Act.	
Kingstown and Kingsbridge Junction Railway (Abandonment) Act 1898 (61 & 62 Vict. c.ccxlvi)	The whole Act.	30
Woodhouse and Conisbrough Railway (Abandonment) Act 1899 (62 & 63 Vict. c.xxii)	The whole Act.	35
Latimer Road and Acton Railway Act 1900 (63 & 64 Vict. c.xcv)	The whole Act.	
Bideford and Clovelly Railway (Abandonment) Act 1901 (1 Edw.7 c.cix)	The whole Act.	40
Lincoln and East Coast Railway and Dock (Abandonment) Act 1902 (2 Edw.7 c.iii)	The whole Act.	
Bexhill and Rotherfield Railway (Abandonment) Act 1902 (2 Edw.7 c.cclx)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
Southampton and Winchester Great Western Junction Railway (Abandonment) Act 1905 (5 Edw.7 c.iv)	The whole Act.	5
Hastings Harbour District Railway (Abandonment) Act 1905 (5 Edw.7 c.xxiv)	The whole Act.	
Plymouth and North Devon Direct Railway (Abandonment) Act 1907 (7 Edw.7 c.xii)	The whole Act.	10

(44) SCOTTISH REPEALS

<i>Reference</i>	<i>Extent of repeal</i>	
Glencairn Railway (Abandonment) Act 1881 (44 & 45 Vict. c.lxxix)	The whole Act.	15
Rhins of Galloway Railway (Abandonment) Act 1883 (46 & 47 Vict. c.iii)	The whole Act.	20
Clyde Ardrishaig and Crinan Railway (Abandonment) Act 1892 (55 & 56 Vict. c.xii)	The whole Act.	
Muirkirk Mauchline and Dalmellington Railways (Abandonment) Act 1900 (63 & 64 Vict. c.cliiii)	The whole Act.	25
Motherwell and Bellshill Railway (Abandonment) Order Confirmation Act 1904 (4 Edw.7 c.cxxxiii)	The whole Act.	30

GROUP 2 - RATES AND CHARGES

<i>Reference</i>	<i>Extent of repeal</i>	
Liverpool, Crosby, and Southport Railway Amendment Act 1853 (16 & 17 Vict. c.ccxix)	The whole Act.	35
Great Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxiv)	The whole Act.	40

<i>Reference</i>	<i>Extent of repeal</i>	
Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxv)	The whole Act.	5
London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxvi)	The whole Act.	10
London, Brighton, and South Coast Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxvii)	The whole Act.	15
London, Chatham, and Dover Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxviii)	The whole Act.	20
Midland Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxix)	The whole Act.	
South-Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxx)	The whole Act.	25
London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxxi)	The whole Act.	30
Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxxii)	The whole Act.	35
Railway Rates and Charges, No. 1 (Abbotsbury Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xxxix)	The whole Act.	40
Railway Rates and Charges, No. 2 (Brecon and Merthyr Tydfil Junction Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xl)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
Railway Rates and Charges, No. 3 (Cambrian Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xli)	The whole Act.	5
Railway Rates and Charges, No. 4 (Cleator and Workington Junction Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlii)	The whole Act.	10
Railway Rates and Charges, No. 5 (East London Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xliii)	The whole Act.	
Railway Rates and Charges, No. 6 (Festiniog Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xliv)	The whole Act.	15
Railway Rates and Charges, No. 7 (Furness Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlv)	The whole Act.	20
Railway Rates and Charges, No. 8 (Hull, Barnsley, and West Riding Junction Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.xlvi)	The whole Act.	25
Railway Rates and Charges, No. 9 (Isle of Wight Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlvii)	The whole Act.	30
Railway Rates and Charges, No. 10 (Lancashire and Yorkshire Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlviii)	The whole Act.	35
Railway Rates and Charges, No. 11 (London, Tilbury, and Southend Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlix)	The whole Act.	40
Railway Rates and Charges, No. 12 (Manchester, Sheffield, and Lincolnshire Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.l)	The whole Act.	45
Railway Rates and Charges, No. 13 (Metropolitan Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.li)	The whole Act.	50

<i>Reference</i>	<i>Extent of repeal</i>	
Railway Rates and Charges, No. 14 (Midland and South Western Junction Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lii)	The whole Act.	5
Railway Rates and Charges, No. 15 (North Eastern Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.liii)	The whole Act.	10
Railway Rates and Charges, No. 16 (North London Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.liv)	The whole Act.	
Railway Rates and Charges, No. 17 (North Staffordshire Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lv)	The whole Act.	15
Railway Rates and Charges, No. 18 (Taff Vale Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lvi)	The whole Act.	20
Railway Rates and Charges, No. 19 (Caledonian Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lvii)	The whole Act.	25
Railway Rates and Charges, No. 20 (Callander and Oban Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.lviii)	The whole Act.	30
Railway Rates and Charges, No. 21 (City of Glasgow Union Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.lix)	The whole Act.	35
Railway Rates and Charges, No. 22 (Glasgow and South Western Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lx)	The whole Act.	40
Railway Rates and Charges, No. 23 (Great North of Scotland Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.lxi)	The whole Act.	45



<i>Reference</i>	<i>Extent of repeal</i>	
Railway Rates and Charges, No. 24 (Highland Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.lxii)	The whole Act.	5
Railway Rates and Charges, No. 25 (North British Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lxiii)	The whole Act.	
Railway Rates and Charges, No. 26 (Athenry and Ennis Junction Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lxiv)	The whole Act.	10
Railway Rates and Charges (Cranbrook and Paddock Wood Railway, &c.) Order Confirmation Act 1893 (56 & 57 Vict. c.cxii)	The whole Act.	15
Railway Rates and Charges (Easingwold Railway, &c.) Order Confirmation Act 1894 (57 & 58 Vict. c.xlviii)	The whole Act.	20
Mersey Railway (Rates and Charges) Act 1894 (57 & 58 Vict. c.lxxii)	The whole Act.	25
Railway Rates and Charges (Lee-on-the-Solent Light Railway, &c.) Order Confirmation Act 1896 (59 & 60 Vict. c.clxv)	The whole Act.	30
Railway Rates and Charges (Weston Clevedon and Portishead Light Railways) Order Confirmation Act 1909 (9 Edw.7 c.xcii)	The whole Act.	35

GROUP 3 - MISCELLANEOUS

(1) MIDLAND GREAT WESTERN RAILWAY OF IRELAND

<i>Reference</i>	<i>Extent of repeal</i>	
Midland Great Western Railway of Ireland Act 1845 (8 & 9 Vict. c.cxix)	The whole Act.	40
Midland Great Western Railway of Ireland (Liffy Branch and Longford Deviation) Act 1846 (9 & 10 Vict. c.ccx)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
Midland Great Western Railway of Ireland Act (Mullingar to Athlone) 1846 (9 & 10 Vict. c.ccxxiv)	The whole Act.	5
Midland Great Western Railway of Ireland (Newcastle, Anniskinnan and Baltrasna Deviations) Act 1847 (10 & 11 Vict. c.cxxx)	The whole Act.	10
Midland Great Western Railway of Ireland (Athlone to Galway Extension) Act 1847 (10 & 11 Vict. c.clxxvi)	The whole Act.	
Midland Great Western Railway of Ireland (Moate Deviation) Act 1848 (11 & 12 Vict. c.lxxvi)	The whole Act.	15
Advance of Money (Athlone to Galway Railway) Act 1849 (12 & 13 Vict. c.62)	The whole Act.	20
Midland Great Western Railway of Ireland (Deviations and Amendment) Act 1850 (13 & 14 Vict. c.lxxxviii)	The whole Act.	25
Midland Great Western Railway of Ireland (Longford Deviation and Cavan Branch) Act 1852 (15 & 16 Vict. c.cxxxvii)	The whole Act.	30
Midland Great Western Railway of Ireland (Sligo Extension) Act 1857 (20 & 21 Vict. c.lxxvii)	The whole Act.	35
Midland Great Western Railway of Ireland (Streamstown and Clara Junction) Act 1857 (20 & 21 Vict. c.cxiii)	The whole Act.	40
Midland Great Western Railway of Ireland (Clara Deviation) Act 1858 (21 & 22 Vict. c.xciv)	The whole Act.	
Midland Great Western Railway of Ireland (Liffey Branch) Act 1859 (22 & 23 Vict. c.liii)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>
Midland Great Western Railway of Ireland (Sligo Extension) Act 1859 (22 & 23 Vict. c.lxii)	The whole Act.  5
Midland Great Western Railway of Ireland Act 1865 (28 & 29 Vict. c.xl)	The whole Act.
Midland Great Western Railway of Ireland (No.2) Act 1865 (28 & 29 Vict. c.ccx)	The whole Act.  10
Midland Great Western Railway of Ireland Act 1866 (29 & 30 Vict. c.xxxiv)	The whole Act.
Midland Great Western Railway (of Ireland) Act 1869 (32 & 33 Vict. c.lii)	The whole Act.  15
Midland Great Western Railway of Ireland Act 1871 (34 & 35 Vict. c.lxix)	The whole Act.  20
Midland Great Western Railway of Ireland Act 1874 (37 & 38 Vict. c.xxvii)	The whole Act.
Midland Great Western, Dublin and Meath, and Navan and Kingscourt Railways Act 1875 (38 & 39 Vict. c.cxlviii)	The whole Act.  25
Midland Great Western Railway of Ireland Act 1877 (40 & 41 Vict. c.cxxxix)	The whole Act.  30
Midland Great Western Railway of Ireland Act 1881 (44 & 45 Vict. c.xcvii)	The whole Act.
Midland Great Western Railway of Ireland Act 1886 (49 & 50 Vict. c.xxxviii)	The whole Act.  35
Midland Great Western Railway of Ireland Act 1887 (50 & 51 Vict. c.cxlvi)	The whole Act.
Midland Great Western, Dublin and Meath, and Navan and Kingscourt Railways (Purchase) Act 1888 (51 & 52 Vict. c.lxxi)	The whole Act.  40
Midland Great Western and Great Northern and Western of Ireland Railways (Amalgamation) Act 1890 (53 & 54 Vict. c.lxxvi)	The whole Act.  45

<i>Reference</i>	<i>Extent of repeal</i>	
Midland Great Western Railway of Ireland Act 1891 (54 & 55 Vict. c.xli)	The whole Act.	
Midland Great Western Railway of Ireland Act 1892 (55 & 56 Vict. c.cxli)	The whole Act.	5
Midland Great Western Railway of Ireland Act 1894 (57 & 58 Vict. c.cl)	The whole Act.	10
Midland Great Western Railway of Ireland Act 1900 (63 & 64 Vict. c.ccli)	The whole Act.	
Midland Great Western Railway of Ireland Act 1903 (3 Edw.7 c.clxiii)	The whole Act.	15
Midland Great Western Railway of Ireland Act 1909 (9 Edw.7 c.lxxvi)	The whole Act.	

(2) RAILWAY COMPANIES (ACCOUNTS AND RETURNS) ACT 1911 20

<i>Reference</i>	<i>Extent of repeal</i>	
Railway Companies (Accounts and Returns) Act 1911 (1 & 2 Geo.5 c.34)	The whole Act.	
Transport Charges etc (Miscellaneous Provisions) Act 1954 (2 & 3 Eliz.2 c.64)	Section 10.	25
Channel Tunnel Rail Link Act 1996 (c.61)	In Schedule 9, in Part 2, paragraph 6.	
Crossrail Act 2008 (c.18)	In Schedule 11, paragraph 5.	30

PART 10

TAXATION AND PENSIONS

GROUP 1 - GENERAL TAXATION

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Income Tax Act 1952 (15 & 16 Geo. 6 and 1 Eliz. 2 c.10)	Section 228. Section 400(4). Section 406(6).	35
Provisional Collection of Taxes Act 1968 (c.2)	Section 1(1A).	
Finance Act 1969 (c.32)	Section 11(5). Section 60. In Schedule 20, paragraph 11.	40

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Taxes Management Act 1970 (c.9)	Section 43A(2A)(b).	
Finance Act 1973 (c.51)	Schedule 16A.	
National Insurance Surcharge Act 1976 (c.85)	The whole Act.	5
Finance Act 1984 (c.43)	Section 117.	
Finance Act 1985 (c.54)	Section 97. In Schedule 22, paragraph 6.	
Income and Corporation Taxes Act 1988 (c.1)	Section 774. Sections 812 to 814. In section 843(4), the words “and 812”. In Schedule 30, paragraphs 9, 14, 15, 19 and 20.	10
Finance Act 1988 (c.39)	Section 31. Section 58. Section 61(1). In section 61(5), the words “Subsection (1) above shall have effect for the year 1988-89 and subsequent years of assessment; and”.	15
	Section 75. Section 119. Section 120. Section 122. In Schedule 3, paragraph 13. Schedule 5.	20
Finance Act 1989 (c.26)	Section 91. Section 92(1), (2). Section 96(1), (4). Section 114. Section 160(3). Section 162.	25
Finance Act 1991 (c.31)	Section 27(6). Section 46. Section 66. Section 75. In Schedule 6, paragraph 4.	30
Finance (No. 2) Act 1992 (c.48)	Sections 47 to 49. Section 63. Schedule 11.	35
Finance Act 1993 (c.34)	Section 67. Section 79(2). Section 107(2). Section 182(1)(ca). Section 205(3). In Schedule 6, paragraph 10. In Schedule 18, paragraph 6. In Schedule 23, in Part 6 (under the Provisional Collection of Taxes Act 1968) the words “and subsection (1A)”.	40
Finance Act 1994 (c.9)	Section 176(2). In Schedule 14, paragraphs 2 and 4. In Schedule 16, paragraph 5(1). In Schedule 17, paragraph 1.	45
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<i>Reference</i>	<i>Extent of repeal or revocation</i>
Finance Act 1994 (c.9) – <i>cont.</i>	In Schedule 19, paragraphs 38, 39 and 40.
Finance Act 1995 (c.4)	Section 42(3) to (5). Section 57. In Schedule 6, paragraph 27. In Schedule 17, paragraphs 24 and 26. 5
Finance Act 1996 (c.8)	Section 153. Section 156. In Schedule 6, paragraph 11. In Schedule 7, paragraphs 20 and 26. 10 In Schedule 14, paragraph 26. In Schedule 20, paragraph 38. In Schedule 21, paragraphs 19, 45, 46 and 48. In Schedule 36, paragraphs 1 and 3(11). In Schedule 37, paragraph 11(2)(b). 15
Finance Act 1997 (c.16)	Section 61.
Finance (No. 2) Act 1997 (c.58)	Section 17. In section 25, subsections (1), (5), (6) and (7). In Schedule 3, paragraph 9. In Schedule 4, paragraph 29. 20
Finance Act 1998 (c.36)	In section 30, subsections (2) to (6). Section 62. Sections 103 to 105. In section 106, subsections (4) to (9). Section 153. 25 In Schedule 3, paragraphs 1, 2, 3, 4, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47 and 48. In Schedule 7, in paragraph 1, the words “375A(1)(b),” and “770(2)(a)(iii) and (b)(iii),”. In Schedule 7, paragraph 2, in paragraph 3 the words “; 76(1) and (4)(a) and 112(1)”, paragraph 8 and paragraph 12. Schedule 11. 30 35
Finance Act 1999 (c.16)	Section 46. In Schedule 4, paragraphs 2, 3(2), 5(2)(b), (3), (4), 6, 7(2), 8, 9(2), 10, 11, 12, 13(a), 14(a), (b), 15(2)(b), (3), (4), (6), 17(2) and 18(1).
Finance Act 2000 (c.17)	In Schedule 30, paragraph 4(13) and (14), paragraphs 10, 14, 18 and 26. 40
Capital Allowances Act 2001 (c.2)	In section 542, the words “or relevant activity” in four places, and in the sub-heading to the section.
Finance Act 2001 (c.9)	Section 81. In Schedule 27, paragraph 7. 45
Finance Act 2002 (c.23)	Section 88(2)(a).
Finance Act 2003 (c.14)	In section 153(2)(a), the words “; 814(1)”. In section 207(2), the words “(b) Schedule 13B to that Act (elections as to transfer of children’s tax credit),”. 50

<i>Reference</i>	<i>Extent of repeal or revocation</i>	
Income Tax (Trading and Other Income) Act 2005 (c.5)	In Schedule 1, paragraphs 310, 326, 457(3) and 458(4).	
Income Tax Act 2007 (c.3)	In section 45(1), the words “or (b) (as applicable)”.	5
	In section 45(3), the words “, and (b) £7,185, in any other case”.	
	In section 46(1), the words “or (b) (as applicable)”.	
	In section 46(3), the words “, and (b) £7,185, in any other case”.	10
	In section 47(4)(a), the words “or (b) (as applicable)” and in section 47(4)(b) the words “or (b) (as applicable)”.	
	In section 48(4)(a), the words “or (b) (as applicable)” and in section 48(4)(b) the words “or (b) (as applicable)”.	15
	In section 57(1)(f), the words “and (b)” and in section 57(1)(g), the words “and (b)”.	
	In section 57(3)(b), the words “and (b)” twice.	20
	Section 577(8)(a).	
	In Schedule 1, paragraphs 254(c) (and the preceding “and”) and 359.	
Corporation Tax Act 2009 (c.4)	In Schedule 1, paragraph 225.	
Corporation Tax Act 2010 (c.4)	In Schedule 1, paragraphs 103 and 116.	25
Taxation (International and Other Provisions) Act 2010 (c.8)	In Schedule 8, paragraphs 30 and 31.	
The Charitable Deductions (Approved Schemes) Regulations 1986 (SI 1986 No. 2211)	Regulation 16.	30
The Charitable Deductions (Approved Schemes) (Amendment No.2) Regulations 2000 (SI 2000 No. 2083)	Regulation 8.	35
The Income and Corporation Taxes (Electronic Communications) Regulations 2003 (SI 2003 No. 282)	In regulation 2(1)(a)(iii), the words “30 or”.	40
The Charitable Deductions (Approved Schemes) (Amendment) Regulations 2003 (SI 2003 No. 1745)	Regulation 7.	45

The repeals or revocations shown in Part 10 Group 1 - General Taxation do not have retrospective effect.

GROUP 2 - SCOTTISH LOCAL TAXATION

<i>Reference</i>	<i>Extent of repeal</i>	
38 Geo.3 c.liv (1798) (Edinburgh Two Pennies Scots Act)	The whole Act.	
39 Geo.3 c.xxxix (1799) (Port Glasgow and Newark Two Pennies Scots Act)	The whole Act.	5
39 Geo.3 c.xl (1799) (Glasgow and Gorbals Two Pennies Scots Act)	The whole Act.	10
42 Geo.3 c.xxvii (1802) (Dundee Two Pennies Scots Act)	The whole Act.	
42 Geo.3 c.xxxiii (1802) (Kelso Two Pennies Scots Act)	The whole Act.	
44 Geo.3 c.xxxvi (1804) (Dalkeith Improvement and Market Act)	The whole Act.	15
47 Geo.3 Sess.2 c.xli (1807) (Burntisland Two Pennies Scots Act)	The whole Act.	20
47 Geo.3 Sess.2 c.xlii (1807) (Kinghorn Two Pennies Scots Act)	The whole Act.	
48 Geo.3 c.xiv (1808) (Aberbrothock Two Pennies Scots Act)	The whole Act.	25
51 Geo.3 c.xxxvii (1811) (Dumfries Two Pennies Scots Act)	The whole Act.	
56 Geo.3 c.xxxv (1816) (Edinburgh Two Pennies Scots Act)	The whole Act.	30
56 Geo.3 c.xxxvii (1816) (Montrose Two Pennies Scots Act)	The whole Act.	35
5 Geo.4 c.xxxviii (1824) (Kelso Two Pennies Scots Act)	The whole Act.	
6 Geo.4 c.xxxvi (1825) (Dalkeith Two Pennies Scots Act)	The whole Act.	
7 & 8 Geo.4 c.xciii (1827) (Dundee Two Pennies Scots Act)	The whole Act.	40
9 Geo.4 c.xiii (1828) (Aberbrothock Two Pennies Scots Act)	The whole Act.	45



GROUP 3 - PERSONAL ACCOUNTS DELIVERY AUTHORITY

<i>Reference</i>	<i>Extent of repeal</i>	
Public Records Act 1958 (6 & 7 Eliz.2 c.51)	In Schedule 1, in Part 2 of the Table, the entry for the Personal Accounts Delivery Authority.	5
Parliamentary Commissioner Act 1967 (c.13)	In Schedule 2, the entry for the Personal Accounts Delivery Authority.	
House of Commons Disqualification Act 1975 (c.24)	In Schedule 1, in Part 2, the entry for the Personal Accounts Delivery Authority.	10
Northern Ireland Assembly Disqualification Act 1975 (c.25)	In Schedule 1, in Part 2, the entry for the Personal Accounts Delivery Authority.	
Freedom of Information Act 2000 (c.36)	In Schedule 1, in Part 6, the entry for the Personal Accounts Delivery Authority.	15

PART 11

TURNPIKES

GROUP 1 - GLOUCESTERSHIRE AND OXFORDSHIRE

<i>Reference</i>	<i>Extent of repeal</i>	
9 Will.3 c.18 (1697) (Gloucestershire Roads Act)	The whole Act.	20
12 Geo.1 c.18 (1725) (Tewkesbury Roads Act)	The whole Act.	
12 Geo.1 c.24 (1725) (Gloucestershire Roads Act)	The whole Act.	25
4 Geo.2 c.23 (1730) (Oxford and Gloucester Roads Act)	The whole Act.	
17 Geo.2 c.10 (1743) (Oxford and Gloucester Roads Act)	The whole Act.	
19 Geo.2 c.18 (1745) (Gloucester Roads Act)	The whole Act.	30
24 Geo.2 c.28 (1750) (Gloucester and Oxford Roads Act)	The whole Act.	
26 Geo.2 c.70 (1753) (Oxford and Gloucester Roads Act)	The whole Act.	35
29 Geo.2 c.51 (1756) (Gloucestershire Roads Act)	The whole Act.	
29 Geo.2 c.58 (1756) (Gloucester Roads Act)	The whole Act.	
29 Geo.2 c.81 (1756) (Berks Roads Act)	The whole Act.	40

<i>Reference</i>	<i>Extent of repeal</i>	
31 Geo.2 c.64 (1757) Gloucestershire Roads Act)	The whole Act.	
31 Geo.2 c.65 (1757) (Gloucester Roads Act)	The whole Act.	5
5 Geo.3 c.80 (1765) (Oxford and Gloucester Roads Act)	The whole Act.	
8 Geo.3 c.41 (1768) (Gloucester and Oxford Roads Act)	The whole Act.	
8 Geo.3 c.61 (1768) (Abingdon to Swinford Roads Act)	The whole Act.	10
11 Geo.3 c.73 (1771) (Oxford Roads Act)	The whole Act.	
14 Geo.3 c.111 (1774) (Gloucestershire Roads Act)	The whole Act.	15
18 Geo.3 c.99 (1778) (Berks Roads Act)	The whole Act.	
18 Geo.3 c.102 (1778) (Gloucester Roads Act)	The whole Act.	
19 Geo.3 c.93 (1779) (Gloucester Roads Act)	The whole Act.	20
20 Geo.3 c.70 (1780) (Gloucester Roads Act)	The whole Act.	
20 Geo.3 c.76 (1780) (Burford to Preston Road Act)	The whole Act.	25
21 Geo.3 c.87 (1781) (Oxford Roads Act)	The whole Act.	
23 Geo.3 c.104 (1783) (Gloucester Roads Act)	The whole Act.	
23 Geo.3 c.106 (1783) (Gloucestershire Roads Act)	The whole Act.	30
30 Geo.3 c.106 (1790) (Berks Roads Act)	The whole Act.	
31 Geo.3 c.103 (1791) (Bicester to Aynho Road Act)	The whole Act.	35
31 Geo.3 c.111 (1791) (Oxford and Gloucester Roads Act)	The whole Act.	
31 Geo.3 c.116 (1791) (Warwick and Gloucester Roads Act)	The whole Act.	
33 Geo.3 c.137 (1793) (Witney to Clanfield Road Act)	The whole Act.	40
33 Geo.3 c.180 (1793) (Bicester Roads Act)	The whole Act.	
37 Geo.3 c.170 (1797) (Adderbury and Oxford Road Act)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
38 Geo.3 c.xii (1798) (Gloucester, Cheltenham and Tewkesbury Roads Act)	The whole Act.	
38 Geo.3 c.xiii (1798) (Crickley Hill, Campsfield and Kidlington Roads Act)	The whole Act.	5
38 Geo.3 c.lxv (1798) (Oxford District of Farringdon Road Act)	The whole Act.	10
39 & 40 Geo.3 c.xvi (1800) (Witney and Woodstock Roads Act)	The whole Act.	
39 & 40 Geo.3 c.xcvi (1800) (Road from Gloucester to the Bristol Road Act)	The whole Act.	15
41 Geo.3 c.xvi (1801) (Road from Burford to Dancy's Fancy Act)	The whole Act.	
41 Geo.3 c.lxxxv (1801) (Tetbury Roads Act)	The whole Act.	20
41 Geo.3 c.cxxxvii (1801) (Kidlington Green Road Act)	The whole Act.	
45 Geo.3 c.cix (1805) Road from Newnham to St. Whites (Gloucestershire) Act	The whole Act.	25
51 Geo.3 c.xlvi (1811) (Abingdon and Swinford Road Act)	The whole Act.	
52 Geo.3 c.xxvii (1812) (Cirencester Road Act)	The whole Act.	30
53 Geo.3 c.cxxxiii (1813) (Road from Neat Enstone and Chipping Norton Turnpike Road to Weston-on-the-Green (Oxfordshire) Act)	The whole Act.	35
53 Geo.3 c.cc (1813) (Bicester and Aynho Road and Branch Act)	The whole Act.	
55 Geo.3 c.cxxxviii (1815) (Witney and Clanfield Road Act)	The whole Act.	40
56 Geo.3 c.i (1816) (Chapel on the Heath (Oxfordshire) and Bourton on the Hill Road Act)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
58 Geo.3 c.v (1818) (Roads from Gloucester to Cheltenham Act)	The whole Act.	
58 Geo.3 c.lxxii (1818) (Road from Chipping Campden to Old Stratford Act)	The whole Act.	5
59 Geo.3 c.lxxxiv (1819) (Roads from Fryer Bacon’s Study (Oxford District) Act)	The whole Act.	10
59 Geo.3 c.cxxii (1819) (Adderbury and Oxford Road Act)	The whole Act.	
59 Geo.3 c.cxxiv (1819) (Didbrook and Stow-on-the-Wold Road Act)	The whole Act.	15
1 & 2 Geo.4 c.vi (1821) (Gloucester and Clay Pitts Road Act)	The whole Act.	
1 & 2 Geo.4 c.lxxxii (1821) (Gloucester to Bristol Road and Branches Act)	The whole Act.	20
1 & 2 Geo.4 c.lxxxiii (1821) (Roads from Tetbury, Frocester Hill and from Latterwood Act)	The whole Act.	25
1 & 2 Geo.4 c.lxxxvi (1821) (Weston-on-the-Green and Kidlington Road Act)	The whole Act.	
1 & 2 Geo.4 c.cix (1821) (Crickley Hill and Campsfield Roads Act)	The whole Act.	30
3 Geo.4 c.xxxvi (1822) (Culham, Abingdon and Fyfield Roads Act)	The whole Act.	35
3 Geo.4 c.xlvii (1822) (Burford and Dancy’s Fancy Road Act)	The whole Act.	
3 Geo.4 c.lxi (1822) (Gloucestershire Roads Act)	The whole Act.	
3 Geo.4 c.lxiii (1822) (Tetbury Roads Act)	The whole Act.	40
3 Geo.4 c.xc (1822) (Road from Banbury to Edgehill Act)	The whole Act.	
3 Geo.4 c.xciii (1822) (Chippenham and Westerleigh Road Act)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
4 Geo.4 c.cv (1823) (Banbury, Brailes and Barcheston Road Act)	The whole Act.	
5 Geo.4 c.ix (1824) (Burford Lane and Stow-on-the-Wold Roads Act)	The whole Act.	5
5 Geo.4 c.xi (1824) (Roads from Newent Act)	The whole Act.	
5 Geo.4 c.cxl (1824) (Evesham and Cheltenham Turnpike Roads Act)	The whole Act.	10
6 Geo.4 c.clv (1825) (Warwick, Worcester, Gloucester and Oxford Roads Act)	The whole Act.	15
7 Geo.4 c.xii (1826) (Marshfield District of Roads Act)	The whole Act.	
7 Geo.4 c.lxxviii (1826) (Tewkesbury Roads Act)	The whole Act.	
7 & 8 Geo.4 c.xvi (1827) (Gloucester, Birdlip Hill and Crickley Hill Roads Act)	The whole Act.	20
2 & 3 Will.4 c.xxxiv (1832) (Buckingham to Hanwell (Oxfordshire) Road Act)	The whole Act.	25
3 & 4 Will.4 c.lv (1833) (Roads from Gloucester City Act)	The whole Act.	
3 & 4 Will.4 c.lxxiii (1833) (Road from Great Faringdon to Burford Act)	The whole Act.	30
3 & 4 Will.4 c.xci (1833) (Fyfield and St. John's Bridge, and Kingston Bagpuize and Newbridge Roads Act)	The whole Act.	
4 & 5 Will.4 c.xciv (1834) (Barrington and Campsfield and Enslow Bridge Roads (Oxfordshire) Act)	The whole Act.	35
5 & 6 Will.4 c.ciii (1835) (Oxford, Fifield and Witney Roads Act)	The whole Act.	40
1 & 2 Vict. c.xlvi (1838) (Thame Roads Act)	The whole Act.	
4 & 5 Vict. c.c (1841) (Henley-upon-Thames, Dorchester and Oxford Road Act)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
4 & 5 Vict. c.cvii (1841) (Nuffield and Faringdon Road Act)	The whole Act.	
4 & 5 Vict. c.cxi (1841) (Abingdon and Chilton Pond Road Act)	The whole Act.	5
8 & 9 Vict. c.xxx (1845) (Stokenchurch and New Woodstock Road and Branches Act)	The whole Act.	10
8 & 9 Vict. c.cli (1845) (Road from Harwell to Streatley (Berkshire) Act)	The whole Act.	
9 & 10 Vict. c.vii (1846) (Woodstock and Rollright Lane Road (Oxfordshire) Act)	The whole Act.	15
Cheltenham and Painswick Turnpike Road Act 1851 (14 & 15 Vict. c.xi)	The whole Act.	20
Cheltenham and Gloucester Turnpike Road Act 1851 (14 & 15 Vict. c.xii)	The whole Act.	
Stroud and Gloucester Turnpike Road Act 1851 (14 & 15 Vict. c.l)	The whole Act.	25
Shillingford, Wallingford and Reading Road Act 1852 (15 & 16 Vict. c.lxxix)	The whole Act.	
Stroud and Bisley Road Act 1852 (15 & 16 Vict. c.lxxxvii)	The whole Act.	30
Asthall and Buckland Road Act 1852 (15 & 16 Vict. c.cxxxix)	The whole Act.	
Burford, Leachlade, and Swindon Turnpike Roads Act 1853 (16 & 17 Vict. c.civ)	The whole Act.	35
Upton Saint Leonard's Turnpike Roads Act 1853 (16 & 17 Vict. c.cxxvi)	The whole Act.	
Kingswood District of Roads Act 1854 (17 & 18 Vict. c.xxi)	The whole Act.	40
Stroud, Painswick and Gloucester Road Act 1854 (17 & 18 Vict. c.xcv)	The whole Act.	
Charlbury Roads Act 1855 (18 & 19 Vict. c.lxxxv)	The whole Act.	45
Lightpill and Birdlip Road Act 1855 (18 & 19 Vict. c.cvi)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
Stroud, Cainscross and Minchinhampton Road Act 1855 (18 & 19 Vict. c.cviii)	The whole Act.	
Stroud and Chalford Turnpike Roads Act 1855 (18 & 19 Vict. c.cix)	The whole Act.	5
Dean Forest Turnpike Roads Act 1858 (21 & 22 Vict. c.lxxxvi)	The whole Act.	10
Winchcomb Roads Act 1865 (28 & 29 Vict. c.clxxi)	The whole Act.	
Huntley Roads Act 1866 (29 & 30 Vict. c.c)	The whole Act.	
Forest of Dean Turnpike Trust Abolition Act 1888 (51 & 52 Vict. c.cxciii)	The whole Act.	15

GROUP 2 - SURREY

<i>Reference</i>	<i>Extent of repeal</i>	
8 & 9 Will.3 c.15 (1696) (Highways Surrey and Sussex Act)	The whole Act.	20
4 Geo.1 c.4 (1717) (London, East Grinstead, Sutton and Kingston Roads Act)	The whole Act.	25
4 Geo.1 c.5 (1717) (Southwark, Greenwich and Lewisham Roads Act)	The whole Act.	
6 Geo.1 c.26 (1719) (Surrey and Kent Roads Act)	The whole Act.	30
10 Geo.1 c.13 (1723) (Surrey and Sussex Roads Act)	The whole Act.	
10 Geo.2 c.23 (1736) (Surrey and Sussex Roads Act)	The whole Act.	
11 Geo.2 c.36 (1737) (Surrey and Kent Roads Act)	The whole Act.	35
25 Geo.2 c.51 (1751) (South London Roads Act)	The whole Act.	
31 Geo.2 c.77 (1757) (Leatherhead and Guildford Road Act)	The whole Act.	40
31 Geo.2 c.78 (1757) (Guildford and Farnham Road Act)	The whole Act.	
10 Geo.3 c.82 (1770) (Surrey and Sussex Roads Act)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
19 Geo.3 c.104 (1779) (Surrey Roads Act)	The whole Act.	
20 Geo.3 c.96 (1780) (Guildford to Farnham Road Act)	The whole Act.	5
39 & 40 Geo.3 c.xxvii (1800) (Leatherhead and Stoke (Surrey) Road Act)	The whole Act.	
41 Geo.3 c.xliii (1801) (Guildford to Farnham Road Act)	The whole Act.	10
55 Geo.3 c.xlviii (1815) (Sutton (Surrey), Reigate and Povey Cross Road Act)	The whole Act.	
56 Geo.3 c.xxx (1816) (Road from Gatton Lodge to Povey Cross (Surrey) Act)	The whole Act.	15
3 Geo.4 c.lxvii (1822) (Guildford to Farnham Road Act)	The whole Act.	
3 Geo.4 c.xcvii (1822) (Road from Leatherhead to Stoke (Surrey) Act)	The whole Act.	20
7 Geo.4 c.xiii (1826) (Godalming and Pains Hill Road Act)	The whole Act.	
7 Geo.4 c.lxxx (1826) (Farnham and Petersfield Turnpike Road Act)	The whole Act.	25
10 Geo.4 c.xx (1829) (Wrotham Heath and Croydon and Godstone Road Act)	The whole Act.	30
10 Geo.4 c.lxiv (1829) (Guildford and Alfold Bars Road Act)	The whole Act.	
11 Geo.4 & 1 Will.4 c.vi (1830) (Road from Horsham Act)	The whole Act.	35
1 Will.4 c.v (1831) (Hounslow Heath and Egham Hill Road Act)	The whole Act.	
1 Will.4 c.xxviii (1831) (Milford and Haslemere Road Act)	The whole Act.	40
1 Will.4 c.xlii (1831) (Horley Common, Black Corner and Cuckfield Road Act)	The whole Act.	
3 & 4 Will.4 c.xxxviii (1833) (Egham Hill and Bagshot Road Act)	The whole Act.	45



<i>Reference</i>	<i>Extent of repeal</i>	
3 & 4 Will.4 c.liii (1833) (Ockley and Warnham Road Act)	The whole Act.	
Croydon and Reigate Turnpike Road Act 1850 (13 & 14 Vict. c.xlix)	The whole Act.	5
Godstone and Highgate Turnpike Trust Liquidation of Debt Act 1850 (13 & 14 Vict. c.lxxxiv)	The whole Act.	10
Surrey and Sussex Roads Act 1850 (13 & 14 Vict. c.lxxxv)	The whole Act.	
Bramley and Ridgewick Turnpike Road Act 1852 (15 & 16 Vict. c.xcii)	The whole Act.	15
Petworth Turnpike Roads Act 1854 (17 & 18 Vict. c.lxxi)	The whole Act.	
Horsham and Dorking Turnpike Road Act 1858 (21 & 22 Vict. c.xlix)	The whole Act.	20
Kingston and Leatherhead Turnpike Road Act 1861 (24 & 25 Vict. c.xxvii)	The whole Act.	

GROUP 3 - LONDON TO HOLYHEAD

(1) FINANCE 25

<i>Reference</i>	<i>Extent of repeal</i>	
55 Geo.3 c.152 (1815) (Holyhead Roads Act)	The whole Act.	
1 Geo.4 c.70 (1820) (Roads (London to Chirk) Act)	The whole Act.	30
1 & 2 Geo.4 c.30 (1821) (Holyhead Roads Act)	The whole Act.	
6 Geo.4 c.100 (1825) (Holyhead Road Act)	The whole Act.	
7 Geo.4 c.76 (1826) (Holyhead Bridges and Roads Act)	The whole Act.	35
7 & 8 Geo.4 c.35 (1827) (London and Holyhead and Liverpool Roads Act)	The whole Act.	
9 Geo.4 c.75 (1828) (Holyhead Roads Act)	The whole Act.	40
11 Geo.4 & 1 Will.4 c.67 (1830) (Holyhead, Liverpool Roads Act)	The whole Act.	

<i>Reference</i>	<i>Extent of repeal</i>	
4 & 5 Will.4 c.66 (1834) (Menai and Conway Bridges Act)	The whole Act.	
5 & 6 Will.4 c.21 (1835) (Shrewsbury to Bangor Road Act)	The whole Act.	5
6 & 7 Will.4 c.35 (1836) (London and Holyhead Road Act)	The whole Act.	
Holyhead Road Relief Act 1861 (24 & 25 Vict. c.28)	The whole Act.	10
Highgate Archway Act 1884 (47 & 48 Vict. c.xxi)	The whole Act.	

(2) TURNPIKE

<i>Reference</i>	<i>Extent of repeal</i>	
15 Geo.3 c.73 (1775) (Old Stratford to Dunchurch Road Act)	The whole Act.	15
18 Geo.3 c.88 (1778) (Salop Roads Act)	The whole Act.	
32 Geo.3 c.159 (1792) (Dunstable to Hockliffe Road Act)	The whole Act.	20
36 Geo.3 c.141 (1796) (Old Stratford and Dunchurch Road Act)	The whole Act.	
39 Geo.3 c.xvi (1799) (Watling Street Turnpike Road Act)	The whole Act.	25
48 Geo.3 c.lxv (1808) (Watling Street Road Act)	The whole Act.	
52 Geo.3 c.lviii (1812) (Roads through Coventry Act)	The whole Act.	30
54 Geo.3 c.cxxi (1814) (Road from Dunstable to Hockliffe Act)	The whole Act.	
54 Geo.3 c.cxxvi (1814) (Old Stratford and Dunchurch Road Act)	The whole Act.	35
60 Geo.3 & 1 Geo.4 c.v (1820) (Buildwas Bridge and Tern Bridge Road Act)	The whole Act.	
1 & 2 Geo.4 c.cviii (1821) (Dunstable and Pondyards Road Act)	The whole Act.	40
3 Geo.4 c.xci (1822) (Old Stratford and Dunchurch Road Act)	The whole Act.	45

<i>Reference</i>	<i>Extent of repeal</i>	
6 Geo.4 c.viii (1825) (Bridgnorth (Salop.) and Shiffnall Road Act)	The whole Act.	
6 Geo.4 c.clxi (1825) (Shiffnall Roads Act)	The whole Act.	5
7 & 8 Geo.4 c.xv (1827) (Roads from Watling Street, Birches Brook and Ball's Hill (Salop.) Act)	The whole Act.	10
10 Geo.4 c.lxxiv (1829) (Watling Street Road (Shrewsbury District) Act)	The whole Act.	
11 Geo.4 & 1 Will.4 c.lxxxiii (1830) (Hockliffe and Stony Stratford Road Act)	The whole Act.	15
1 Will.4 c.xiv (1831) (Watling Street, and Manchester (Warwickshire) and Wolvey Heath Road Act)	The whole Act.	20
1 & 2 Will.4 c.lxiii (1831) (Aylesbury and Hockliffe Road Act)	The whole Act.	
2 & 3 Will.4 c.iv (1832) (Road from Hardington to Old Stratford (Northamptonshire) Act)	The whole Act.	25
3 & 4 Will.4 c.xcix (1833) (Watling Street (Shrewsbury and Wellington Districts) Act)	The whole Act.	30

SCHEDULE 2

Section 1

SAVINGS

*Philanthropic Society's Act 1806 (c.cxliv)*

- |   |   |    |
|---|---|----|
| 1 | The repeal by this Act of the Philanthropic Society's Act 1806 (c.cxliv) does not affect the status of the Royal Philanthropic Society as a body corporate. | 35 |
|---|---|----|

*Provisional Orders Confirmation Acts*

- |   |  |    |
|---|--|----|
| 2 | The repeal by this Act of- <ul style="list-style-type: none"> <li>(a) the Poor Law Board's Provisional Orders Confirmation Act 1869 (c.cxxiii);</li> <li>(b) the Local Government Board's (Poor Law) Provisional Orders Confirmation (Birmingham, etc) Act 1878 (c.civ); or</li> </ul> | 40 |
|---|--|----|

(c) the Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1879 (c.cvi) does not affect the continued operation of any provisions of a Provisional Order confirmed by that Act which still have effect immediately before the passing of this Act.

5

## **APPENDIX 2 EXPLANATORY NOTE ON THE DRAFT BILL**

### **CLAUSES 1 – 3**

#### **Clause 1**

- 1 Clause 1 repeals the enactments contained in Schedule 1 and introduces the savings in Schedule 2.

#### **Clause 2**

- 2 Subsection (1) has the effect of extending the Bill throughout the United Kingdom (ie England and Wales, Scotland and Northern Ireland).
- 3 Subsection (2) provides power by Order in Council to extend the Bill's effect to the Channel Islands, the Isle of Man and any British overseas territory.

#### **Clause 3**

- 4 Clause 3 provides for the short title and commencement. The Bill will come into force upon Royal Assent.

#### **SCHEDULES 1 AND 2 TO THE DRAFT BILL**

- 5 The following pages explain the repeals contained in *Schedule 1* and the savings contained in *Schedule 2*.

# EXPLANATORY NOTE ON THE DRAFT BILL

## SCHEDULE 1: REPEALS

### PART 1 BENEVOLENT INSTITUTIONS

#### INTRODUCTION

- 1.1 The repeal proposals in this opening part of the report relate to a variety of benevolent institutions. Many of these institutions are, or were, charitable bodies such as schools, hospitals and almshouses which were established in the 18<sup>th</sup> or 19<sup>th</sup> centuries to meet the needs of the poor, sick or elderly.
- 1.2 The Acts proposed for repeal have become obsolete either because the institutions to which they relate have ceased to exist or because the Acts in question no longer serve any useful purpose (often because they have been superseded by schemes made by the Charity Commission).<sup>1</sup> These proposals relate only to institutions operating in England or, in some cases, in Ireland. The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

#### GROUP 1 – SUTTON’S HOSPITAL IN CHARTERHOUSE

- 1.3 The charity known as Sutton’s Hospital in Charterhouse was established by Thomas Sutton in 1611 and was incorporated that year by Letters Patent granted by James 1 as confirmed by an Act of 1627.<sup>2</sup> The aims of the charity have always been to provide care and support to elderly men who find themselves in need of assistance, and to educate poor scholars. The Hospital<sup>3</sup> is situated in Charterhouse Square in central London. In 1872 the school run by the charity (Charterhouse School) moved from London to Godalming in Surrey and was subsequently reconstituted as a separate charity.<sup>4</sup>

<sup>1</sup> The Charity Commission has the same jurisdiction and powers as are exercisable by the High Court in charity proceedings for a variety of purposes including establishing a scheme for the administration of a charity: Charities Act 1993, s 16(1)(a). Such a scheme can supersede the arrangements, provided for by Act of Parliament, for an individual charity’s constitution including its purposes and powers. Many of the Acts proposed for repeal in this part of the report have become obsolete because the constitutional arrangements which they provided for individual charities have since been superseded by schemes made by the Charity Commission.

<sup>2</sup> 3 Cha.1 c.1 (Foundation of Sutton’s Hospital in Charterhouse).

<sup>3</sup> “Hospital” is used in the ancient sense of meaning a charitable institution for the housing and maintenance of the needy, aged or infirm. In this sense “hospital” does not imply a primary function of providing medical support for the residents.

<sup>4</sup> The repeals proposed for Sutton’s Hospital do not affect the school.

- 1.4 Although the charity continues to be incorporated by the Letters Patent of 1611 and by the Act of 1627, it has for many years been administered in accordance with schemes made by the Charity Commission. The most recent scheme came into effect in December 2009. Three earlier enactments relating to the charity's administration are now obsolete and are proposed for repeal.
- 1.5 The *Charterhouse Governors (Quorum) Act of 1721*<sup>5</sup> reduced from nine to five the number of Hospital Governors required to constitute a quorum to transact Governors' business. Today this issue is covered by the 2009 scheme which specifies five governors as a quorum.
- 1.6 The *Sutton's Hospital in Charterhouse Charity Scheme Confirmation Act 1948*<sup>6</sup> confirmed a 1946 scheme made by the Charity Commission which related to issues such as the duties and allowances of the Master of the Hospital. Today these issues are covered by the 2009 scheme.
- 1.7 The *Sutton's Hospital (Charterhouse) Charity Scheme Confirmation Act 1956*<sup>7</sup> confirmed a 1956 scheme made by the Charity Commission relating to issues such as the powers of the charity's Governors to lease out unoccupied property. Today these issues are covered by the 2009 scheme.

## **GROUP 2 – ADDENBROOKE'S HOSPITAL**

- 1.8 Addenbrooke's Hospital is a large teaching hospital in Cambridge. Its origins derive from the generosity of John Addenbrooke, a Fellow of St Catharine's College, Cambridge, who died in 1719 leaving £4,500 in his will for the building of a hospital in Cambridge for the treatment of the sick and poor. The Hospital opened in 1766 and became a medical school in 1841. It is today run by the Cambridge University Hospitals NHS Foundation Trust.
- 1.9 Two enactments relating to the Hospital became unnecessary when it came under the control of the National Health Service in 1948. Responsibility for running the Hospital and title to its assets thereupon transferred from the Hospital governors to the State.<sup>8</sup>

<sup>5</sup> 8 Geo.1 c.29.

<sup>6</sup> 11 & 12 Geo.6 c.v.

<sup>7</sup> 4 & 5 Eliz.2 c.lvi.

<sup>8</sup> By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948 No 112), all voluntary hospitals like Addenbrooke's and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

- 1.10 The *Addenbrooke's Hospital, Cambridge Act of 1767*<sup>9</sup> provided for the running of the Hospital by a corporate body of governors with power to own land and enter into contracts. The *Addenbrooke's Hospital Scheme Confirmation Act 1903*,<sup>10</sup> confirming a provisional 1902 Charity Commission scheme, amended the 1767 Act by making further provision for the administration of the Hospital and establishing a general committee of governors. Both these Acts have been unnecessary since the inception of the National Health Service.

### **GROUP 3 – MAGDALEN HOSPITAL**

- 1.11 In 1758 the philanthropist Robert Dingley founded a charitable society to protect women from a life of prostitution. He established a home, which became known as the Magdalen Hospital, for the reception, maintenance and employment of former prostitutes. Originally based in Whitechapel in east London, the Hospital moved to Southwark in 1769 before settling in Streatham in 1866.
- 1.12 The charity still exists today. Although the Hospital itself closed in 1966, the charity was re-constituted in 1973 and re-named as the Magdalen Hospital Trust. The objects of the Trust are to promote the welfare of young persons (of either gender) under 25 who are exposed to moral danger or who are prevented from providing for themselves or their children proper accommodation, maintenance or training.<sup>11</sup>
- 1.13 The four enactments that were passed to support the charity have become obsolete because they relate to issues that are no longer relevant to the charity today. In particular they relate to a corporate structure of the charity that no longer exists in its original form, and to the provision of residential support that no longer exists.
- 1.14 The *Magdalen Hospital, London Act of 1769*<sup>12</sup> provided for the establishment of the Hospital and for a Corporation and governors to administer it. The *Magdalen Hospital Amendment Act 1848*<sup>13</sup> made changes to the regulation and management of the Hospital. The *Magdalen Hospital Amendment Act 1866*<sup>14</sup> authorised the sale of the Hospital's premises in Southwark to enable a move to a new site. Finally the *Magdalen Hospital Charity Scheme Confirmation Act 1937*<sup>15</sup> confirmed a Charity Commission scheme to make further changes to the management of the Hospital.

<sup>9</sup> 7 Geo.3 c.99.

<sup>10</sup> 3 Edw.7 c.clv.

<sup>11</sup> The Trust meets these objects not by offering residential support but by providing grants to support the education and training of young persons and to promote research into the causes of delinquency among young persons.

<sup>12</sup> 9 Geo.3 c.31.

<sup>13</sup> 11 & 12 Vict. c.xvii.

<sup>14</sup> 29 & 30 Vict. c.cxxx.

<sup>15</sup> 1 Edw.8 & 1 Geo.6 c.xxiv.



- 1.15 The charity operates today not pursuant to any of these enactments but in accordance with a scheme of the Charity Commission which was made in 1973.<sup>16</sup> Accordingly all four enactments are now obsolete and may be repealed.

#### **GROUP 4 – FEMALE ORPHAN ASYLUM**

- 1.16 In 1758 a charitable society was established by a group of philanthropists to provide for “an asylum or house for the reception, maintenance, education, and employment of friendless and deserted orphan girls, the settlements of whose parents could not be found”.<sup>17</sup> Originally based in the parish of St Mary, Lambeth, the orphanage moved to Beddington Manor, Surrey in 1866 and to High Wycombe, Buckinghamshire in 1943. The orphanage became known in 1870<sup>18</sup> as the Female Orphan Asylum before being re-named as the Royal Female Orphanage in 1924 when its administration was merged with two other charitable institutions.<sup>19</sup> The orphanage eventually closed in 1968.
- 1.17 The orphanage gave rise to four enactments which became unnecessary when the institution closed its doors in 1968. The *Female Orphan Asylum Act of 1800*<sup>20</sup> established the orphanage as well as a corporate body to run it. The *Asylum for Female Orphans Act of 1824*<sup>21</sup> authorised the purchase of the freehold title to the land occupied by the orphanage. The *Female Orphan Asylum Amendment Act 1870*<sup>22</sup> amended the constitution of the corporation running the orphanage. Finally the *Board of Education Scheme (Female Orphan Asylum etc) Confirmation Act 1924*<sup>23</sup> authorised the merger of the orphanage with other charitable institutions. All four enactments may now be repealed.

<sup>16</sup> The Charities (Magdalen Hospital Charity) Order 1973, SI 1973 No 196.

<sup>17</sup> Female Orphan Asylum Act of 1800 (39 & 40 Geo.3 c.lx), preamble.

<sup>18</sup> Female Orphan Asylum Amendment Act 1870 (33 & 34 Vict. c.xv), s 3.

<sup>19</sup> These institutions were the National Orphan Home and the Hans School of Industry.

<sup>20</sup> 39 & 40 Geo.3 c.lx.

<sup>21</sup> 5 Geo.4 c.v.

<sup>22</sup> 33 & 34 Vict. c.xv.

<sup>23</sup> 14 & 15 Geo.5 c.xxi.

## **GROUP 5 – DURHAM COUNTY SCHOOLS**

- 1.18 The *Durham County Schools Act of 1801*<sup>24</sup> was passed to establish schools “for the education of poor children in the County Palatine of Durham”.<sup>25</sup> Part of the compensation payable in respect of the enclosure of common moors and land in the County Palatine had been awarded to the Bishop of Durham, the Honourable Shute Barrington, in his capacity as Lord of the manors of Chester and Lancaster. Bishop Barrington’s wish was that part of this compensation should be used to establish and maintain one or more schools for the education of poor children of the County Palatine. The 1801 Act provided for the compensation to be used for this purpose with the Bishop being empowered to make laws and regulations for the conduct and management of any such school.
- 1.19 Unfortunately the compensation moneys were insufficient to enable the establishment of any new school as envisaged by the 1801 Act. Accordingly the *Durham County Schools Amendment Act of 1822*<sup>26</sup> was passed to amend the arrangements prescribed by the 1801 Act. The 1822 Act allowed the Bishop of Durham to use the rental income from the compensation moneys not for the establishment of any new schools but for the benefit of any schools already in existence (or to be established in the future) in the County Palatine of Durham.
- 1.20 Neither the 1801 Act nor the 1822 Act has any legal effect today. The charitable funds provided by Bishop Barrington are today managed by the registered charity known as Westgate Barrington Schools. This charity is governed not by the authority of either Act but by schemes drawn up by the Charity Commission.<sup>27</sup> Accordingly both enactments are now unnecessary and may be repealed.

<sup>24</sup> 41 Geo.3 c.cxx.

<sup>25</sup> The 1801 Act, preamble. Counties Palatine were established in the 11<sup>th</sup> century to defend the northern and western counties of the kingdom of England. The rulers of these counties were given palatine (ie royal) powers, making these territories largely independent of, though still owing allegiance to, the Crown. Each had its own administration and courts. The County Palatine of Durham was established by William the Conqueror and was governed by the Bishop of Durham.

<sup>26</sup> 3 Geo.4 c.26.

<sup>27</sup> These schemes are dated 28 May 1867 and 20 August 1897. The charity’s principal object is to promote the education (including religious education) of the inhabitants of the ecclesiastical district of Stanhope in the parish of Stanhope, Durham.

## **GROUP 6 – THE PHILANTHROPIC SOCIETY**

- 1.21 In 1788 a group of wealthy individuals formed a charitable society “for the purpose of providing for the maintenance, education, and employment of poor children, the offspring of convicted felons, and of children who had themselves been engaged in criminal practices”.<sup>28</sup> The society became known as the Philanthropic Society (“the Society”) and was based initially in London where it ran several homes to house children who would otherwise be on the streets begging or stealing. In 1849 the Society founded the Farm School at Redhill in Surrey for children who were sent there either voluntarily by their parents or by the courts as an alternative to prison. The Society ceased to be responsible for running this school in 1973. The Society still continues its work as a registered charity but today its governance and management is vested in a separate charity, Catch 22 Charity Ltd.<sup>29</sup>
- 1.22 The three Acts that were passed to support the Society in its early days have become obsolete because they relate to issues that are no longer relevant to the Society today. In particular they relate to a corporate structure, and to the provision of residential support, that no longer exists.
- 1.23 The *Philanthropic Society’s Act 1806*<sup>30</sup> established a corporation to run the Society with power to bind children to apprenticeships. The *Philanthropic Society’s Act 1823*<sup>31</sup> authorised the corporation to buy the freehold of land already occupied by the Society. The *Philanthropic Society’s Act 1848*<sup>32</sup> authorised the corporation to sell its London premises and to buy premises elsewhere.<sup>33</sup>
- 1.24 The Society operates today not pursuant to any of these three enactments but in accordance with a Charity Commission scheme dated 1 July 2008. The only remaining purpose served by these enactments is the status of body corporate conferred on the Society by a provision in the 1806 Act. The effect of that provision may be conveniently preserved by the savings entry in Schedule 2 to the draft Bill.<sup>34</sup> This will permit the safe repeal of the 1806 Act along with the 1823 and 1848 Acts.

## **GROUP 7 – BETHLEM HOSPITAL**

- 1.25 The Bethlem Hospital (“the Hospital”) derives its name from the time in the mid 13<sup>th</sup> century when it was a priory for the sisters and brethren of the Order of the Star of Bethlehem. The Hospital was founded by charitable endowment in 1247 and was originally situated near Bishopsgate in the City of London on the site currently occupied by Liverpool Street Station.

<sup>28</sup> Philanthropic Society’s Act 1806 (46 Geo.3 c.cxliv), preamble.

<sup>29</sup> The objectives of Catch 22 Charity Ltd are to promote opportunities for the development, education and support of young people in need to lead purposeful, stable and fulfilled lives and to promote safer, crime-free communities for the benefit of the public.

<sup>30</sup> 46 Geo.3 c.cxliv.

<sup>31</sup> 4 Geo.4 c.18.

<sup>32</sup> 11 & 12 Vict. c.cix.

<sup>33</sup> The Society bought its Redhill premises (in 1849) on the authority of this 1848 Act.

<sup>34</sup> Sch 2, para 1.

- 1.26 From its earliest times the Hospital admitted mentally ill patients. Indeed it is recognised as the world's first and oldest institution to specialise in the mentally ill.<sup>35</sup> Today known as the Bethlem Royal Hospital, it<sup>36</sup> forms part of the South London and Maudsley NHS Foundation Trust. It is situated at Beckenham in the London Borough of Bromley and provides mental health and substance misuse services for people living in the London Boroughs of Croydon, Lambeth, Southwark and Lewisham.<sup>37</sup>
- 1.27 Three enactments relating to the earlier siting of the Hospital in Southwark and in Godalming are now proposed for repeal.
- 1.28 The *Bethlem Hospital Act of 1810*<sup>38</sup> was passed to enable the Hospital to exchange its existing two leases granted by the City of London for a new lease, also to be granted by the City of London, on a larger site at St George's Fields in Southwark.<sup>39</sup>
- 1.29 Following its move to Southwark in 1810, the Hospital required additional land to use as an entrance to the Hospital. Accordingly the *Bethlem Hospital Act of 1839*<sup>40</sup> authorised the City of London to grant the Hospital a lease of two acres of land in front of the Hospital.
- 1.30 The *Bethlem Hospital Act 1871*<sup>41</sup> related to the Hospital's convalescent home at Godalming in Surrey and confirmed the home's legal status. The 1871 Act also gave the Hospital governors additional powers to maintain the home.
- 1.31 All three enactments became unnecessary in 1930 when the Hospital moved from Southwark to its present site in Beckenham. The Hospital governors disposed of the premises both in Southwark and Godalming. Accordingly each of these Acts may now be repealed.

<sup>35</sup> For much of its history, the Hospital was notorious for cruelty and inhumane treatment to its inmates. The word "bedlam" meaning madhouse or scene of uproar is derived from "Bethlem".

<sup>36</sup> Together with the Maudsley Hospital in Camberwell.

<sup>37</sup> The Hospital also provides such services for people living elsewhere in the United Kingdom.

<sup>38</sup> 50 Geo.3 c.cxcviii.

<sup>39</sup> The Hospital needed to move partly because of defective foundations in its existing premises and partly to permit an increase of patients to 200 or more.

<sup>40</sup> 2 & 3 Vict. c.20.

<sup>41</sup> 34 & 35 Vict. c.cxxii.

## GROUP 8 – EARL OF LEICESTER’S HOSPITAL

- 1.32 Two obsolete Acts relating to the charity known as Lord Leicester’s Hospital are proposed for repeal. The Hospital, situated in Warwick comprises a group of timber-framed buildings dating mainly from the late 14<sup>th</sup> century. Robert Dudley, the 1<sup>st</sup> Earl of Leicester, acquired the buildings in 1571 and founded within them a hospital for aged or injured soldiers. By an Act of 1571<sup>42</sup> the Earl was empowered to establish a hospital for soldiers injured during the service of Queen Elizabeth I. The Hospital was incorporated as the hospital of Robert Earl of Leicester in Warwick. By deed dated 21 November 1585 the Earl provided for the appointment of a Master to run the Hospital, for the selection of the persons – to be known as Brethren – to be the resident inmates, and for the Master and Brethren to be a corporate body known as the Master and Brethren of the Hospital of Robert Earl of Leicester in Warwick. By deed dated 26 November 1585 the Earl established a set of Ordinances by which the Hospital and its lands were to be governed.
- 1.33 The Hospital today operates under a constitution confirmed by the Hospital of Robert Earl of Leicester Charity (Warwick) Scheme Confirmation Act 1956.<sup>43</sup> The scheme confirmed by the 1956 Act dissolved the corporation of the Master and Brethren of the Hospital of Robert Earl of Leicester in Warwick and replaced it with a body of Governors. Today the Hospital is run by the Master, a retired officer of the Armed Forces. The Hospital provides almshouse accommodation for eight ex-service personnel (and their spouses). The Hospital is funded by visitor income (the original Hospital estates having been sold off long ago), rental income from dwellings within the Hospital buildings and charitable donations.
- 1.34 Two earlier enactments relating to the Hospital’s administration are now obsolete and are therefore proposed for repeal. The *Earl of Leicester’s Hospital, Warwick Act of 1813*<sup>44</sup> amended the rules, statutes and ordinances of the Hospital. The Master and Brethren were authorised to raise money by granting mortgages, and provision was made for appointing additional Brethren. The *Robert Earl of Leicester’s Hospital Charity Scheme Confirmation Act 1926*<sup>45</sup> confirmed a Charity Commission scheme authorising changes to the management of the Hospital. Both Acts have long been obsolete, the Hospital management today being governed by the scheme confirmed by the 1956 Act.<sup>46</sup>

<sup>42</sup> 13 Eliz.1 c.17 (Earl of Leicester’s Hospital). Other enactments of that period relating to the Hospital are 18 Eliz.1 c.1 (1575) and 39 Eliz.1 c.5 (1597).

<sup>43</sup> 4 & 5 Eliz.2 c.lv.

<sup>44</sup> 53 Geo.3 c.ccxiii.

<sup>45</sup> 16 & 17 Geo.5 c.xxv.

<sup>46</sup> As amended by a scheme dated 23 May 1972.

## **GROUP 9 – BRISTOL SCHOOL FOR THE BLIND**

- 1.35 The charity known as the Bristol Asylum or School of Industry for the Blind was formed in 1793 by Bristol philanthropists. The charity was incorporated in 1832 and was situated at the top of Park Street. New powers given to the charity in 1905 enabled it to sell its existing premises<sup>47</sup> and acquire new school premises in the Henleaze district of Bristol which were opened by King George V in 1911. The charity changed its name in 1960 to the Bristol Royal School and Workshops for the Blind.<sup>48</sup>
- 1.36 By 1930 the school had more than a hundred pupils and at its peak there were 126 pupils on the roll. By 1964, however, numbers decreased mainly through a decline in babies being born blind, or becoming blind in early infancy. An additional factor was changes in educational and vocational training policies for blind students at the age of 16. The school's land (some 11 acres) was sold in 1969 and the school itself was demolished that year. The site was re-developed for residential use. The charity subsequently merged with the Bristol Royal Society for the Blind and ceased to exist as a separate charity. The Bristol Royal Society for the Blind in turn merged with the Royal National Institute of Blind People in June 2000,<sup>49</sup> and continues as a subsidiary of that charity operating under the name of the Bristol Blind Fund.
- 1.37 The discontinuance of the school as a separate charity has rendered unnecessary two enactments relating to the school. The *Bristol Asylum or School of Industry for the Blind Act of 1832*<sup>50</sup> incorporated the charity and empowered it to buy land in Bristol. The *Bristol Blind Asylum Act 1905*<sup>51</sup> increased the charity's power to acquire land in the Bristol area and amended the charity's constitution. Neither Act now serves any useful purpose and both may be repealed.

## **GROUP 10 – MIDDLESEX HOSPITAL**

- 1.38 Two obsolete Acts relating to the Middlesex Hospital in central London which closed in 2005 are proposed for repeal. The Middlesex Hospital was opened (as the Middlesex Infirmary) in Windmill Street in or around 1747, initially for the relief of "sick and lame patients and lying-in<sup>52</sup> married women".<sup>53</sup> The hospital was concerned to help persons who could not afford to pay for medical treatment. Funding came from private subscribers. The hospital re-opened in Mortimer Street as "the Middlesex Hospital" in 1757. It was re-built on the same site in 1935.

<sup>47</sup> The site of the charity's former premises is today occupied by the University of Bristol (the Wills Memorial Building).

<sup>48</sup> Bristol Corporation Act 1960, s 38.

<sup>49</sup> The Royal National Institute of Blind People was formerly known as the Royal National Institute for the Blind.

<sup>50</sup> 2 & 3 Will.4 c.xxxix.

<sup>51</sup> 5 Edw.7 c.clxxi.

<sup>52</sup> 'Lying-in' referred to expectant mothers.

<sup>53</sup> Middlesex Hospital Act of 1836 (6 & 7 Will.4 c.vii), preamble.

- 1.39 The Middlesex Hospital subsequently became a teaching hospital within the National Health Service. It merged with University College London Hospital in 1994 and became part of the University College London Hospital NHS Trust. The hospital closed in December 2005 and most of the hospital site was sold for re-development.
- 1.40 The two Acts relating to the hospital became unnecessary once the hospital was absorbed by the National Health Service in 1948.<sup>54</sup> The *Middlesex Hospital Act of 1836*<sup>55</sup> established a corporation to run the hospital with power to hold land. The *Middlesex Hospital Act 1938*<sup>56</sup> amended the 1836 Act and confirmed the corporation's power to hold and acquire land. Both Acts may now be repealed as unnecessary.

#### **GROUP 11 – NEWCASTLE HOSPITALS**

- 1.41 Two obsolete Acts relating to the Holy Jesus Hospital and the St Mary Magdalene Hospital in the Newcastle-upon-Tyne area are proposed for repeal. These charitable institutions are today governed by a scheme made by the Charity Commission in 2008.
- 1.42 The hospital<sup>57</sup> of the Holy Jesus was built by the Mayor and Burgesses of Newcastle-upon-Tyne near Pilgrim Street in the 1680s. The hospital was established as a body corporate by a deed dated 26 March 1683 made under the Hospitals for the Poor Act 1597.<sup>58</sup> The body corporate was called The Master Brethren and Sisters of the Hospital of the Holy Jesus founded in the Manors in the Town and County of Newcastle-upon-Tyne. It was established to provide almshouses for poor people. The hospital remains to this day in the ownership of Newcastle City Council, though it is currently managed by the National Trust.

<sup>54</sup> By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948 No 112) all voluntary hospitals and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

<sup>55</sup> 6 & 7 Will.4 c.vii.

<sup>56</sup> 1 & 2 Geo.6 c.xii.

<sup>57</sup> The word "hospital" is used in the ancient sense of meaning a charitable institution for the housing and maintenance of the needy, aged or infirm. Neither of these Newcastle hospitals has the primary function of providing medical support for the residents.

<sup>58</sup> 39 Eliz.1 c.5. This 1597 Act was repealed by the Charities Act 1960, s 39, Sch 5.

- 1.43 The hospital of St Mary Magdalene was originally founded as a religious house in the reign of Henry I. Situated just outside Newcastle,<sup>59</sup> it was granted a charter by Henry III in 1253. James I granted the hospital a new charter in May 1611. Under this, the hospital was incorporated and had to be run by a master and provide accommodation for “three poor single or unmarried brethren”. The mayor and burgesses of Newcastle were appointed patrons to the hospital. Subsequent arrangements, including enactments passed in 1827<sup>60</sup> and 1867,<sup>61</sup> confirmed the management role of the Newcastle-upon-Tyne Corporation in running the affairs of the hospital.
- 1.44 Changes in the management of both hospitals over the years have meant that two enactments relating to the hospitals have become obsolete and are therefore now proposed for repeal.
- 1.45 The *Holy Jesus Hospital, Newcastle-upon-Tyne Act of 1847*<sup>62</sup> was passed to provide financial support for the Holy Jesus Hospital and to provide a better regulation for the hospital and its income. The *Saint Mary Magdalene Hospital (Newcastle-upon-Tyne) Act 1940*<sup>63</sup> was passed to provide Newcastle-upon-Tyne Corporation with additional powers in relation to the St Mary Magdalene Hospital.
- 1.46 The administration of both hospitals is today governed by a scheme made by the Charity Commission on 22 December 2008. This scheme provides that the charity (named in the scheme as the St Mary Magdalene and Holy Jesus Trust) is to be administered in accordance with the scheme, thereby replacing the former trusts of the charity.<sup>64</sup> Accordingly the 2008 scheme has superseded the earlier schemes and legislation relating to both hospitals. It follows that the 1847 Act and the 1940 Act are now obsolete and may be repealed.

## **GROUP 12 – LONDON HOSPITAL**

- 1.47 The London Hospital (now the Royal London Hospital) was founded in 1740 as “The London Infirmary” by a society of philanthropists to care for the sick poor among the merchant seamen and manufacturing classes. It moved to its current location in Whitechapel in 1757. The Hospital was originally funded by voluntary contributions and charitable donations.

<sup>59</sup> It was originally intended to look after lepers. There is some evidence that people returning to England from the crusades were afflicted with leprosy as a result of their travels.

<sup>60</sup> 7 & 8 Geo.4 c.58.

<sup>61</sup> 30 & 31 Vict. c.vii. This 1867 Act was repealed by the Tyne and Wear Act 1980 (c.xliii), s 58, Sch 4.

<sup>62</sup> 10 & 11 Vict. c.34.

<sup>63</sup> 3 & 4 Geo.6 c.xxxv.

<sup>64</sup> The 2008 scheme, which also provides for the administration of other named Newcastle charities, supersedes an earlier scheme made by the Charity Commission which dissolved the corporations that were originally constituted in relation to both hospitals. This earlier scheme was confirmed by the Hospital of Mary Magdalene and other Charities (Newcastle-upon-Tyne) Charity Scheme Confirmation Act 1959 (7 & 8 Eliz.2 c.xiv).



- 1.48 Management of the Hospital was placed in the hands of a board of governors. These governors were incorporated as “the Governors of the London Hospital” by a Charter granted by George II in 1758. Although the hospital became part of the National Health Service in 1948,<sup>65</sup> it retained much of its independence until the NHS re-organisation in 1974. The hospital was granted its Royal title in 1990 (on the hospital’s 250<sup>th</sup> anniversary) and in 1994 the hospital became part of The Royal Hospitals NHS Trust, renamed in 1999 as the Barts and the London NHS Trust. Today the hospital provides general hospital services for the City of London and for Tower Hamlets, and specialist care services for patients across London and elsewhere.
- 1.49 Two late Victorian Acts relating to the hospital are now obsolete. The *London Hospital Act 1884*<sup>66</sup> provided the hospital governors with additional powers including the power to grant leases and to accept paying patients. That Act became unnecessary in 1948 when the hospital became part of the National Health Service and the governors’ powers ceased. The sole purpose of the *London Hospital Act 1899*<sup>67</sup> was to enable the governors to build out-patient accommodation. This purpose was achieved when the new out-patients department was opened by King Edward VII and Queen Alexandra in 1903. The 1899 Act thereupon became spent.

### **GROUP 13 – IRELAND**

- 1.50 This group comprises several Acts relating to benevolent institutions operating solely in areas that now form part of the Republic of Ireland. The Acts were passed by the United Kingdom Parliament at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that these Acts, whilst remaining on the statute book of the United Kingdom, no longer have any effect within the United Kingdom. Accordingly they may be repealed as unnecessary so far as the United Kingdom is concerned.<sup>68</sup>
- 1.51 Although these Acts no longer have any effect within the United Kingdom, the following paragraphs do provide some information about the subsequent history of the various institutions that the Acts supported. In some instances it is apparent that the legislation has become unnecessary not only because it relates to an institution that was established in an area that is now within Ireland. Sometimes the legislation has become unnecessary because of changes in social and economic circumstances since the particular Act was passed resulting in the closure of the institution itself.

<sup>65</sup> By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948 No 112) all voluntary hospitals (like the Royal London Hospital) and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

<sup>66</sup> 47 & 48 Vict. c.xviii.

<sup>67</sup> 62 & 63 Vict. c.I.

<sup>68</sup> Nevertheless each Act has been researched carefully to ensure that it has no residual effect in any part of the United Kingdom.

- 1.52 In most cases these Acts remain in force within the Republic of Ireland. Their status there will not be affected by these repeal proposals.<sup>69</sup>

### **Maynooth College**

- 1.53 St Patrick's College, Maynooth ("the College")<sup>70</sup> was founded in 1795 as a seminary for the education of Catholic priests. Situated in County Kildare 15 miles from Dublin, the College has over the years ordained more than 11,000 priests. The College is today the only major seminary in Ireland.
- 1.54 The two Acts proposed for repeal were passed by the United Kingdom Parliament to amend two Acts of the Parliament of Ireland that related to the initial running and supervision of the College.<sup>71</sup> The *Maynooth Academy Act of 1808*<sup>72</sup> empowered the College trustees to purchase land for the College and to settle legal claims made against the College. The *Maynooth College Act of 1845*<sup>73</sup> incorporated the College trustees and vested College land in the new corporation. Both Acts may now be repealed on the basis that they no longer have any effect within the United Kingdom.

### **Kilkenny City Asylum**

- 1.55 The Kilkenny City Asylum comprised almshouses built in 1803 by James Switsir, to house "twenty decent and respectable women in necessitous circumstances".<sup>74</sup> Known also as St James's Asylum, the almshouses remain in use today.
- 1.56 The *Kilkenny City Asylum Act of 1810*<sup>75</sup> established a corporation of ecclesiastical office-holders to be known as "The Trustees of the Asylum of the City of Kilkenny founded by James Switsir, Esquire". The corporation was invested with land and other property, and was empowered to make regulations for running the almshouses. The Act may now be repealed on the basis that it no longer has any effect within the United Kingdom.

### **Kildare County Infirmary**

- 1.57 The purpose of the *Kildare County Infirmary Act of 1810*<sup>76</sup> was to authorise the removal of the Kildare County infirmary from the town of Kildare to the town of Naas. One of the reasons for the move was the shortage of water in the town of Kildare.

<sup>69</sup> This is because Statute Law (Repeals) Acts have no direct effect outside the United Kingdom.

<sup>70</sup> The College and seminary are often referred to as Maynooth College.

<sup>71</sup> 35 Geo.3 c.21 (1795); 40 Geo.3 c.85 (1800).

<sup>72</sup> 48 Geo.3 c.cxliv.

<sup>73</sup> 8 & 9 Vict. c.25.

<sup>74</sup> 50 Geo.3 c.cviii (1810), preamble.

<sup>75</sup> As cited in the previous footnote.

<sup>76</sup> 50 Geo.3 c.clii (1810), preamble.

- 1.58 In the event the 1810 Act proved of limited value, the infirmary returning to its original premises in Kildare and re-opening in 1817. The infirmary has long since closed and the site is today occupied by a hotel. The 1810 Act is accordingly now unnecessary.

### **Barrington's Hospital**

- 1.59 Barrington's Hospital was built in 1829 by a philanthropist called Joseph Barrington and his four sons. Limerick at that time had a population in excess of 90,000 people but no access to any general hospital or infirmary. The hospital opened in July 1831 and served as a public hospital for the people of Limerick until 1988, closing in that year for economic reasons. It re-opened in 1989 as a private medical centre and became a private hospital in 1994.
- 1.60 The *Barrington's Hospital, Limerick Act of 1830*<sup>77</sup> appointed governors to run the newly-built hospital and provided for the appointment of physicians and surgeons. The *Barrington's Hospital Amendment Act 1885*<sup>78</sup> amended the 1830 Act so as to provide for additional hospital governors, drawn from local ecclesiastical office-holders. Both Acts became unnecessary when the hospital closed its doors to the public in 1988.

### **Cork General Hospital**

- 1.61 The purpose of the *Cork General Hospital Act of 1832*<sup>79</sup> was to establish a new general hospital in the city of Cork. Trustees were appointed to acquire land and build the hospital. In the event the 1832 Act was not implemented and the hospital was not built. Accordingly the Act has long been unnecessary and may now be repealed.

### **Mungret Agricultural School**

- 1.62 In 1858 an agricultural school and farm was established at Mungret, near Limerick. The school failed to attract sufficient students with the result that the school closed in 1879. The *Mungret Agricultural School Act 1879*<sup>80</sup> was passed to allow the trustees in whom the school and farm were vested to use both for alternative purposes. The school became known as Mungret College and eventually closed in 1974, the site then being sold off for housing development. The 1879 Act is clearly now unnecessary.

### **Galway Hospital**

- 1.63 The *Galway Hospital Act 1892*<sup>81</sup> provided for the Galway Infirmary to be replaced by a public general hospital to be called the Galway Hospital. Since, however, this hospital no longer exists, the 1892 Act is now unnecessary.<sup>82</sup>

<sup>77</sup> 11 Geo.4 & 1 Will.4 c.lxxii.

<sup>78</sup> 48 & 49 Vict. c.xlvii.

<sup>79</sup> 2 & 3 Will.4 c.ciii.

<sup>80</sup> 42 & 43 Vict. c.ccxx.

<sup>81</sup> 55 & 56 Vict. c.ccxvii.

<sup>82</sup> The hospital was demolished many years ago to make way for Galway County Council headquarters which still occupies this site on Prospect Hill.

### **Waterford Infirmary**

- 1.64 The *Waterford Infirmary Act 1896*<sup>83</sup> provided that the Leper Hospital of St Stephen in the city of Waterford should be converted into the public general infirmary for the county of Waterford. Following a decision to centralise health services in Ardkeen, the infirmary closed in 1987 and its buildings are today used for residential accommodation. This closure means that the 1896 Act has become unnecessary.

### **Waterford Schools**

- 1.65 The purpose of the *Waterford and Bishop Foy Endowed Schools Act 1902*<sup>84</sup> was to amalgamate several schools near the city of Waterford.<sup>85</sup> The schools were amalgamated into two new schools. One was a primary school called the Mason and Lady Lane Incorporated School. The other was a secondary school called the Bishop Foy's School. Both schools now having ceased to exist, the 1902 Act is now unnecessary.<sup>86</sup>

## **GROUP 14 – GENERAL REPEALS**

### **Hospital for Poor French Protestants**

- 1.66 The French persecution of Protestants from the mid-16<sup>th</sup> century resulted in large numbers of Protestant refugees (later known as Huguenots) seeking shelter in England. In 1708 one Jacques de Gastigny left £1000 in his will to benefit the refugees living in the London parish of St Giles Cripplegate. In 1718 George I granted a Royal Charter incorporating “The Governor and Directors of the Hospital for Poor French Protestants and their Descendants, residing in Great Britain” and empowering this newly-formed corporation to buy, hold and take on lease land with an annual value not exceeding £500.<sup>87</sup> The gift together with this Charter enabled the opening in 1718 of the Hospital for Poor French Protestants in Bath Street in the parish of St Luke's, Finsbury.<sup>88</sup>
- 1.67 The French Hospital, also known as La Providence, was an immediate success and had provided a home for 125 residents by 1723. It moved from Bath Street in 1865 to Victoria Park in nearby Hackney, moving again after the Second World War to Horsham. Since 1960 the French Hospital has been settled in Rochester (Kent) and today provides 60 self-contained sheltered flats for people of French Protestant descent.

<sup>83</sup> 59 & 60 vict. c.xxii.

<sup>84</sup> 2 Edw.7 c.xxxv.

<sup>85</sup> The schools amalgamated by the 1902 Act were Bishop Foy's School, the Diocesan School, the Mason Blue School Waterford and the Lady Lane Infant and Girls' School.

<sup>86</sup> The Bishop Foy's School closed in 1967. The exact date of closure of the Mason and Lady Lane Incorporated School is not known.

<sup>87</sup> This 1718 Charter was varied by a supplemental Charter in 1953.

<sup>88</sup> Bath Street today is near the junction of Old Street and City Road, a little to the north of the City of London. The term “hospital” is used in the ancient sense of meaning a charitable institution for the housing and maintenance of the needy, aged or infirm.

- 1.68 The *Hospital for Poor French Protestants Act of 1808*<sup>89</sup> was passed to authorise the governors of the French Hospital to grant building leases over the hospital's 4.5 acres of garden or yards in Bath Street. The resulting rental income would be used to benefit the work of the hospital. The powers conferred by this 1808 Act ceased to be exercisable once the hospital vacated its Bath Street premises in 1865. Accordingly the Act is now obsolete and may be repealed.

#### **Wigan Free Grammar School**

- 1.69 Wigan Free Grammar School was built in or around 1597 from an endowment by one Thomas Bankes, a goldsmith. The school was added to in 1723 and the old buildings were replaced in 1730. The school was re-built in 1879 and again in 1937. It finally closed its doors on 7 July 1972.
- 1.70 The *Wigan Free Grammar School Act of 1812*<sup>90</sup> incorporated the school as The Free Grammar School of the Borough of Wigan in the County Palatine of Wigan. The 1812 Act also increased the powers of the school governors and authorised them to make bye-laws. The closure of the school means that the Act can no longer serve any useful purpose and may now be repealed.<sup>91</sup>

#### **St George's Fund Society**

- 1.71 The Royal Horse Guards, founded in 1650, is a cavalry regiment of the British Army and part of the Household Cavalry. Known as "the Blues", the Royal Horse Guards was amalgamated with the Royal Dragoons (1<sup>st</sup> Dragoons) in 1969 to form the Blues and Royals.
- 1.72 In June 1804 the senior non-commissioned officers and privates of each troop of the Royal Regiment of Horse Guards formed the Troopers Fund Society. They also established a new regimental fund for the benefit of non-commissioned officers and privates of the Regiment upon their discharge from the Regiment because of age, infirmity or any other cause. Each fund member made monthly contributions. The fund became known as the St George's Fund and the Troopers Fund Society became known as the St George's Fund Society.
- 1.73 In 1833 a majority of the persons interested in the St George's Fund wanted the Society dissolved and the Fund distributed. Since legislation was needed to achieve this, the *Troopers Fund (or St George's Fund Society) Act* was passed in 1833.<sup>92</sup> This provided for the Society to cease to exist and the Fund to be liquidated and distributed to its members on or before 13 February 1834. Upon the dissolution of the Society and the Fund, the 1833 Act became spent. It may now be repealed.

<sup>89</sup> 48 Geo.3 c.lxxvii.

<sup>90</sup> 52 Geo.3 c.clvii.

<sup>91</sup> The site of the school is today used as an out-patients department for Wigan Health Authority.

<sup>92</sup> 3 & 4 Will.4 c.cxvii.

### **St George's Hospital**

- 1.74 Today St George's Hospital in Tooting (south London) forms part of the St George's Healthcare NHS Trust. Its life started, however, in 1733 when an institution was formed for "the Relief of such poor, sick and disabled Persons as should appear real Objects of Charity".<sup>93</sup> The institution was opened that year as St George's Hospital. It was built by voluntary contributions and was based for many years at Lanesborough House by Hyde Park Corner.<sup>94</sup> The hospital became part of the National Health Service in 1948.<sup>95</sup> Continuing demands on the hospital's services necessitated a move to new premises in Tooting on the site of the Grove Fever Hospital. The premises at Hyde Park Corner closed in 1980.
- 1.75 The purpose of the *St George's Hospital, Hyde Park Corner Act of 1834*<sup>96</sup> was to incorporate the president and governors of the hospital and to confer on this newly-formed corporation powers to manage the hospital's assets and to run the hospital itself. The 1834 Act provided for a system of hospital administration that ceased to be relevant in 1948 when the hospital came under the control of the NHS. The hospital today, as part of the St George's Healthcare NHS Trust, does not rely on 19<sup>th</sup> century legislation passed to incorporate privately-run voluntary hospitals. The Act has long been obsolete and its repeal is recommended on that basis.

### **Westminster Hospital**

- 1.76 Today the old Westminster Hospital forms part of the Chelsea and Westminster NHS Foundation Trust. Its life started at St Dunstan's Coffee House in 1715 when a group of philanthropists met to form "A Charitable Proposal for Relieving the Poor and Needy and Other Distressed Persons". This proposal led to the opening in 1719 of the first voluntary hospital in the country. Soon after opening, the hospital acquired premises in James Street, Buckingham Gate, Westminster. The hospital outgrew those premises and moved to Broad Sanctuary (opposite Westminster Abbey) in 1834, and Horseferry Road in 1939. The hospital became part of the National Health Service in 1948 within the South West Metropolitan Region.<sup>97</sup> The hospital as a separate entity closed in May 1993 and moved to the Fulham Road together with other hospitals to form the new Chelsea and Westminster Hospital. This became the Chelsea and Westminster NHS Trust when it was established in 1994.

<sup>93</sup> 4 & 5 Will.4 c.xxxviii (1834) (St. George's Hospital, Hyde Park Corner Act), preamble.

<sup>94</sup> Lanesborough House had originally been built in 1719 by the Second Viscount Lanesborough. The site is today occupied by the Lanesborough Hotel.

<sup>95</sup> By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948 No 112) all voluntary hospitals (like St George's) and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

<sup>96</sup> 4 & 5 Will.4 c.xxxviii.

<sup>97</sup> The Westminster Group of Hospitals was created as an administrative group within the NHS. In addition to the hospital itself, the Group included Westminster Children's Hospital, All Saints Hospital, the Gordon Hospital, Putney Hospital, Queen Mary's Hospital in Roehampton and several convalescent homes. The Group was dissolved in 1974 following NHS reorganisation.

- 1.77 The purpose of the *Westminster Hospital Act of 1836*<sup>98</sup> was to incorporate the governors of the hospital and to confer upon them powers to manage the hospital's assets and to run the hospital itself. The 1836 Act provided for a system of hospital administration that ceased to be relevant in 1948 when the hospital came under the control of the NHS. The hospital today, as part of the Chelsea and Westminster NHS Foundation Trust, does not rely on 19<sup>th</sup> century legislation passed to incorporate privately-run voluntary hospitals. The Act has long been obsolete and its repeal is recommended on that basis.

### **Refuge for the Destitute**

- 1.78 The Refuge for the Destitute institution was formed in or around 1805 to provide charitable relief for women upon their discharge from prison. The institution provided shelter and financial support for such women. The *preamble* to the *Refuge for the Destitute Act of 1838*<sup>99</sup> recorded that the good work carried out by the institution could be greatly enhanced if the institution were to be incorporated. The institution, duly incorporated, continued in operation until 27 March 1925 when the Elizabeth Fry Refuge and Refuge for the Destitute Charities Scheme Confirmation Act 1925<sup>100</sup> came into force. The 1925 Act confirmed a scheme approved by the Charity Commissioners for the management of the charity known as the Elizabeth Fry Refuge and the Refuge for the Destitute Institution. The two charities were in effect merged under a new constitution provided by that scheme. Article 2 of the scheme provided for the dissolution of the corporation established by the 1838 Act. In consequence the 1838 Act became unnecessary and its repeal is now proposed on that basis. The repeal will have no effect on the charity today known as the Elizabeth Fry Home.<sup>101</sup>

### **Lord Scudamore Charity**

- 1.79 By a codicil to his will dated 4 September 1680, Sir John Scudamore (Lord Viscount Scudamore of Sligo, Ireland) bequeathed the sum of £400 on charitable trust to "set to work the People of the City of Hereford".<sup>102</sup> This charity was amended by order of the High Court of Chancery in 1765 to enable the funds to be used for employing the poor of Hereford in any manufacture, trade or business whatsoever within the city. Further changes to the charity were made by an Act of 1774<sup>103</sup> which provided that the charity's funds should be held by certain Commissioners on trust to buy materials and utensils for setting the poor people of the city of Hereford to work in any manufacture, trade or business.

<sup>98</sup> 6 & 7 Will.4 c.xx.

<sup>99</sup> 1 & 2 Vict. c.lxxi.

<sup>100</sup> 15 & 16 Geo.5 c.ix.

<sup>101</sup> This charity continues to provide accommodation and support for women discharged from prison or placed on probation.

<sup>102</sup> 3 & 4 Vict. c.cxxv (1840), preamble.

<sup>103</sup> 14 Geo.3 c.38 (Hereford Streets). This Act has been repealed in its entirety: 17 & 18 Vict. c.xxxi (1854).

- 1.80 The purpose of the *Lord Scudamore's Charity Act of 1840* was to amend the 1774 Act by appointing new trustees to the charity and increasing their powers. In January 1994, however, the Charity Commission removed the charity from the register of charities because the charity had ceased to exist. Accordingly the 1840 Act could no longer serve any useful purpose. It may now be repealed.<sup>104</sup>

### **The Imprisoned Debtors Discharge Society**

- 1.81 The Society for the Discharge and Relief of Persons imprisoned for small Debts throughout England and Wales was a charitable organisation founded in 1772 for the purpose of procuring the release from prison of persons imprisoned for small debts in England and Wales. The Society, commonly known as the Thatched House Society, also provided relief for such prisoners. Until imprisonment for debt was abolished by the Debtors Act 1869,<sup>105</sup> debtors were frequently imprisoned for owing comparatively small sums.<sup>106</sup> The Marshalsea, on the south bank of the Thames in Southwark, was one of the more well-known "debtors' prisons".
- 1.82 The *Imprisoned Debtors Discharge Society's Act 1856*<sup>107</sup> was passed because changes in the law meant that there were fewer calls for relief being made to the Society. Accordingly the 1856 Act authorised the Society to apply any or all of its surplus income to such other charities as the Society thought fit. However, the effect of this change was short-lived. The abolition of imprisonment for debt brought about by the Debtors Act 1869 appears to have prompted the demise of the Society: there is no evidence to indicate that it continued thereafter. As a result the 1856 Act is now long spent and is ripe for repeal.

### **Mason's Orphanage**

- 1.83 Josiah Mason (1795 to 1881) was a Birmingham manufacturer of steel pens and other metal goods. His charitable gifts made in 1868 led to the foundation of almshouses and an orphanage<sup>108</sup> in the Birmingham area. He was knighted in 1872 for his charitable donations. The foundation is today run by three charities including the Sir Josiah Mason's Almshouse Charity<sup>109</sup> which provides sheltered accommodation for the elderly in Birmingham and Solihull.

<sup>104</sup> The repeal of the 1840 Act will not affect the Lord Scudamore Primary School in Hereford because it is not dependent on the 1840 Act for its funding.

<sup>105</sup> The 1869 Act, s 4. Imprisonment for debt remained for certain types of debt including non-payment of sums recoverable before a justice of the peace.

<sup>106</sup> Of the 800 prisoners held in the Compter gaol in Surrey from April 1820 to April 1821, almost half were jailed for debts of 20 shillings or less.

<sup>107</sup> 19 & 20 Vict. c.cxxxiii.

<sup>108</sup> The orphanage was opened in 1869 in Erdington, near Birmingham. It was demolished in 1964.

<sup>109</sup> The other two charities are the Sir Josiah Mason's Relief in Need and Educational Charity and the Sir Josiah Mason Care Charity. All three charities share the same trustees.



- 1.84 The sole purpose of the *Mason's Orphanage Act 1897*<sup>110</sup> was to validate a number of property transactions (sales, leases and conveyances) that the trustees of the Sir Josiah Mason's Almshouse and Orphanage had made without the prior approval of the Charity Commissioners in accordance with charity law. The effect of this failure to obtain such approval was to render all the property transactions void. Accordingly the 1897 Act provided that every such property transaction (and every payment made and act done on the strength of those transactions) was to be retrospectively validated. The 1897 Act took effect when it came into force on 3 June 1897. Having taken effect it then became spent. It is now proposed for repeal on that basis. The repeal will have no effect on the previous working of the 1897 Act.<sup>111</sup>

### **Infant Orphan Asylum**

- 1.85 The purpose of the *Infant Orphan Asylum Act 1899*<sup>112</sup> was to reverse the effect of an unlawful but inadvertent encroachment of waste land in Epping Forest. In 1897 the trustees of the Infant Orphan Asylum at Wanstead started to build a gymnasium on a strip of land adjoining their existing orphans' school. This strip of land had formed part of the wasteland of Epping Forest and was protected from building encroachment by the Epping Forest Act 1878.<sup>113</sup> Section 15 of the 1878 Act provided that any such protected land that was built upon should automatically revert to the Epping Forest conservators. Although the prompt intervention of the conservators resulted in the removal of the offending building, the conservators had no power to reverse the automatic reverter of the strip. Legislation was needed to achieve that result.
- 1.86 The 1899 Act was accordingly passed to re-vest the strip in the Infant Orphan Asylum. The Act became spent once it had taken effect at Royal Assent on 20 June 1899 and may now be repealed.<sup>114</sup>

<sup>110</sup> 60 & 61 Vict. c.xix.

<sup>111</sup> This is because of the general savings provision in the Interpretation Act 1978, whereby where an Act repeals an earlier enactment the repeal does not (unless the contrary intention appears) affect the previous operation of the enactment repealed: the 1978 Act, s 16(1)(b).

<sup>112</sup> 62 & 63 Vict. c.xlix.

<sup>113</sup> 41 & 42 Vict. c.ccxiii.

<sup>114</sup> The Infant Orphan Asylum was renamed "the Royal Wanstead School" in 1939. The charity is today known as the Royal Wanstead Children's Foundation. The school itself was closed in 1971 and the land was sold. Today it is occupied by Snaresbrook Crown Court.

### **Alton Military Hospital**

- 1.87 The Alton Military Hospital<sup>115</sup> was used by the Government in the early years of the 20<sup>th</sup> century “as a military hospital or convalescent home for the reception of officers, non-commissioned officers and men of His Majesty’s land forces”.<sup>116</sup> However the hospital was little used and by 1907 the Government decided to sell the property to trustees including Sir William Treloar<sup>117</sup> for use as a hospital and college. Sir William duly established the Lord Mayor Treloar Cripples’ Hospital and College at the Alton hospital premises in 1908. In 1948 the Treloar Hospital was absorbed by the National Health Service but it eventually closed in 1994. Part of the site is still used for NHS hospital purposes (the Alton Community Hospital was opened in 1992) but the remainder of the site has been re-developed for housing.
- 1.88 An Act of Parliament was required to facilitate the sale of the hospital to Sir William Treloar because of trusts affecting the original purchase of the land by the Government. Accordingly the *Alton Military Hospital Act 1907* authorised the sale of the land free from the trusts and empowered the Charity Commissioners to establish schemes in respect of the hospital and college. The provisions of the 1907 Act became spent once the Government had transferred its interest in the hospital land pursuant to that Act. The 1907 Act has therefore been obsolete for many years and may now be repealed on that basis.

### **Charity of Sir Richard Whittington**

- 1.89 The charity of Sir Richard Whittington was founded in 1424 under the will of Richard Whittington (1354-1423)<sup>118</sup> who was Mayor of London four times and Master of the Mercers’ Company<sup>119</sup> three times. He entrusted to the Company the care of his almshouses, known as Whittington College. The charity rebuilt these almshouses in 1966 in East Grinstead (having moved them from their original site in Highgate). Today the Whittington College almshouses provide 60 homes for elderly ladies and for some married couples.

<sup>115</sup> The hospital was otherwise known as the Princess Louise Hospital (having been officially opened by Princess Louise in 1903).

<sup>116</sup> Alton Military Hospital Act 1907 (7 Edw.7 c.xc), preamble.

<sup>117</sup> Sir William Treloar was the Lord Mayor of the City of London in 1907. He set up a fund to help London’s crippled children.

<sup>118</sup> Otherwise known as ‘Dick’ Whittington.

<sup>119</sup> A mercer was a merchant or trader, usually dealing in textiles and fabrics. The Mercers’ Company is an ancient Livery Company of the City of London. It was incorporated by Royal Charter in 1394. The Company comprises the Wardens and Commonalty of the Mystery of Mercers of the City of London. The charitable activities of the Company as trustee of the various charitable trusts under its control include the provision of schools, housing for older people and church patronage.

- 1.90 The scheme confirmed by the *Whittington Charity Scheme Confirmation Act 1909*<sup>120</sup> provided for the management of the charity's property and provided for the almshouses to be occupied by poor single women or widows over 55 of good character and limited means. Provision was also made for the payment of pensions to these almspeople and to other people in need. In April 2001 the charity merged with another charity<sup>121</sup> in accordance with a Charity Commission scheme dated 4 April 2001. This 2001 scheme, as amended by a scheme dated 16 December 2004, is the scheme that today governs the charity. The 1909 Act scheme has therefore become obsolete and, by extension, the 1909 Act itself. The repeal of the 1909 Act is proposed on that basis.

### **Haberdashers' Company Loan Fund**

- 1.91 The Haberdashers' Company is a City Livery Company incorporated by Royal Charter in 1448.<sup>122</sup> It originated as a fraternity of members engaged in the haberdashery trade<sup>123</sup> in the City of London. Over the centuries, members of the Company and other benefactors have made charitable bequests and gifts to the Company to hold and manage as trustee.<sup>124</sup> Today the Company is the trustee of several major charitable foundations including the Haberdashers' Benevolent Foundation.
- 1.92 The scheme of the Charity Commission confirmed by the *Haberdashers' Company Loan Fund Bearing Interest Scheme Confirmation Act 1912*<sup>125</sup> related to the charity called the Loan Fund Bearing Interest. The endowment of this charity comprised the charitable gifts made by certain named individuals.<sup>126</sup> The 1912 Act scheme provided, amongst other matters, that these endowments should be made available, free of any trust, for the Company's freemen. In return the Company would make available £960 of consolidated stock, the income from which would be used to pay annuities to beneficiaries specified in the 1912 Act scheme.
- 1.93 The 1912 Act scheme has now been superseded by later Charity Commission schemes. In 1978 the charity became consolidated into the Haberdashers' Eleemosynary Charity in accordance with a scheme dated 17 May 1978. This latter charity was in turn consolidated into the Haberdashers' Benevolent Foundation in 2002 in accordance with a scheme dated 19 June 2002. Accordingly both the 1912 Act and the scheme that it confirmed are now unnecessary.

<sup>120</sup> 9 Edw.7 c.cxlviii.

<sup>121</sup> The Lady Mico's Almshouse Charity.

<sup>122</sup> The Company's full name is The Master and Four Wardens of the Fraternity of the Art or Mystery of Haberdashers in the City of London

<sup>123</sup> The haberdashery trade involves the manufacture of articles of clothing.

<sup>124</sup> These gifts have resulted in the foundation of several schools and other institutions in England and Wales.

<sup>125</sup> 2 & 3 Geo.5 c.clxxiii.

<sup>126</sup> John Hutchinson, John Whyte, Thomas Bowcher, Richard Gourney, William Bower, Dame Mary Ramsay, Mary Monox, Giles Crowche, Catherine Hall, John Howes (otherwise Hewes) and Clement Kelke.

### **Bournemouth Hospitals**

- 1.94 The Charity Commission scheme confirmed by the *Bournemouth Hospital Scheme Confirmation Act 1913*<sup>127</sup> provided for the joint administration of two hospital charities in the Bournemouth area. Under this scheme the two hospitals, the Royal Victoria<sup>128</sup> and the Royal Boscombe and West Hants,<sup>129</sup> were to be managed under the title of the Royal Victorian and West Hants Hospitals Bournemouth. The object of the charities was the provision and maintenance of a hospital or hospitals for the accommodation and relief of the sick and poor resident in Bournemouth and the surrounding districts. The scheme provided for the appointment of trustees (in whom the assets of the charities were vested) and for the appointment of governors to run the hospitals.
- 1.95 The arrangements set up by the scheme became unnecessary when these hospitals became absorbed by the National Health Service in 1948.<sup>130</sup> Moreover both hospitals have since closed. The Royal Victoria Hospital was converted to luxury apartments in or around 2002 and the Royal Boscombe and West Hants Hospital was demolished in 1992 to make way for new housing. Accordingly both the 1913 Act and the scheme that it confirmed are now unnecessary.

### **Lucas's Hospital**

- 1.96 The Reverend Henry Lucas (1610-1663) was MP for Cambridge University in the 1640s. By his will dated 11 June 1663 he left a legacy of about £7000 for the erection and endowment of a hospital<sup>131</sup> or almshouse for the relief of poor elderly men and for employing a chaplain as Master of the hospital. The men were to be chosen from the poorest inhabitants of the Forest Division of Berkshire and surrounding areas. The original hospital was built in Wokingham, Berkshire in 1666.<sup>132</sup> In 1675 the Drapers Company of the City of London took over the trusteeship of the hospital charity. The hospital building gradually became unsuited to its primary function as an almshouse, and in 1999 it was sold to provide a more suitable site. Pursuant to a Charity Commission scheme made in July 2002, the charity was merged with the Whiteley Homes Trust. In 2003 sixteen double cottages (known as the Henry Lucas Cottages) were built in Whiteley Village near Walton-on-Thames in Surrey to provide accommodation for 32 persons of limited means in accordance with the spirit of Henry Lucas' original endowment.

<sup>127</sup> 3 & 4 Geo.5 c.clxxv.

<sup>128</sup> The Royal Victoria Hospital opened in 1890 and was situated in Poole Road, Bournemouth.

<sup>129</sup> The Royal Boscombe and West Hants Hospital opened in 1876 as the Boscombe Provident Dispensary and was situated in Shelley Road and Ashley Road, Boscombe.

<sup>130</sup> By virtue of the National Health Service Act 1946, s 6 and the National Health Service (Appointed Day) Order 1948 (SI 1948 No 112) all voluntary hospitals (including the 1913 scheme hospitals) and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

<sup>131</sup> The word 'hospital' is used in the ancient sense of meaning a charitable institution for the housing and maintenance of the needy, aged or infirm.

<sup>132</sup> Letters patent dated 18 January 1667 regulated the operation of the hospital and constituted the Corporation of the Master and Brethren of the Hospital of Wokingham.

- 1.97 The *Lucas's Hospital Charity Scheme Confirmation Act 1923*<sup>133</sup> was passed to confirm a Charity Commission scheme to amend the constitution of the charity and extend the trustees' powers. The provisions of the scheme became obsolete when a new scheme was made by the Charity Commission on 29 July 2002. The 2002 scheme provided for the amalgamation of the charity with the Whiteley Homes Trust. The assets of the charity, including the hospital, were transferred to the Whiteley Homes Trust. The charity was removed from the Register of Charities on 15 October 2002. Once the scheme ceased to have effect in 2002, the 1923 Act itself became obsolete. Its repeal is proposed on that basis.

### **French Protestant Episcopal Church of the Savoy**

- 1.98 According to its long title, the purpose of the *French Protestant Episcopal Church of the Savoy Act 1925*<sup>134</sup> was "to authorise the closing of the church of the French Protestant Episcopal Church of the Savoy situate in Shaftesbury Avenue in the metropolitan borough of Holborn and the sale of the building and site thereof and to provide for the application of the proceeds of sale and for other purposes."
- 1.99 The French Protestant Episcopal Church of the Savoy had its origins in a congregation of Huguenot refugees who were permitted by Charles II, in or around 1661, to occupy part of the Hospital of the Savoy<sup>135</sup> for the purpose of public worship in the French language.<sup>136</sup> Subsequently the Church acquired premises in Shaftesbury Avenue in central London. By 1925, however, the congregation had dwindled, and the decision was taken to sell these premises and to use the sale proceeds to benefit the charitable purposes of the Church in other ways. Accordingly the 1925 Act provided for the sale of the Church and its site and the investment of the sale proceeds. The investment income was to be distributed to specified French Protestant objects.
- 1.100 These arrangements have now been superseded by a scheme of the Charity Commission sealed in July 1964 and brought into effect in 1965 by the Charities (French Protestant Episcopal Church of the Savoy Charity) Order 1965.<sup>137</sup> The 1965 Order provided that the 1925 Act should cease to have effect in relation to the Church. Instead the Church should be administered and managed in accordance with the scheme contained in the 1965 Order. Upon the coming into effect of the 1965 Order, the 1925 Act became obsolete and its repeal is proposed on that basis.

<sup>133</sup> 13 & 14 Geo.5 c.lvi.

<sup>134</sup> 15 & 16 Geo.5 c.xlvi.

<sup>135</sup> The Hospital of the Savoy was founded by Henry VII for the poor and needy. It opened in 1512. The Chapel is the only part of the hospital still standing and is used today for Anglican worship.

<sup>136</sup> This was on condition that the Church used the Book of Common Prayer and submitted to the jurisdiction of the Bishop of London.

<sup>137</sup> SI 1965 No 192.

### **Passmore Edwards (Tilbury) Cottage Hospital**

- 1.101 The Passmore Edwards Cottage Hospital<sup>138</sup> was constructed opposite the gates of Tilbury Docks in Essex and was opened in June 1896. It could accommodate 15 in-patients and was designed initially to cope with accidents arising in the Tilbury Docks. As the Docks expanded a larger hospital with more modern equipment was felt to be necessary, and the Seamen's Hospital Society agreed to take over the running of the hospital with effect from January 1924. The hospital was thereupon renamed "the Tilbury Hospital". This change of management necessitated the making of a Charity Commission scheme which was confirmed by the *Passmore Edwards (Tilbury) Cottage Hospital Charity Scheme Confirmation Act 1926*.<sup>139</sup> The scheme confirmed by the 1926 Act provided that the hospital and its endowments should be administered by the Seamen's Hospital Society.
- 1.102 This arrangement ended in 1948 when control of the hospital passed from the Seamen's Hospital Society to the National Health Service.<sup>140</sup> The 1926 Act and scheme thereupon became unnecessary.

### **Feltwell Fuel Allotment Charity**

- 1.103 According to its long title, the purpose of the *Feltwell Fuel Allotment Charity Scheme Confirmation Act 1927*<sup>141</sup> was "to confirm a Scheme of the Charity Commissioners for the application or management of the Charity known as the Fuel Allotment in the Ancient Parishes of Feltwell St Mary and Feltwell St Nicholas in the County of Norfolk". This fuel allotment charity originated with an inclosure award dated 8 September 1815 which was made pursuant to an Act of 1813.<sup>142</sup> The scheme confirmed by the 1927 Act empowered the charity's trustees to sell parts of the land known as the West Common in Feltwell and use the yearly income from the sale proceeds, after payment of debts and expenses, for the purchase of fuel for distribution among the poor inhabitants of Feltwell St Mary and Feltwell St Nicholas.

<sup>138</sup> John Passmore Edwards (1823-1911) was a journalist and philanthropist who funded many hospitals, schools, libraries and other public buildings.

<sup>139</sup> 16 & 17 Geo.5 c.xxiii.

<sup>140</sup> By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948 No 112) all voluntary hospitals (including the Passmore Edwards Cottage Hospital at Tilbury) and all hospitals belonging to local authorities were, with certain exceptions, transferred to and vested in the Minister of Health on 5 July 1948. In 1950 the hospital became the Tilbury branch of the Tilbury and Riverside General Hospital (combining Tilbury and Orsett Hospitals), and was used primarily as a general training school for nurses. The hospital was closed in 1969 and the premises were subsequently demolished.

<sup>141</sup> 17 & 18 Geo.5 c.xxxii.

<sup>142</sup> 53 Geo.3 c.cxliv (Feltwell Inclosure).

- 1.104 The charity still exists. Known simply as Fuel Allotment, the charity today pays an annual Christmas grant to elderly residents in the village of Feltwell in Norfolk. The charity's current constitution is contained in Charity Commission schemes of 5 November 1943 and 25 April 1968.<sup>143</sup> Accordingly the scheme confirmed by the 1927 Act no longer operates and has become obsolete along with the 1927 Act itself. The repeal of the 1927 Act is proposed on that basis.

### **Richmond Parish Lands Charity**

- 1.105 The Richmond Parish Lands Charity originated with an Act of 1785<sup>144</sup> whereby George III and Queen Charlotte made a gift of common land next to Richmond Park in Surrey to the Vestry of Richmond Parish. The land was to be used for the construction of a workhouse, the surplus land to be used for the benefit of the poor.
- 1.106 The scheme confirmed by the *Richmond Parish Charity Lands Scheme Confirmation Act 1928*<sup>145</sup> provided for the charity and its endowments to be administered and managed by the mayor, aldermen and burgesses of the borough of Richmond. In other words, the borough council succeeded the parish vestry as trustees of the charity. In 1968, however, the charity was re-constituted independently of the borough council. The charity's current constitution is contained in a Charity Commission scheme of 13 May 1991 (as amended in December 2007). This establishes the charity's objects which include the relief of the aged and impoverished inhabitants of the London Borough of Richmond-upon-Thames. The charity carries out its work by grant-giving and social housing. Accordingly the scheme confirmed by the 1928 Act no longer operates and has become obsolete along with the 1928 Act itself.

### **Goldsmiths' Charities**

- 1.107 The Goldsmiths' Company is one of the leading livery companies of the City of London and has its origins in the medieval trade guilds. It is responsible for testing the quality of gold, silver and platinum articles. Many charities have derived from the company over the centuries. The company has been prominent in funding educational institutions. Indeed Goldsmiths' College, University of London was originally established by the company in 1891 to provide educational opportunities for the people of New Cross.<sup>146</sup>

<sup>143</sup> This constitution provides for the annual income of the charity to be applied in providing fuel, money or gifts in kind for poor persons resident in Feltwell St Mary and Feltwell St Nicholas.

<sup>144</sup> 25 Geo.3 c.41 (Richmond: poor relief, etc). This Act was partly repealed by the Ministry of Health Provisional Order Confirmation (Richmond (Surrey)) Act 1928 (18 & 19 Geo.5 c.lxiv).

<sup>145</sup> 18 & 19 Geo.5 c.xv.

<sup>146</sup> It was established as the Company's Technical and Recreative Institute before being re-established by the University as Goldsmiths' College in 1904.

- 1.108 The scheme confirmed by the *Goldsmiths' Consolidated Charities Scheme Confirmation Act 1932*<sup>147</sup> authorised the trustees of the Goldsmiths' Consolidated Charities (under the management of the Goldsmiths' Company of the City of London) to make a grant of £50,000 to the University of London out of the capital endowment of the charities, such grant to be applied towards the cost of building and equipping a library for the University.<sup>148</sup> The purpose of the gift was to house the Foxwell collection of economic literature that had been purchased by the company and given to the University in 1903.<sup>149</sup> The grant authorised by the scheme was duly made. The scheme thereupon became unnecessary along with the 1932 Act. The repeal of the 1932 Act is proposed on that basis.

### **Ford Street Charity**

- 1.109 The Ford Street Charity originated with a 1763 Act<sup>150</sup> whereby John Duke of Bedford provided funds for the maintenance of almshouses in Ford Street in Tavistock, Devon. Today the charity, now known as the Ford Street and Maynard Almshouse Charity, continues to maintain accommodation in Ford Street for poor persons of good character in the parishes of Tavistock and Gulworthy.
- 1.110 The scheme confirmed by the *Ford Street Charity Scheme Confirmation Act 1932*<sup>151</sup> superseded an earlier scheme made by the Charity Commissioners in 1900. The 1932 Act scheme made provision for the administration of the charity including provision as to the trustees, the application of income and the use of the almshouses. The 1932 Act scheme has, however, been superseded by a later scheme sealed by the Charity Commissioners on 22 March 1983. This 1983 scheme (as amended by a scheme sealed on 1 September 1997) re-constituted the Ford Street charity and merged it with other charities including the Maynard Almshouse charity. Accordingly the 1932 Act scheme no longer operates and has become obsolete along with the 1932 Act itself. The repeal of the 1932 Act is proposed on that basis

<sup>147</sup> 22 & 23 Geo.5 c.xvii.

<sup>148</sup> The £50,000 was to be raised by the sale of investments of the charities as directed by the Charity Commissioners.

<sup>149</sup> In 1937 the Goldsmiths' Library of Economic Literature was housed in a purpose-built room in the Senate House. It remains there to this day.

<sup>150</sup> 3 Geo.3 c.27 (John Duke of Bedford's Estate in Tavistock, Devon).

<sup>151</sup> 22 & 23 Geo.5 c.xviii.



### **Jesus Hospital, Chipping Barnet**

- 1.111 The Jesus Hospital in Chipping Barnet charity was founded in 1679 by James and Mary Ravenscroft. It exists for the purposes of managing the charity's almshouses in the Barnet area (Hertfordshire) thereby providing accommodation for persons in housing and financial need. The scheme confirmed by the *Jesus Hospital (Chipping Barnet) Scheme Charity Confirmation Act 1933*<sup>152</sup> authorised the charity's Visitors to buy "the Tudor Hall of the Grammar School of Queen Elizabeth at Chipping Barnet"<sup>153</sup> for the use of the Visitors for their meetings, to provide an office for their clerk and for other purposes in connection with the charity's work. The scheme authorised a purchase price for the hall of £1750.
- 1.112 The charity, however, no longer owns Tudor Hall. It was sold to Hertfordshire County Council for educational purposes in 1958. Today Tudor Hall forms part of Barnet College. Accordingly the 1933 Act scheme no longer operates and has become obsolete along with the 1933 Act itself.

### **Cancer (Royal Marsden) Hospital**

- 1.113 Founded as the Free Cancer Hospital in 1851<sup>154</sup> by Dr William Marsden, the Royal Marsden Hospital was the first hospital in the world dedicated to the study and treatment of cancer. The hospital outgrew its original premises at Cannon Row, Westminster and moved in 1930 to its present site in the Fulham Road in south-west London.<sup>155</sup> The hospital became part of the National Health Service in 1948 and became a post-graduate teaching hospital. In 2004 the hospital became one of the first NHS Foundation Trusts, a status that provided the hospital with greater financial freedom.
- 1.114 The principal purpose of the *Cancer Hospital (Free) Act 1933*<sup>156</sup> was to authorise the hospital to maintain separate areas for patients who were able and willing to pay fees for their medical treatment (whilst being unable to afford the cost of a private nursing home). The 1933 Act also authorised the hospital to charge these patients such fees as were specified by the Charity Commissioners. The 1933 Act became unnecessary as a result of the Voluntary Hospitals (Paying Patients) Act 1936<sup>157</sup> which authorised voluntary hospitals (such as the Royal Marsden) to provide accommodation and treatment for paying patients. Today the hospital has the powers given to Foundation Trusts by the National Health Service Act 2006,<sup>158</sup> including powers to provide private health care for paying patients.

<sup>152</sup> 23 & 24 Geo.5 c.xiv.

<sup>153</sup> The 1933 Act, Sch, art 1. Tudor Hall was built in 1573 for the purposes of the grammar school in Chipping Barnet.

<sup>154</sup> The hospital was incorporated by Royal Charter in 1910 and became known as The Cancer Hospital (Free). The Hospital was renamed "The Royal Marsden Hospital" in 1954.

<sup>155</sup> A second hospital was opened in Sutton (south London) in 1962.

<sup>156</sup> 23 & 24 Geo.5 c.xxxvi.

<sup>157</sup> 26 Geo.5 & 1 Edw.8 c.17.

<sup>158</sup> The 2006 Act (c.41), Pt 2, Ch 5 (NHS Foundation Trusts).

### **Samaritan Free Hospital for Women**

- 1.115 The Samaritan Hospital for Women was founded in January 1847<sup>159</sup> “for the reception of poor women afflicted with diseases incidental to their sex and to afford without letters of recommendation medical and surgical attendance to sick women and children.”<sup>160</sup> The hospital moved to the Marylebone Road in central London in 1890.
- 1.116 The principal purpose of the *Samaritan Free Hospital for Women Act 1933*<sup>161</sup> was to authorise the hospital to maintain separate wards for patients who were able and willing to pay fees for their medical treatment. The 1933 Act also authorised the hospital to charge such patients such fees as were specified by the Charity Commissioners. The 1933 Act became unnecessary as a result of the Voluntary Hospitals (Paying Patients) Act 1936<sup>162</sup> which authorised voluntary hospitals (such as the Samaritan Hospital) to provide accommodation and treatment for paying patients. The hospital became absorbed by the National Health Service in 1948 and closed in 1997 when its functions were taken over by St Mary’s Hospital, Paddington. Accordingly the 1933 Act is now obsolete.

### **Prince of Wales’s Hospital, Plymouth**

- 1.117 The purpose of the *Prince of Wales’s Hospital Plymouth Act 1934*<sup>163</sup> was to amalgamate three Plymouth hospitals (the South Devon and East Cornwall, the Royal Albert and the Central) and to establish a corporation of the amalgamated hospitals, to be known as the Prince of Wales’s Hospital Plymouth.
- 1.118 The arrangements set up by the 1934 Act became unnecessary when the three hospitals became absorbed by the National Health Service in 1948.<sup>164</sup> Moreover each of the three hospitals amalgamated by the 1934 Act has since closed. The Central Hospital (later known as the Homeopathic Hospital or the Lockyer Street Hospital) closed in 1977. The Royal Albert Hospital became the Devonport section of the Plymouth General Hospital in 1963 and closed in 1981 when the new Derriford Hospital opened. The South Devon and East Cornwall Hospital (which later became known as the Greenbank Hospital) closed during the 1990s. Accordingly the 1934 Act is now obsolete and may be repealed.

<sup>159</sup> Originally known as the Gynepathic Institute Free Hospital, the hospital was established in Gray Street, Manchester Square in London.

<sup>160</sup> Samaritan Free Hospital for Women Act 1933 (23 & 24 Geo.5 c.xc), preamble.

<sup>161</sup> 23 & 24 Geo.5 c.xc.

<sup>162</sup> 26 Geo.5 & 1 Edw.8 c.17.

<sup>163</sup> 24 & 25 Geo.5 c.lii.

<sup>164</sup> By virtue of the National Health Service Act 1946, s 6 and the National Health Service Act (Appointed Day) Order 1948 (SI 1948 No 112) all voluntary hospital and all hospitals belonging to local authorities were (with certain exceptions) transferred to and vested in the Minister of Health on 5 July 1948.

### **Buckingham's Charity (Dunstable)**

- 1.119 Arthur Frederick Buckingham (1860 to 1917) was a Dunstable grocer who left £4,000 in his will to fund a cottage hospital in Dunstable for the poor and needy of Dunstable and district.<sup>165</sup> In the event it proved expedient to use the money to build a new general hospital, rather than a cottage hospital. The new hospital was named "The Luton and Dunstable Hospital" and was opened by Queen Mary in February 1939. The hospital became part of the National Health Service in 1948.
- 1.120 The scheme confirmed by the *Buckingham's Charity (Dunstable) Scheme Confirmation Act 1936*<sup>166</sup> authorised the trustees of Mr Buckingham's charity to apply the charity funds to the building of the new general hospital. The 1936 Act also authorised other funds to be applied towards the upkeep of that hospital.
- 1.121 The 1936 Act scheme has long ceased to operate. The provisions of the scheme authorising the application of funds towards the building of the general hospital ceased to have effect upon the completion of that hospital in 1939. The remaining provision of the scheme relating to the upkeep of the new hospital has also ceased to have effect.<sup>167</sup> The fact that the 1936 Act scheme has ceased to exist means that the 1936 Act itself now serves no useful purpose. Its repeal is proposed on that basis.

### **Reading Almshouse and Municipal Charities**

- 1.122 The scheme confirmed by the *Reading Almshouse and Municipal Charities Scheme Confirmation Act 1958*<sup>168</sup> provided for the management and administration of seven charities (or groups of charities) operating in the Reading area.<sup>169</sup>
- 1.123 The 1958 Act scheme has since been superseded by a scheme made by the Charity Commission on 16 January 1998. This latter scheme established a new constitution for all the charities within the 1958 Act scheme as well as a number of other Reading charities. The fact that the 1958 Act scheme has been superseded means that the 1958 Act is now unnecessary and may be repealed.

### **St James's Dwellings Charity**

- 1.124 The purpose of the charity known as "the St James's Dwellings in the Ancient Parish of St James, in the City of Westminster" was to provide residential accommodation for poor persons living in Westminster.

<sup>165</sup> Although it was written on a brown sugar bag, the will was declared valid and probate was granted in May 1918.

<sup>166</sup> 26 Geo.5 & 1 Edw.8 c.lxxvi.

<sup>167</sup> The Charitable Funds Committee of the Luton and Dunstable Hospital has confirmed that it is not aware of any such income.

<sup>168</sup> 6 & 7 Eliz.2 c.x.

<sup>169</sup> The charities were the Consolidated General Almshouse Charities of Reading; the charity of Thomas Barkshire; the charity of Thomas Cooke; the charity of Edward Simeon for the Obelisk in the Market Place; the charity of Martin Hope Sutton; the charity of William Vine; and the Consolidated Church Almshouse Charities of Reading.

1.125 The scheme confirmed by the *St James's Dwellings Charity Scheme Confirmation Act 1958*<sup>170</sup> replaced earlier schemes<sup>171</sup> and provided for the charity to be administered and managed by the Mayor, Aldermen and Councillors of the City of Westminster. The scheme authorised the purchase of a site to provide accommodation for poor persons of good character residing in the City of Westminster. The 1958 Act scheme was however superseded by a new scheme made by the Charity Commission on 5 November 1962. This provided the charity with a new constitution, thereby making the 1958 Act scheme and the 1958 Act obsolete.<sup>172</sup> The 1958 Act may accordingly now be repealed.

<sup>170</sup> 6 & 7 Eliz.2 c.xii.

<sup>171</sup> A High Court scheme dated 3 August 1885 as amended by the City of Westminster (St James) Scheme 1901 and a Charity Commission scheme dated 4 November 1932.

<sup>172</sup> Further Charity Commission schemes were made for the charity on 16 September 1985 and 7 April 1989. The charity merged with the Westminster Amalgamated Charity when its assets were transferred to that charity in 1994. The charity thereupon ceased to exist as a separate entity and was removed from the Register of Charities on 16 May 1994.

# PART 2

## CIVIL AND CRIMINAL JUSTICE

### INTRODUCTION

- 2.1 The repeals proposed in this part of the report are of statutory provisions relating to civil and criminal justice. The statutes reviewed span some 700 years of law-making from 1267 through to 1988. They cover a variety of areas including criminal process, distress, extradition, forgery, fraud, the police and the sale of public offices. The individuals and organisations consulted about these proposals are set out in *Appendix 3*.<sup>1</sup>
- 2.2 At the end of this part we depart from tradition by indicating the reasons for our not recommending repeal of certain statutory provisions - in this instance, relating to binding over.

### GROUP 1 - CRIMINAL PROCESS

#### **Criminal Law (Scotland) Act 1830**

- 2.3 The Bail in Criminal Cases (Scotland) Act 1724<sup>2</sup> set minimum periods within which capital punishments (following criminal conviction) should not be carried out in different parts of Scotland.
- 2.4 During the 1820s insurrection and lawlessness in the country, following on from the Scottish Insurrection (or Radical War) of 1820 and fuelled by a post-Napoleonic Wars economic depression, made it necessary to disarm various individuals and to secure “peace and quiet” in the region. The solution was to adjust the 1724 Act provisions. The *Criminal Law (Scotland) Act 1830*<sup>3</sup> dealt with a range of criminal procedure issues: the provision of additional circuit courts, service of proceedings and summoning of witnesses, making gaol committal returns and banishment as a punishment. Four sections of the Act remain, of which two are now obsolete.

<sup>1</sup> More detail relating to the repeals recommended in this Part is contained in the Law Commission’s consultation paper *Statute Law Repeals: Civil and Criminal Justice* (SLR 03/10), published July 2010 and available on the Law Commission’s website.

<sup>2</sup> 11 Geo.1 c.26 (1724), repealed in 1892.

<sup>3</sup> 11 Geo.4 & 1 Will.4 c.37 (1830).

- 2.5 Section 2 abridged the minimum times for capital execution, down from 30 days to 15 for sentences pronounced in Edinburgh and south of the Firth, and from 40 days to 20 for sentences north of the Firth. Section 6 dealt with the transmission of prisoners under warrant to gaol or to court, and authorised officers of the law to effect conveyance through adjoining counties. Each of these sections has now been superseded. The death penalty in Great Britain was abolished in 1965 and the position was reinforced across the United Kingdom by the Human Rights Act 1998.<sup>4</sup> The courts and prisons services operate on a national rather than a local basis, so county boundaries cease to be an operational issue.<sup>5</sup>
- 2.6 The 1830 Act may extend to the UK as a whole, notwithstanding its short title description.

## **GROUP 2 - DISTRESS**

### **Statutes of the Exchequer (around 1322)**

- 2.7 In 1267 King Henry III presided over a realm which was beset with “manifold troubles and dissensions”.<sup>6</sup> One of the problems to be resolved was the need for more speedy justice so that all layers of society could obtain proper redress for their grievances.
- 2.8 As originally enacted the *Statute of Marlborough 1267*<sup>7</sup> comprised some 29 chapters (and a preamble) covering a range of issues from the taking of distress without lawful authority to confirmation of royal charters: the Great Charter (Magna Carta) of 1215<sup>8</sup> and the Charter of the Forests of 1225.<sup>9</sup> Today, only four chapters survive: chapters 1, 4 and 15 on distress, and chapter 23 on waste.

<sup>4</sup> 1998 (c.42), as amended by the Human Rights Act 1998 (Amendment) Order 2004 (SI 2004 No.1574). Abolition for the crimes of treason and piracy was effected by section 36 of the Crime and Disorder Act 1998 (c.37).

<sup>5</sup> Sections 7 and 13 of the 1830 Act are also live and need to remain so. Section 7 dealt with the “citation” (or summoning) of jurors and witnesses for trial. Although the opening words were repealed in 1891, the section was later amended by the Criminal Procedure (Scotland) Act 1975 (c.21), s 461 and Sch 9 para 5 so that an officer of the law could summons a juror or witness in a civil proceeding only. Although the 1975 Act was later repealed by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), the amendment relating to civil proceedings was saved and is still required. Section 13 likewise needs to remain in being. It extended the civil immunity of “all inferior judges and magistrates” when “apprehending any party, or [when acting] in regard to any criminal cause or proceeding, or to any prosecution for a criminal penalty”.

<sup>6</sup> See preamble to the Statute of Marlborough 1267 (52 Hen.3).

<sup>7</sup> 52 Hen.3 (1267), above.

<sup>8</sup> Magna Carta was later re-enacted as 25 Edw.1 cc.1-37 (1297).

<sup>9</sup> 9 Hen.3 (1225).

- 2.9 In our consultation paper we indicated that, notwithstanding the enactment by parliament of the Tribunals, Courts and Enforcement Act 2007,<sup>10</sup> the breadth of the 2007 Act is insufficient to render chapter 1 of the *Statute of Marlborough* unnecessary. The 2007 Act, in Part 3, provides a new code for the recovery of debt in place of an individual's right to distrain on a debtor's goods (and abolishes the old common law rules relating to *replevin* and distraint for rent arrears). However, chapter 1 of the *Statute* criminalised the taking of "revenges" or the levying of distress without first obtaining a court order. By contrast the 2007 Act criminalises only the procedural aspects (acting as an enforcement agent without authority) rather than the substantive behaviour of the actor (the taking of distress unlawfully). On that basis we considered that chapter 1 was not spent.<sup>11</sup>
- 2.10 We did, however, consider that chapters 4 and 15 on distress were in the course of being overtaken by events. Chapter 4 prohibited the taking of distrained goods or belongings out of the debtor's home county, particularly where the removal was carried out by a landlord against his tenant. The chapter provided that distresses in general were to be reasonable in nature. We took the view that a combination of justice today being administered on a national rather than a localised basis, and the new regime in the 2007 Act, would deliver sufficient protection. However, at the time of publication of our consultation paper the provisions of the 2007 Act had not been brought into force. That remains the position. The Ministry of Justice has not been able to provide an assurance that the necessary commencement orders will be in place by the time the present Statute Law (Repeals) Bill receives royal assent.<sup>12</sup>
- 2.11 The same problem occurs in the context of chapter 15. The *Statute* made it unlawful for anyone to distrain on the public highway. Under the 2007 Act an authorised enforcement agent may secure a debtor's goods found on a highway and, using reasonable force sanctioned by court warrant, take control of the goods. But, until the 2007 Act provisions are brought into force, the existing prohibition is not duplicated and the *Statute* is not superseded. The issue of distress could usefully be revisited when the next Statute Law (Repeals) Bill is prepared for parliament.

<sup>10</sup> 2007 (c.15).

<sup>11</sup> The Court of Appeal drew attention to the fact that chapter 1 was still live law in *Imerman v Tchenguiz* [2011] Fam 116 (CA) at para 117 *per* Lord Neuberger of Abbotsbury, MR, and that it was "illustrative of the law's long-standing aversion to unregulated self-help".

<sup>12</sup> In January 2012 the Ministry of Justice (MoJ) announced proposals for a new legally-binding regulatory regime for bailiffs, which proposals were to be the subject of public consultation. The MoJ consultation paper CP 5/2012 was published on 17 February 2012.

- 2.12 Chapter 23 of the *Statute* dealt with the notion of waste. It made it illegal for “fermors” deliberately to “make waste, sale, or exile” (without written permission) of any house, woods, men or any other thing belonging to tenements demised to them. In our consultation paper we took the view that chapter 23 created criminal sanctions and that it had been left to the common law to develop the tort of waste - which today embraces both commissive (or deliberate) waste and permissive (or passive) waste - as a civil remedy. We indicated that repeal of chapter 23 would not adversely affect the common law position, and that retention of criminal sanctions was no longer necessary. Moreover, the mischief at which the *Statute* was aimed is ordinarily countered in modern times by specific safeguards in commercial leases which are enforceable as contract law.<sup>13</sup>
- 2.13 Although bodies such as the Chancery Bar Association and the Conveyancing and Land Law Committee of The Law Society accepted our view that repeal of chapter 23 could safely go ahead, two individual respondents asserted strongly to us that the tort of waste would be undermined by repeal, leaving an inadequate (or no) remedy in its place. They argued that waste was a common law right of action conceived before the *Statute of Marlborough*, and that the *Statute* was designed simply to extend the range of liability to include tenants for years. By repealing chapter 23 the tort of waste would be abolished at worst or weakened at best. Its loss, and therefore reliance simply on contract, would mean that the ability to reach beyond original contracting parties (for example, to a not-too-careful liquidator where a tenant becomes insolvent) would be lost also.
- 2.14 We are minded, on balance, to accept that there is room for argument on chapter 23. Our purpose in statute law repeals is to recommend for repeal only statutes which are obviously obsolete or spent. That is not the case here.
- 2.15 The only specialist area in which we can recommend repeal relates to a small aspect of the *Statutes of the Exchequer*, which are of uncertain date, but which may have been enacted around 1322.<sup>14</sup> The long title applied to the statute by the Ruffhead edition is “What Distress shall be taken for the King’s Debts, and how it shall be used”. In essence, the statutes regulated the taking and impounding of animals, how they were to be fed, cared for and sold, and what livestock was to be exempt. Breach of the regulatory regime was to sound in damages.

<sup>13</sup> Since publication of our consultation paper in July 2010 we have also looked closely at the decision in *Dayani v Bromley LBC (No 1)* [1999] EWHC Technology 186 (HH Judge Havery, QC) where it was said that action on the case in the nature of waste, although owing some of its basis to the *Statute of Marlborough* (particularly so far as life tenants and tenants for years were concerned), was a development of the common law and was not dependent upon the construction or existence of the *Statute*. Moreover, it was the common law rather than statute which decided that permissive as well as commissive waste was actionable.

<sup>14</sup> If this date were correct then the citation could be 15 Edw.2 c.0 (1322). We discuss the possible dating in our published consultation paper. In Ruffhead’s Edition of the statutes the citation is given as 51 Hen.3 Stats. 4 and 5.



- 2.16 All that remains of the *Statutes of the Exchequer* in England and Wales are provisions which were inserted between chapters 13 and 14 (unnumbered, but headed *Districciones de Scaccario*)<sup>15</sup> and, in Northern Ireland, a portion of chapter 12 (dealing with the Exchequer Court).<sup>16</sup>
- 2.17 Because Part 3 of the Tribunals, Courts and Enforcement Act 2007 has not yet been brought into force (creating a new debt recovery regime), and for the reasons outlined above in connection with the *Statute of Marlborough*, we feel it would not be safe for the present to repeal the portion of the *Statutes of the Exchequer* between chapters 13 and 14.
- 2.18 Chapter 12 deals only with the workings of the old Exchequer Court. It provides -

“And the treasurer and barons of the exchequer shall be charged by oath, that they shall not attend to hear the pleas or matters of other men, while they have to do with the King’s business, if it be not a matter that concerneth the King’s own debt”.<sup>17</sup>

The court was established originally to settle tax and revenue disputes between the King and his debtors, but later it acquired an equity jurisdiction which survived until 1841. The Court of Exchequer for England and Wales was formally abolished (after merger into the Supreme Court of Judicature) in 1880. The Court of Exchequer (Ireland) became a division of the High Court of Justice for Ireland in 1877, and then was formally abolished in 1897.

In Northern Ireland the practice of Crown business being given priority in court proceedings is no longer exercised or required. The provisions of chapter 12 of the *Statutes of the Exchequer* are obsolete in the province and can now be repealed.<sup>18</sup>

<sup>15</sup> In Northern Ireland the provisions between chapters 13 and 14 were repealed by the Judgments (Enforcement) Act (Northern Ireland) 1969 (c.30) (NI), s 132 and Sch 6.

<sup>16</sup> In England and Wales chapter 12 was repealed by the Statute Law Revision and Civil Procedure Act 1881 (c.59), s 3 and Sch. The repeals schedule spoke only of “Statutes of uncertain date” (sandwiched between statutes of 12 Edw. 2 and 1 Edw. 3) and did not cite a chapter number.

<sup>17</sup> As enacted the *Statutes of the Exchequer* applied only within England. However, Poyning’s Law 1495 (10 Hen.7 c.22 (Ire)) extended their reach to Ireland, and the Wales and Berwick Act 1746 (20 Geo.2 c.42) extended them to Wales. They never applied within Scotland.

<sup>18</sup> In the draft Bill annexed to this Report we cite the repeal as: Statutes of the Exchequer (statutes of uncertain date), c.12 (Exchequer Court), in line with the format adopted by the Statute Law Revision (Ireland) Act 1872 (c.98) which repealed the bulk of the *Statutes of the Exchequer* for Ireland.

### **GROUP 3 - EXTRADITION**

- 2.19 The Extradition Act 1870<sup>19</sup> created a code for the extradition of persons either accused or convicted of crime in the United Kingdom or (when extended by Order in Council) within certain “British possessions”. The 1870 Act was supplemented by the *Extradition Act 1873*,<sup>20</sup> which extended the list of crimes (scheduled originally to the 1870 Act) for which extradition was available, and included within the ambit of extradition being an accessory to such crimes.
- 2.20 Since enactment of the 1873 Act a series of statutes has amended or updated extradition law, culminating in the Extradition Act 2003.<sup>21</sup> Prior to 2003 the Extradition Act 1989<sup>22</sup> had consolidated various provisions, including the Extradition Acts 1870 to 1932. The net effect of the consolidation and amendments was that the Extradition Act 1870 was repealed in whole (with a saving for Orders in Council made under section 2 ratifying arrangements with foreign states to surrender fugitive offenders), along with the bulk of the *Extradition Act 1873*.<sup>23</sup>
- 2.21 All that remains of the 1873 Act are the short title, the long title (“An Act to amend the Extradition Act 1870”) and the words in section 1 “This Act may be cited as ‘The Extradition Act 1873’”. These provisions are superseded and the whole Act can now be repealed. The 1870 and the 1873 Acts extended originally to the whole of the UK and to the Isle of Man and the Channel Islands.

### **GROUP 4 - FORGERY**

- 2.22 The *Forgery of Foreign Bills Act 1803*<sup>24</sup> was designed to outlaw the growing practice of forging and counterfeiting foreign bills of exchange and promissory notes within the United Kingdom, which had become all the more prevalent because of the ability to engrave the requisite printing plates.

<sup>19</sup> 33 & 34 Vict. c.52 (1870). The 1870 Act repealed previous legislation on extradition, including the Extradition Act 1866 (c.121).

<sup>20</sup> 36 & 37 Vict. c.60 (1873).

<sup>21</sup> 2003 (c.41).

<sup>22</sup> 1989 (c.33).

<sup>23</sup> Much of section 1, together with sections 3, 4, 6, 7 and 8 and the Schedule were repealed by the Extradition Act 1989, s 37(1) and Sch 2. Section 2 was repealed by the Statute Law Revision Act 1950 (c.6), s 1 and Sch 1. And section 5 was repealed by the Criminal Justice (International Co-operation) Act 1990 (c.5), s 31(3) and Sch 5.

<sup>24</sup> 43 Geo.3 c.139 (1803).

- 2.23 Sections 1 and 2 of the 1803 Act (which related to foreign bills of exchange and promissory notes) were repealed for England and Wales from 21 July 1830 by the Forgery Act 1830,<sup>25</sup> a consolidating statute, but remained live in Scotland and Ireland. Subsequently those sections were repealed for Ireland by the Criminal Statutes Repeal Act 1861.<sup>26</sup> Sections 3 to 9 of the 1803 Act (which related, in the main, to coinage), and the Act's preamble, were repealed for the whole of the UK by the Criminal Statutes Repeal Act 1861.<sup>27</sup>
- 2.24 Sections 1 and 2 now remain only for Scotland. They prohibited, amongst other things, forging and counterfeiting any bill of exchange or promissory note or money order belonging to any foreign state (with intent to deceive "his Majesty, his heirs and successors"), tendering such forgeries, engraving plates for bills of exchange and the like without authority, possessing such plates, and printing unlawful instruments. Forgery was deemed a felony, carrying a maximum term of 14 years' transportation; engraving and printing was deemed a misdemeanour, with a first conviction penalty of up to 6 months' imprisonment (and a fine).
- 2.25 Today the 1803 Act provisions are no longer used in Scotland. Instead, offences of forgery, counterfeiting and uttering would be charged under either the Forgery and Counterfeiting Act 1981,<sup>28</sup> ss 14, 15 and 17, or the Criminal Law (Consolidation) (Scotland) Act 1995,<sup>29</sup> s 46A(1), which deals with false monetary instruments.<sup>30</sup> As a consequence, the *Forgery of Foreign Bills Act 1803* has now been superseded and can be repealed as a whole.

## GROUP 5 - FRAUD

### **Criminal Justice (Scotland) Act 1987**

- 2.26 Anti-fraud provisions in the *Criminal Justice (Scotland) Act 1987*,<sup>31</sup> ss 51 to 53 allow the Lord Advocate in Scotland to issue a direction empowering an investigating officer to require a person suspected of serious or complex fraud to attend for questioning and produce documentation. Obstruction, either by failure to comply or by disposal of documents, is made an offence (and search warrants can be obtained). Section 54 of the Act allows the Lord Advocate to disclose information, which ordinarily would be kept secret under the Taxes Management Act 1970,<sup>32</sup> for the purposes of fraud prosecution.

<sup>25</sup> 11 Geo.4 & 1 Will.4 c.66 (1830), s 31. The 1830 Act was repealed piecemeal between 1861 and 1978.

<sup>26</sup> 24 & 25 Vict. c.95 (1861), s 1 and Sch.

<sup>27</sup> Above. To put the matter beyond doubt in Ireland the Irish Parliament repealed the whole of the 1803 Act in its Statute Law Revision Act 2007 (No. 28 of 2007) (Ire).

<sup>28</sup> 1981 (c.45).

<sup>29</sup> 1995 (c.39), as amended by the Crime (International Co-operation) Act 2003 (c.32), s 89, and amplified by the False Monetary Instruments (Scotland) Order 2005 (SSI 2005 No 321).

<sup>30</sup> We are grateful to the Crown Office and Procurator Fiscal Service (Criminal Justice and Disclosure Team) for confirmation of the position in practice in Scotland.

<sup>31</sup> 1987 (c.41) ("the 1987 Scottish Act").

<sup>32</sup> 1970 (c.9).

- 2.27 Sections 51 to 54 were consolidated by the Criminal Law (Consolidation) (Scotland) Act 1995,<sup>33</sup> but neither that Act nor the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995<sup>34</sup> sought to repeal the provisions. Subsequently the Criminal Justice and Licensing (Scotland) Act 2010<sup>35</sup> did repeal each of the provisions, but only in so far as they related to Scotland. As enacted, however, sections 51 to 53 of the 1987 Scottish Act extended not only to Scotland but also to England, Wales and Northern Ireland.<sup>36</sup> In these territories the sections remain unrepealed, even though they were replaced by sections 27 to 29 of the 1995 Consolidation Act. Sections 51 to 53 of the 1987 Scottish Act can now be repealed across the UK.
- 2.28 Section 54 of the 1987 Scottish Act applied only within Scotland. Sub-section (4) provided for the disclosure of otherwise restricted information to (amongst others) “any competent authority”, as listed in sub-section (5). The *Criminal Justice Act 1988*,<sup>37</sup> s 170(1) and Sch 15 para 111 substituted a new paragraph (k) in the sub-section (5) list (relating to persons appointed under the Banking Act 1987).<sup>38</sup> Both section 54 of the 1987 Scottish Act and the amending provision in the 1988 Act (so far as it related to Scotland) were repealed by the Criminal Justice and Licensing (Scotland) Act 2010.<sup>39</sup> No further repeal is required.

### **Criminal Justice Act 1988**

- 2.29 The Serious Fraud Office (SFO) was established by the Criminal Justice Act 1987<sup>40</sup> for England, Wales and Northern Ireland (but not for Scotland).<sup>41</sup> Section 3 of the 1987 Act dealt with disclosure of restricted information, which could be disclosed to “any competent authority”, as listed in sub-section (6). The *Criminal Justice Act 1988*, s 170(1) and Sch 15 para 111 substituted a new paragraph (j) in the sub-section (6) list (relating to persons appointed under the Banking Act 1987).

<sup>33</sup> 1995 (c.39), ss 27 to 30. Sections 27 to 29 extend to England, Wales and Northern Ireland as well as Scotland. Section 30 extends to Scotland only. See hereon section 53(3), (4).

<sup>34</sup> 1995 (c.40).

<sup>35</sup> 2010 (asp 13), s 203 and Sch 7 para 17.

<sup>36</sup> See the 1987 Act, s 72(4). Section 54, by contrast, extended to Scotland only: see section 72(1).

<sup>37</sup> 1988 (c.33).

<sup>38</sup> Section 54(5) was further amended by the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (SI 2001 No 3649), art 228, which replaced paragraphs (e) to (l) with just two paragraphs, and lost paragraph (k) in the process.

<sup>39</sup> 2010 (asp 13), s 203 and Sch 7 paras 17, 18.

<sup>40</sup> 1987 (c.38).

<sup>41</sup> Although certain provisions of the 1987 Act did extend to Scotland, such as powers relating to investigation.

- 2.30 That amendment was superseded by the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001,<sup>42</sup> which replaced paragraphs (e) to (k) in sub-section (6) with just two paragraphs (and in so doing omitted paragraph (j)).<sup>43</sup> As a consequence, the amending provision in Schedule 15 paragraph 111 to the 1988 Act can now be repealed for England, Wales and Northern Ireland. As indicated above, it has already been repealed for Scotland.

### **GROUP 6 - POLICE**

- 2.31 The *Police Act 1969*<sup>44</sup> was enacted to facilitate reciprocal policing arrangements between the Royal Ulster Constabulary (as the Northern Ireland police service was then known) and mainland police forces (termed in the Act “home” police forces) in the wake of violent sectarian clashes in the province, which were a hallmark of the prolonged ‘Troubles’. The need for security reinforcements was high on the political agenda.
- 2.32 Over the years the bulk of the 1969 Act has been repealed. All that remains live are the short and long title and section 2 (but only in Northern Ireland). Section 2 provided that where a police officer from a home force was seconded to serve in the RUC, for the duration of that service they would be deemed a member of the Constabulary, but on return home they would revert to their previous rank (or any higher rank to which they had been promoted).<sup>45</sup>
- 2.33 Section 2 was repealed prospectively by the Police and Magistrates’ Courts Act 1994,<sup>46</sup> via commencement order or orders. Repeals in England, Wales and Scotland took effect on 1 April 1995,<sup>47</sup> but no order appears to have been made for Northern Ireland.
- 2.34 In Northern Ireland today (where the RUC has been replaced by the Police Service of Northern Ireland)<sup>48</sup> mutual aid arrangements are adequately provided for by the Police Act 1996.<sup>49</sup> On that basis section 2 is no longer required within the province, and the whole of the remainder of the 1969 Act can be repealed.

<sup>42</sup> SI 2001 No 3649 (above).

<sup>43</sup> See 2001 Order, art 308. Art 3(1)(d) also repealed the Banking Act 1987.

<sup>44</sup> 1969 (c.63).

<sup>45</sup> Disciplinary measures against an officer by the RUC would also be deemed to be taken by the home force under its own discipline regulations.

<sup>46</sup> 1994 (c.29), s 93 and Sch 9 Pt 1.

<sup>47</sup> See the Police and Magistrates’ Courts Act 1994 (Commencement No 5 and Transitional Provisions) Order 1994 (SI 1994 No 3262 (C.83)), art 4(1) and Sch (for England and Wales); the Police and Magistrates’ Courts Act 1994 (Commencement No 7 and Transitional Provisions) (Scotland) Order 1995 (SI 1995 No 492 (C.12) (S.34)), art 2 and Sch 1 (for Scotland).

<sup>48</sup> See Police (Northern Ireland) Act 2000 (c.32), under which the PSNI was established from 2001 onwards.

<sup>49</sup> 1996 (c.16).

## GROUP 7 - SALE OF PUBLIC OFFICES

### Sale of Offices Acts 1551 and 1809

- 2.35 In the Middle Ages, the concept of tenure applied to public offices. An office was granted to a person as if it were property. The office gave the official certain rights and imposed upon him certain duties. In many cases, the salary paid to the office-holder was small, but the office carried with it the right to extract large fees from the public. The *Sale of Offices Acts 1551 and 1809*<sup>50</sup> represented efforts to eliminate the purchase and sale of public offices.
- 2.36 The 1551 Act forbade the sale of certain public offices connected with the administration of justice, on pain of specified disabilities upon those seeking them or accepting reward. All such sales or agreements for sale were declared void and anyone making a contract for an office in violation of the Act was disabled for life from holding the office. The Act was not comprehensive. It applied to clerkships in the courts of record and to certain offices of trust,<sup>51</sup> and there were exceptions under provisos since repealed. The restrictions of the Act gave rise to substantial case law as to the offices within its scope and the types of contravention of its provisions; but there appear to have been no cases since 1829.<sup>52</sup>
- 2.37 The 1809 Act was passed as a consequence of a scandal involving the Duke of York, the commander-in-chief of the army, and his mistress. The events were described as follows -<sup>53</sup>

In January 1809 the radical member of parliament Wardle brought before the house the squalid tale of the Duke of York and Mrs Clarke. Mrs Clarke, an extravagant actress, was the Duke's mistress. It was proved that she had taken money from those who wished to buy promotion or favours in the war organization. It was alleged that the Duke of York knew of her sales of office, and even that he took a share of the proceeds. For two months the house examined witnesses from the underworld of London society. In the end it was carried, by 278 to 196, that the Duke of York was not guilty of personal corruption or of connivance at corruption. But as he had clearly been guilty of allowing his mistress to know too much of official business he was obliged, in spite of his services to the Army, to resign his official appointments.<sup>54</sup> ... Perceval, for the government, was certainly shocked by the revelation of public belief that places were for sale. Striking at once, therefore, he carried an act making it penal to solicit money for procuring offices.

<sup>50</sup> 5 & 6 Edw.6 c.16 (1551) and 49 Geo.3 c.126 (1809).

<sup>51</sup> According to *Jowitt's Dictionary of English Law* (2<sup>nd</sup> ed 1977), vol 2 p 1278, public offices are either "offices of trust" which cannot be performed by a deputy, or ministerial offices (which can).

<sup>52</sup> See *Russell on Crime* (12<sup>th</sup> ed 1964), pp 374-6.

<sup>53</sup> J S Watson, *The Reign of George III* (1760-1815) (The Oxford History of England, vol XII 1960) pp 447-8.

<sup>54</sup> The Duke was reappointed commander in chief in 1811; *ibid*, p 448.

- 2.38 The 1809 Act extended the 1551 Act to Scotland and Ireland, to all offices in the gift of the Crown or appointed by the Crown, to all commissions civil, naval or military, and to all Government employment in the United Kingdom and elsewhere. New offences were created concerning the sale or purchase of any office or employment in the gift of the Crown.
- 2.39 Although the 1809 Act resulted from a single crisis, it coincided with a movement towards the banning of trade in offices of profit which gathered momentum as the 19<sup>th</sup> century progressed. Of particular significance in the ending of abusive and anomalous practices was the creation of the great departments of state and of a body of permanent civil servants to run them. These civil servants were paid not by fees charged to the public for services rendered (as was usual at the time when the 1809 Act was passed) but by salaries voted by Parliament. Recruitment by influence, from which stemmed the evil which the 1809 Act was designed to combat, was replaced by the system of recruitment by competition advocated by Charles Trevelyan and Stafford Northcote in 1853. This system commenced tentatively in 1855 and was completed in June 1870 with the making of an Order in Council providing for full open competition. Other changes around that time included the prohibition in 1852 on Chancery judges or officials receiving fees<sup>55</sup> and the abolition in 1871 of the purchase of commissions in the army.
- 2.40 The 1551 and 1809 Acts addressed matters which are no longer a practical problem. There have been no reported cases under the 1551 Act since 1829 nor under the 1809 Act since 1862. This is in large part a measure of the reforms in the methods of appointment to public office over the past 140 years. Modern arrangements for recruitment and remuneration of persons holding public office are very different from early 19<sup>th</sup> century procedures. Nowadays there are Civil Service Commissioners to ensure that civil service appointments are based on merit. The Committee on Standards in Public Life (established in 1994) examines concerns about standards of conduct of all holders of public office. But, crucially, public appointments today are personal in nature and confer no estate or other property right that can be sold. Public officials are no longer paid by fees charged to the public for services rendered.
- 2.41 Moreover any attempt today to procure a public office or appointment by way of an improper inducement would contravene the provisions of the Bribery Act 2010. For example, anyone who offers, promises or gives a financial or other advantage intending the advantage to induce a person to perform improperly a relevant function or activity commits an offence.<sup>56</sup> For this purpose a relevant function or activity includes any function of a public nature, the performer of which is expected to perform in good faith.<sup>57</sup> This would cover improper attempts to influence a person having authority to make a public appointment or to make a nomination for such an appointment.

<sup>55</sup> 15 & 16 Vict. c. 87 (1852), s 1.

<sup>56</sup> Bribery Act 2010 (c.23), s 1(2). An individual guilty of this offence is liable on summary conviction to a fine not exceeding the statutory maximum, or upon conviction upon indictment to imprisonment for a term not exceeding 10 years or to a fine (or both): the 2010 Act, s 11(1).

<sup>57</sup> Bribery Act 2010, s 3.

- 2.42 Consequently the 1551 and 1809 Acts have ceased to serve any modern practical purpose and may be repealed on that basis. The repeal of the 1809 Act would permit the consequential repeal of two other statutory provisions, both of which related to section 6 of that Act.<sup>58</sup>

## **STATUTES WHICH ARE NOT RECOMMENDED FOR REPEAL**

### **Statute of Marlborough 1267**

- 2.43 As indicated earlier in this Part we looked at the topics of distress and waste in the context of the *Statute of Marlborough 1267* but, as explained, formed the view that it would be premature to pursue repeal of the distress chapters, pending enactment by parliament of amendments to the Tribunals, Courts and Enforcement Act 2007 following the UK government's consultation on transforming bailiff action, and that it would be inappropriate to repeal the chapter on waste.

### **Justices of the Peace Act 1361**

- 2.44 Justices of the Peace started life as custodians of the peace in each county in the reign of King Edward III (1327-77). From 1328 onwards they were given powers to punish offenders, and by the *Justices of the Peace Act 1361*<sup>59</sup> they were empowered to pursue, arrest and restrain offenders, rioters and others who were suspected of crime or causing discord, to punish them "according to the law and the customs of the realm", and to take "sufficient surety and mainprise" from wrongdoers to secure good behaviour towards the King and his people - in other words, to bind over to keep the peace.<sup>60</sup>
- 2.45 The 1361 Act was supplemented by the *Magistrates' Courts (Appeals from Binding Over Orders) Act 1956*<sup>61</sup> which provided a right of appeal against binding over orders to quarter sessions (now the Crown Court). The Act referred to orders requiring individuals to enter into recognisances to be of good behaviour.

<sup>58</sup> Article 41(a) of the Government of Ireland (Adaptation of Enactments) (No 3) Order 1922 (which amended section 6 so as to substitute 'Belfast' for 'Dublin' as the place in Ireland where court actions arising under section 6 may be brought); the Schedule to the Common Informers Act 1951 (c.39) (which abolished the common informer procedure) in so far as it identifies section 6 of the 1809 Act as a provision permitting proceedings for a penalty or forfeiture to be sued for by a common informer.

<sup>59</sup> 34 Edw.3 c.1 (1361), entitled "What Sort of Persons shall be Justices of Peace; and what Authority they shall have". The 1361 Act extended to England, Wales and Ireland (now only Northern Ireland). It did not extend to Scotland. In Northern Ireland the 1361 Act has since been duplicated by the Judicature (Northern Ireland) Act 1978, s 103A and the Magistrates' Court (Northern Ireland) Order 1981, art 27.

<sup>60</sup> In 1948 and 1967 parts of the 1361 Act were repealed.

<sup>61</sup> 1956 (c.44).



- 2.46 Having examined the totality of legislation in this field (including provisions in the Justices of the Peace Act 1968<sup>62</sup> and the Magistrates' Courts Act 1980)<sup>63</sup> we concluded provisionally in our consultation paper that the 1361 Act powers had been duplicated and were no longer of practical utility. Repeal of the whole of the 1361 Act would also have necessitated partial repeal within the 1956 Act.<sup>64</sup>
- 2.47 In the consultation process we received firm advice from more than one source that the 1361 Act powers should not be repealed.<sup>65</sup> It was put to us that neither the 1968 Act nor the 1980 Act contain sufficient power to bind over an individual who is brought before the court following arrest for breach of the peace but who has yet to be charged with an offence. The argument is that the individual is a person who neither has a case before the court nor is the respondent to a formal complaint. The gap is filled by the 1361 Act. The Justices' Clerks Society say specifically that before repealing the 1361 Act there should be a more wide-ranging review of the power to bind over. The purpose of binding over orders is to prevent future breaches of the peace, and enabling legislation needs to be comprehensive.
- 2.48 These issues were taken up in a different way by the National Bench Chairmen's Forum (NBCF) who put to us the point that binding over is a highly effective mechanism which can be used to prevent the escalation of disputes within communities. It is exercisable as an "inherent power" rather than one exercisable only on specific application. The NBCF is concerned that the law governing binding over is less than clear and that, if the underpinning 1361 Act were repealed, the more modern powers remaining may not be sufficient. The Forum likewise feels that a more wide-ranging review of the law should be put in place before the existing law is pruned out.
- 2.49 In the context of law reform the Law Commission has previously indicated that the law on binding over "is complex and, in a number of respects, uncertain",<sup>66</sup> and subsequently recommended that the powers in the 1361 Act and at common law be abolished without replacement.<sup>67</sup> Government did not accede to the recommendation. Exercise of binding over powers today is informed by a Practice Direction.<sup>68</sup>
- 2.50 In the light of the submissions made to the Commission it would be unwise to suggest that the 1361 Act has been superseded or rendered obsolete. We conclude, pending further review by government, that the 1361 Act should not be repealed as part of the statute law repeals process.

<sup>62</sup> 1968 (c.69), s 1(7).

<sup>63</sup> 1980 (c.43), s 115.

<sup>64</sup> More particularly, in section 1(1), the words "under the Justices of the Peace Act 1361, or otherwise".

<sup>65</sup> The principal respondents were the Justices' Clerks Society and the National Bench Chairmen's Forum (representing the lay judiciary).

<sup>66</sup> Law Commission Working Paper *Criminal Law Binding Over: The Issues* (1987) No. 103 at para 2.3.

<sup>67</sup> Law Commission Report *Binding Over* (1994) Law Com No. 222 at paras 7.1, 7.4.

<sup>68</sup> See Practice Direction (Amendment No 15 to the Consolidated Criminal Practice Direction) [2007] 1 WLR 1790.

# PART 3

## INDIAN RAILWAYS

### INTRODUCTION

- 3.1 The repeal proposals in this part of the report (and draft Bill) all relate to Indian railways and, more particularly, the legislation which facilitated the construction of various railway lines across the Indian subcontinent, and the subsequent maintenance of those railway undertakings and their gradual absorption into state control.<sup>1</sup> The individuals and organisations consulted about these proposals are set out in *Appendix 3*.
- 3.2 The benefits of harnessing travel by rail as a means of connecting the major population bases of a vast subcontinent - which then embraced the whole of British India and the independent princely states - were recognised by the East India Company in 1843. But that organisation, even with all the influence it still wielded, was unable (and unwilling) to finance the construction and running costs on its own. From 1786 onwards the company's fortunes had waned and, by 1813, it had lost much of its trading monopoly in the region.<sup>2</sup> By the same token, British capitalist venturers were less than enamoured with the notion of investing in railways unaided. The East India Company's solution was a quasi-public/private partnership arrangement whereby ownership, control and risk would be shared, underpinned and secured by a system of public guarantees.
- 3.3 English companies were invited to bear the construction costs of the new rail network in India, and to own the relevant operational undertakings. In return, the East India Company (the quasi-public partner in the enterprise) would guarantee the railway shareholders a 5% return on their capital investment, make available land without cost and offer 99 year operating contracts. The Company would, however, reserve options to purchase each undertaking (for proper consideration) at specified break points.
- 3.4 The first passenger train ran (under the auspices of the Great Indian Peninsula Railway Company)<sup>3</sup> from Mumbai (Bombay) to Thane in April 1853,<sup>4</sup> followed in August 1854 by the inaugural run of the East Indian Railway Company between Howrah and Hooghly. These early successes encouraged British private investment, which then continued apace until 1868 (reaching a total of some £70 million), albeit with some disruption at the time of the Sepoy Rebellion of 1857.

<sup>1</sup> We have included within this Part of the report two Acts relating to the former Ceylon Railway Company. Ceylon was a British crown colony from 1796 to 1948, when it assumed Dominion status. From 1796 to 1798 the colony was governed from Madras in India.

<sup>2</sup> The East India Company had ruled in India on behalf of the British Crown since 1786 but, by 1813, the British government had withdrawn (by legislation) its trading monopoly and, in 1858, the British Crown assumed direct governance of British India. The Crown acted through its Secretary of State in Council of India. The East India Company was eventually dissolved in 1874 (bringing to an end its 274 years of activity).

<sup>3</sup> Incorporated in Britain in August 1849.

<sup>4</sup> See M A Rao, *Indian Railways*, (2<sup>nd</sup> ed 1988), chap 2 at p16 (copy held by Cambridge University Library).

- 3.5 In 1858 the British Crown assumed direct governance of British India.<sup>5</sup> From 1868 onwards, either by the surrender of railway undertakings under the terms of the previous guarantees, or by direct investment and construction, the government of India embarked upon development of the railway network as a form of state enterprise.<sup>6</sup> Management of the system - with its multiplicity of reporting lines - became increasingly complex. Following a formal review, under Sir Thomas Robertson, a new Railway Board was formed in 1905. The railway companies were now, in the main, simply operating companies, running the network on behalf of the government of India. By 1920 the government owned almost three-quarters of the total railway mileage in India. This was nationalisation effected piecemeal. Nationalisation proper started in 1925 (following publication of the Acworth Report in 1921) when the state took over management of the East Indian and Great Indian Peninsula Railways. From 1929 to 1944 the bulk of the Indian railway network had been nationalised.
- 3.6 When Pakistan and India secured their independence from the UK in 1947, acquiring the status of Dominions,<sup>7</sup> the railway system had to be divided. In 1948 a grouped Indian Railways was formed, and the railway network as a whole (including those systems within the princely states) was nationalised in 1950 as Indian National Railways.<sup>8</sup> In Pakistan, by contrast, the inherited Railway Board was dismantled, and rail operation became a part of central government (through the then Ministry of Communications). This model survived until 1962 with the revival of a Railway Board and, subsequently, the creation of the state-owned Pakistan Railways. East Pakistan became the separate state of Bangladesh in 1972, and the state-owned railways are now operated by Bangladesh Railways.
- 3.7 The combination of gradual nationalisation and acquisition of state independence means that the individual railway companies have all now disappeared, and the UK legislation required for their formation and running has long been superseded. As a consequence, the 38 Acts relating to the various railway companies (and now recited in the draft Bill), spanning nearly a century of railway endeavour, are recommended for repeal as obsolete.

<sup>5</sup> See the *Government of India Act 1858* (21 & 22 Vict. c.106), which gave significant executive powers to the Imperial government's newly created Secretary of State in Council of India.

<sup>6</sup> See also the *Indian Railway Companies Act 1868* (31 & 32 Vict. c.26), which enabled seven named railway companies in India (each having contracts with the East India Company or the Secretary of State in Council of India in respect of their railway undertakings) to raise moneys by the issue of debenture stock. The Calcutta and South-Eastern Railway was the first undertaking to be transferred to the Indian government in 1868.

<sup>7</sup> Under the *Indian Independence Act 1947* (10 & 11 Geo.6 c.30) India and Pakistan both achieved independence on 15 August 1947 although Pakistan's independence ceremony took place first, on 14 August. The new state of Pakistan comprised the territories of West Pakistan and East Pakistan (the latter now the state of Bangladesh).

<sup>8</sup> The nationalised system was grouped in six zones (1950-55), eight zones (1955-66), and then nine zones (1966). In 2010 Indian Railways operated in 17 zones. In 2007 Indian Railways put in place in Mumbai its first major upgrade of passenger rolling stock since 1925, although the new stock still has to cater for "super-dense crush load" at commuting peak hours: article in *The Times*, 13 November 2007 at p34.

### **Assam Railways and Trading Company**

- 3.8 The Assam Railways and Trading Company Limited was incorporated in 1881, and originated from an agreement between the Secretary of State for India and Shaw, Finlayson and Company to build a railway line between Debrugarh (now Dibrugarh) and Sadiya in north-eastern Assam. In the event, it constructed a main line from Debrugarh to the River Dehring, and a branch line from Makum Junction to Talup. The company also owned other valuable businesses, including colliery workings.
- 3.9 In 1880 the company entered into an agreement with the Secretary of State for India whereby he was given first refusal (once every five years) to purchase the railway undertaking. By 1897 the directors anticipated that the Secretary of State might wish to exercise his purchase right, but also realised that the company required specific legislative power to redeem its shares or to create a scheme for capital restructuring.
- 3.10 The *Assam Railways and Trading Company's Act 1897*<sup>9</sup> was passed to allow the company to deem certain classes of share fully paid up, to arrange an orderly distribution of proceeds in the event that the government exercised its purchase option, and to reduce the company's capital when shares were paid off.
- 3.11 In 1901 the Secretary of State for India undertook not to exercise his right to purchase until 1921 at the earliest.<sup>10</sup>
- 3.12 By 1910 the company needed to redistribute its capital holding across different categories of share. This second restructuring was linked to the first under the 1897 Act, but required additional legislative authority. The *Assam Railways and Trading Company's Act 1910*<sup>11</sup> permitted the company (amongst other things) to increase its nominal share capital, spread across four categories of share, and to convert certain shares into stockholdings. The aim was to complete the company's financial rearrangement.
- 3.13 The rail-based assets of the company were acquired by the government in 1945. The company no longer has rail operating interests in the Indian subcontinent, although it still exists as a non-trading company, owned by the Assam Company Limited (part of the Duncan Macneill Group). On that basis, neither of the Acts has practical utility, and both may be repealed.

<sup>9</sup> 60 & 61 Vict. c.xvii (1897).

<sup>10</sup> If the option to purchase was not exercised in 1921 the subsequent intervals for exercise were extended to 10 rather than 5 years.

<sup>11</sup> 10 Edw. 7 & 1 Geo.5 c.xiv (1910).

### **Bengal and North Western Railway Company**

- 3.14 The Bengal and North Western Railway Company came into being in October 1882 as a result of an agreement made with the Secretary of State for India. The government had started work in 1881 on constructing a rail link between Patna and Bahraich, along the Ghaghara River. The company agreed to complete the construction works and, in consideration of that investment, the government would provide a tranche of land without charge (instead of providing a guaranteed return). Once constructed the company became responsible for the railway's operation under the concession agreement,<sup>12</sup> although the line was to remain the property of the state. The first phase of the line opened in April 1884.
- 3.15 In 1890 the company took over management of the Tirhoot State Railway, and managed further lines up until 1943. The undertaking was then amalgamated with the Rohilkund and Kumaon Railway and the Lucknow Bareilly Railway to form the Oudh-Tirhut Railway. All existing contracts with the Indian government were determined, and the railway became entirely state-owned. The original Bengal and North Western Railway Company was formally wound up in 1946.
- 3.16 Prior to 1914 the company decided it needed to effect a financial restructuring which would involve reducing a portion of the company's capital via a capital redemption fund. The restructuring was designed to facilitate in due course a sale of the company's assets to government. The *Bengal and North Western Railway Company Limited Act 1914*<sup>13</sup> provided the necessary authority to the directors.
- 3.17 Given the subsequent merger and acquisition of the railway company, the 1914 Act has long become obsolete in the UK, and may be repealed.

### **Bombay Baroda and Central India Railway Company**

- 3.18 The Bombay Baroda and Central India Railway Company was incorporated in 1855, at which point (as one of the first guaranteed railway companies assured of a 5% return on its capital invested) it commenced work on construction of the Surat to Bombay (today Mumbai) line. The line opened in stages, reaching Baroda (today Vadodara) in 1861, Ahmedabad in 1863, and Viramgaon by 1871.<sup>14</sup>

<sup>12</sup> Under the agreement of 1882 the railways and "all other appurtenances" were to revert to the Secretary of State at value at the end of 99 years, unless the Secretary of State exercised his right to purchase in 1932 (the 50 year break point). When the railway became fully state-owned (in 1943: see below) the agreement was superseded.

<sup>13</sup> 4 & 5 Geo.5 c.viii (1914).

<sup>14</sup> Under the terms of four contracts made with the Indian government from 1855 to 1886 the Secretary of State was empowered to exercise an option (on notice) to purchase the railway works and premises.

- 3.19 In December 1905 the Indian government purchased the railway infrastructure under the terms of the guarantee contract,<sup>15</sup> but the company retained responsibility for operational aspects (through its continuing ownership of rolling stock and equipment) until 1941 - at which point the partnership arrangement was dissolved by the state.<sup>16</sup>
- 3.20 Under the contracts prior to 1905 the Secretary of State was liable to pay some £11.68 million by way of purchase price, together with the debenture sums when due but, by 1905, circumstances for government had changed. The 1905 contract varied the arrangement so that the Secretary of State could issue to the company 3% India Stock<sup>17</sup> to the value of just over £10 million (with quarterly interest) and then make additional half-yearly payments whilst the company maintained and operated the railway system.
- 3.21 The *Bombay Baroda and Central India Railway Act 1906*<sup>18</sup> was designed to provide authority to issue and regulate the handling of new stock, to make proper provision for the realisation and distribution of railway property (including that which was not to be sold to the Secretary of State), and to empower the company to operate railways within its own system and in any part of India. The company's own system embraced five "state railways"<sup>19</sup> which were run in conjunction with those of three other railway companies. The 1906 Act repealed three previous Acts relating to the company - 1855, 1859 and 1898 - subject to preserving the name and composition of the original company.
- 3.22 By 1924 the company, having been reincorporated with £2M initial capital and having distributed the issued India 3% stock, was still maintaining, managing and working the railway system on the government's behalf. The 1906 Act arrangements required some practical adjustment. The *Bombay Baroda and Central India Railway Act 1924*<sup>20</sup> provided for, amongst other matters, a reduction in the number of stockholder meetings and the quoracy requirements for such meetings, authorisation of an interim dividend, and the combining of stockholder registered details.

<sup>15</sup> The transfer of railways and works included all lands provided to the company under the various contracts. The sale took place under a further contract of 1905.

<sup>16</sup> In 1951 (post-independence) the management of the Bombay Baroda and Central India Railway network was merged with the state-owned Saurashtra, Rajasthan and Jaipur Railways to form the western zone of Indian Railways.

<sup>17</sup> The stock was issued in accordance with the *East India Loans (Railways) Act 1905* (5 Edw.7 c.19) (repealed in 1937).

<sup>18</sup> 6 Edw.7 c.lix (1906).

<sup>19</sup> See the 1906 Act, s 27 and Sch F.

<sup>20</sup> 14 & 15 Geo.5 c.vii (1924).

- 3.23 The company continued to expand and diversify and, by 1938, it wanted, additionally, to provide road and air transport services, and to construct both road vehicles and aircraft (both of which ventures went beyond the original 1906 mandate) through new contracts with government. This necessitated amendment of the powers in the 1906 Act. The *Bombay Baroda and Central India Railway Act 1938*<sup>21</sup> permitted the necessary extension.
- 3.24 The first six statutes relating to the company (from 1855 onwards) had facilitated operation of the Bombay Baroda and Central India Railway. Contracts made with the government between 1907 and 1913 to continue the working and management of various railway lines were terminable by notice on 31 December 1941 or at five yearly intervals thereafter. The Governor-General of India in Council (as successor to the Secretary of State)<sup>22</sup> gave notice in December and the management contracts were terminated. However, although the balance of the purchase price and the outstanding debenture stock were both paid off, without further legislation the winding-up of the company could not be achieved. The *Bombay Baroda and Central India Railway Act 1942*<sup>23</sup> was promoted to authorise the realisation and distribution of the company's assets, the termination of all contracts with the Secretary of State (and the handing over of remaining property to the Governor-General), and the formal dissolution of the company. Notice of the winding-up resolution was to be published in the *London Gazette*,<sup>24</sup> and - on publication - the previous Acts of 1906, 1924 and 1938 (listed in Schedule B to the 1942 Act) were then deemed to be repealed. However, no trace can be found of publication (perhaps because publication was affected by the vagaries of wartime London), and the condition precedent for repeal was seemingly never met.
- 3.25 The sparse entries available from the Companies Register records (held by National Archives) suggest that the Bombay Baroda and Central India Railway Company was probably dissolved in the period 1946 to 1951. On that basis neither the earlier Acts nor that of 1942 are today required as they are all spent.

<sup>21</sup> 1 & 2 Geo. 6 c.x (1938).

<sup>22</sup> The new federal executive arrangements were put in place under the Government of India Act 1935 (26 Geo.5 & 1 Edw. 8 c.2).

<sup>23</sup> 5 & 6 Geo.6 c.v (1942) ("The 1942 Act").

<sup>24</sup> The 1942 Act, s 13.

### **Calcutta and South Eastern Railway Company**

- 3.26 The Calcutta and South Eastern Railway Company came into being in 1857. In order to undertake its task of constructing and operating various main and branch lines, it promoted what was to become the *Calcutta and South-eastern Railway Act 1857*.<sup>25</sup> The Act authorised, amongst other things, the company to contract with the East India Company so as to facilitate the railway undertaking and linked purposes (and to permit the transfer of the undertaking to the East India Company “at any time”),<sup>26</sup> and it also required the company to establish an Indian office for handling share transactions and to maintain proper registers of share and stockholders and loan instruments at that office.
- 3.27 The contract of guarantee between the railway company and the Secretary of State for India<sup>27</sup> was agreed in March 1859,<sup>28</sup> and the lines opened by stages: Calcutta (today Kolkata) to Chappahattee in 1861, and on to Port Canning in 1862. In 1868 the company sold the line to the Indian government (management then being leased to the Eastern Bengal Railway), and the company was dissolved in March 1870.
- 3.28 As a consequence the 1857 Act no longer has a purpose and can be repealed.

### **Ceylon Railway Company**

- 3.29 The Ceylon Railway Company was formed as a joint stock company in 1847 to establish and operate a railway line from Colombo to Kandy in the British colony of Ceylon (today the state of Sri Lanka), principally to facilitate the local planters. By 1856 the company required ancillary powers, which it sought and obtained in the *Ceylon Railway Company's Act 1856*.<sup>29</sup> The Act reincorporated the company as a legal entity within Ceylon and beyond, rearranged the company's share capital scheme, and authorised the company to contract with the “local Government of the Island of Ceylon” for the construction and operation of railways and telegraphs (and for subsequent government acquisition of the railway system).

<sup>25</sup> 20 & 21 Vict. c.xxiii (1857) (“The 1857 Act”).

<sup>26</sup> The 1857 Act, s 4.

<sup>27</sup> Following the Great Rebellion in India of 1857 (otherwise known as the Indian Mutiny), the British Crown assumed direct governance of British India in 1858: see the Government of India Act 1858 (21 & 22 Vict. c.106), which transferred government of the Indian territories from the East India Company to the Queen as sovereign, and created the office of Secretary of State for India in the United Kingdom who was to operate through a new Council of India. The East India Company was formally dissolved in 1874.

<sup>28</sup> The company received a 5% return on its capital investment.

<sup>29</sup> 19 & 20 Vict. c.ci (1856).



- 3.30 Construction commenced in 1856 but, after not a great deal of progress, concerns were voiced as to the economic viability of the enterprise (whether the 5% guaranteed return was disproportionate to the escalating cost of construction), culminating in parliamentary questions in 1860. The government - through the Secretary of State for the Colonies - subsequently annulled the contract and took over all the company's assets and liabilities. The *Ceylon Railway Company's Dissolution Act 1862*<sup>30</sup> made provision for the company's formal dissolution (which necessitated specific legislation). The company was to pay its undistributed capital residue into the Bank of England (to be held to the order of the Court of Chancery, which would authorise payment out to entitled shareholder claimants). The dissolution arrangements were not to interfere with the property and rights acquired by the Ceylon government.<sup>31</sup>
- 3.31 Once the government had taken over the company's assets it set about fulfilling construction of a railway system for the island by inviting tenders from interested building contractors and taking over three existing contracts, one with Robert Stephenson & Co., locomotive engineers. From there on in the railway network in Sri Lanka has been a state enterprise. The 1862 Act (like that of 1856) is now spent, and can be repealed.

#### **East Indian Railway Company**

- 3.32 The East Indian Railway Company was formed provisionally in June 1845 as a joint stock company, and then incorporated by statute in August 1849. Its purpose was to acquire lands in the East Indies and Great Britain, to construct and operate one or more railways in India, and to undertake a range of ancillary functions (which were to include mineral and iron working, coal mining, furnace, forge and smelting operation, and gas manufacture).

<sup>30</sup> 25 & 26 Vict. c.ci (1862) ("The 1862 Act").

<sup>31</sup> The 1862 Act, ss 3, 4.

- 3.33 Over the lifetime of the company fourteen Acts were promoted to facilitate its activities,<sup>32</sup> culminating in the dissolution of the company during the 1930s (probably some time before enactment of the East India Loans Act 1937).<sup>33</sup> The first of these Acts (a local Act) was the *East Indian Railway Act 1849*.<sup>34</sup> This Act gave corporate status to the provisional company, authorised its purposes, and empowered the company to contract with the East India Company (then acting on behalf of the government of India) to build and run railways in India, to provide telegraph communication links, and to grant to the East India Company various rights relating to the railway and associated operations (including, at some unspecified future date, the sale or surrender to that company of the rail network in whole or in part).<sup>35</sup> Additionally, the company was allowed to vary the value of shares, reconfigure the capital, and issue debentures in wider denominations.
- 3.34 In the same month that the 1849 Act received royal assent the railway company executed an agreement with the East India Company (as government) to construct an “experimental line” from Howrah (now Haora), outside Calcutta, to Burdwan (now Bardhaman), with a view to its continuing to Rajmahal. The first stage was completed during 1852, at which point the government decided that, instead of extending the line onwards to Rajmahal, it should now run from Burdwan to Delhi and later through to Lahore (today in the Punjab region of Pakistan). Under the original agreement the government was to provide the necessary land on a 99 year lease and to pay interest to the railway company on moneys deposited with it. On completion of the initial phase the railway company could require the government to purchase the line at cost, and the government could exercise an option to purchase at 25 year and 50 year break points.<sup>36</sup>

<sup>32</sup> Six of the fourteen Acts have already been repealed (all public general Acts), namely: the East Indian Railway (Redemption of Annuities) Act 1879 (42 & 43 Vict. c.43) (repealed in 1937); the East India Loan (East Indian Railway Debentures) Act 1880 (43 Vict. c.10) (repealed in 1937); the East Indian Railway (Redemption of Annuities) Act 1881 (44 & 45 Vict. c.53) (repealed in 1937); the East India Unclaimed Stock Act 1885 (48 & 49 Vict. c.25) (repealed in 1993); the East India Loans (Railways) Act 1905 (5 Edw.7 c.19) (repealed in 1937); and the East India Loans Act 1937 (1 Edw.8 & 1 Geo.6 c.14) (repealed in 1993). *Additionally*, the Indian Railway Companies Act 1868 (31 & 32 Vict. c.26) (repealed in 1964) enabled, amongst others, the East Indian Railway Company to raise moneys by the issue of debenture stock; the Indian Railway Companies Act 1873 (36 & 37 Vict. c.43) (repealed in 1964) enabled various railway companies to issue shares and securities in India in connection with their operations; and the Indian Guaranteed Railways Act 1879 (42 & 43 Vict. c.41) (repealed also in 1964) enabled seven “guaranteed railway companies” to enter into working agreements with the Secretary of State for India in Council for the use, management and maintenance of railways and telegraphs; and the Indian Railways Act 1894 (57 & 58 Vict. c.12) (repealed in 1966) enabled Indian railway companies to pay interest out of capital to offset partially the cost of railway construction.

<sup>33</sup> 1 Edw.8 & 1 Geo.6 c.14 (1937), as above.

<sup>34</sup> 12 & 13 Vict. c.xciii (1849) (“The 1849 Act”).

<sup>35</sup> See the 1849 Act, s 4.

<sup>36</sup> Because the 99 year lease had not been granted by 1853, a further agreement in February 1854 provided that the break points (valid for 6 months each) should be in February 1879 and February 1904.

- 3.35 The revised project (Burdwan to Delhi) necessitated additional statutory power. The *East Indian Railway Company Act 1853*<sup>37</sup> authorised the railway company to enter into contracts for construction of the Delhi line (by way of substitution for the Rajmahal extension agreement),<sup>38</sup> to distribute net purchase moneys amongst shareholders in the event that the government acquired the railway undertaking, and to make changes to the rights of shareholders for dividend and preference payments.
- 3.36 By July 1854 the railway company directors needed to raise more capital to expedite and complete the project, which they saw as one carrying significant public benefit. The overall cost of the project was then anticipated to be in the order of £9 million. Although the company had issued £1 million worth of debentures, the issue of additional shares in India was impracticable within the existing statutory powers. To this end the *East Indian Railway Act 1855*<sup>39</sup> enabled the company to operate an office in India for issuing shares and maintaining registers of shareholders and share transfers, to facilitate joint share ownership, and to be more flexible in the holding of general meetings.
- 3.37 The following year, because of the need to extend the capital holding arrangements for the railway company, the *East Indian Railway Company Act 1856*<sup>40</sup> was obtained. The Act permitted the company to issue further shares at different rates of interest (guaranteed by the government, and overtaking provisions in the 1853 Act), made new arrangements for division of the sale moneys in the event that the government acquired the undertaking within the 99 year lease period, and empowered the company to consolidate its paid-up shares into a general capital stock.
- 3.38 In 1858 the railway company entered into an agreement with government to construct and maintain a specific railway line from Mirzapore (now Mirzapur), located on the previously-built extension line to Delhi, through to Jubbulpore (today Jabalpur). The project cost was likely to be in the order of £2 million.<sup>41</sup> By 1864 construction of the Delhi extension was nearing completion and work had begun on the Jubbulpore line. The company had also decided that the single track mainline from Calcutta should be doubled to enhance traffic capacity. This increasingly ambitious work programme required further injections of capital facilitated in part by borrowing on mortgage.

<sup>37</sup> 16 & 17 Vict. c.ccxxvi (1853) ("The 1853 Act").

<sup>38</sup> The new agreement, entered into in February 1854, superseded that of August 1849.

<sup>39</sup> 18 & 19 Vict. c.xxxviii (1855) ("The 1855 Act").

<sup>40</sup> 19 & 20 Vict. c.cxxi (1856) ("The 1856 Act").

<sup>41</sup> The 1858 contract provided the government with an option to purchase this line in 1883.

- 3.39 The *East Indian Railway Company's Act 1864*<sup>42</sup> authorised the railway company's board to raise an additional £7 million capital by share and debenture issue, and by borrowing on mortgage (with a repayment guarantee by the Secretary of State in Council of India). The Act also gave authority to contract to construct auxiliary lines and generally to enlarge the existing rail operation. Although the Calcutta shares registry was to be closed, a savings bank was to be opened in the city (and other locations) to encourage the railway workforce to acquire "the habits of prudence and economy".<sup>43</sup>
- 3.40 The initial line and the Delhi extension were completed by 1866, allowing uninterrupted travel from Calcutta to Delhi. The Jubbulpore line opened in 1867.
- 3.41 In 1878, a year before the main option to purchase became live for the first time, the Secretary of State suggested to the railway company that the government acquire both the main Delhi line and the Jubbulpore line simultaneously. This would provide continuity of management across the undertakings, and would secure to the state a larger share in the overall profits. The railway company would contract to work the various lines for the next 50 years (with periodic break clauses).
- 3.42 The *East Indian Railway Company Purchase Act 1879*<sup>44</sup> provided for the vesting of the railway undertaking in the Secretary of State on 31 December 1879, and the termination of various of the contracts made with the government. The government in turn was required to indemnify the company against any claims for return of moneys advanced before the transfer. At the same time, all liabilities for the Provident Institution and Savings Bank at Calcutta were to pass to the Secretary of State.
- 3.43 Two of the main purposes of the Act were to create an accumulating sinking fund (which was to be paid out on maturity as capital in 1953) with two classes of annuity holder (A and B), and to facilitate the granting to the railway company of an exclusive 50 year franchise to operate the rail network from 1880 onwards. This franchise (agreed in December 1879) allowed for extension of parts of the existing network, and for construction of auxiliary railways and works.
- 3.44 Although the 1879 Act survives, notwithstanding the undertaking's transfer in 1880 and the probable dissolution of the company in the 1930s, a small portion of the Act (section 51, which had dealt with cessation of the Secretary of State's contribution to the sinking fund once certain conditions had been fulfilled) was repealed in 1937.<sup>45</sup>
- 3.45 The 1879 Act's provision for a sinking fund needed to be supplemented in 1892. Two further funds were required: one for some 2,000 deferred annuity holders (a new Class C), and one for some 800 Class A annuitants who (unlike the Class B annuitants) had not opted to make a contribution to the first fund (a new Class D). These funds were to be validated for trust investment purposes.

<sup>42</sup> 27 & 28 Vict. c.clvii (1864) ("The 1864 Act").

<sup>43</sup> The 1864 Act, s 11.

<sup>44</sup> 42 & 43 Vict. c.ccvii (1879) ("The 1879 Act").

- 3.46 The *East Indian Railway Company Sinking Fund Act 1892*<sup>46</sup> authorised the creation and management of the two additional sinking funds and became an integral part of the statutory framework governing the financial management of the company.
- 3.47 As with the 1879 Act, a small portion of this 1892 Act (part of section 29, applying the 1881 and 1885 annuity redemption and unclaimed stock Acts<sup>47</sup> to deferred annuities and sinking fund accumulations) was previously repealed in 1937.<sup>48</sup>
- 3.48 The management arrangements for the sinking funds required six-monthly publication in the *London Gazette* of notices of investment: the last one of these was published in October 1952.<sup>49</sup>
- 3.49 The final unrepealed Act in this series is the *East Indian Railway Company's Act 1895*.<sup>50</sup> Although the railway company under the 1879 Act had been franchised to operate the rail network for 50 years, and to enter into contracts with the Secretary of State to improve and extend the system and to construct auxiliary railways and works, it lacked the power necessary to contract with third parties and to raise additional capital funding. The 1895 Act enabled the company to obtain private finance with the sanction of the government, to raise capital by the issue of debentures, and to guarantee certain types of contractual payment from surplus receipts.
- 3.50 Because the East Indian Railway Company was eventually dissolved during the 1930s (following expiry of the principal maintenance contract, and takeover by government of the management of the railway system in 1925), and the sinking funds all came to maturity during the 1950s, none of the local Acts in the series 1849 to 1895 today have any practical utility.

<sup>45</sup> Section 51 of the 1879 Act was repealed by the East India Loans Act 1937 (c.14), s 12(3) and Sch 2.

<sup>46</sup> 55 & 56 Vict. c.x (1892) ("The 1892 Act").

<sup>47</sup> See above for the 1881 (c.53) and 1885 (c.25) Acts.

<sup>48</sup> See East India Loans Act 1937, s 12(3) and Sch 2, as above.

<sup>49</sup> The *London Gazette*, Issue 39684, 31 October 1952, p 5749. This final notice suggests that the funds matured and were distributed by April 1953 in line with the original deadline. The 1953 date for distribution of the sinking fund(s) has been confirmed as probable by the Bank of England to the Treasury Legal Advisers.

<sup>50</sup> 58 & 59 Vict. c.xx (1895) ("The 1895 Act").

### **Eastern Bengal Railway Company**

- 3.51 The Eastern Bengal Railway Company was established in 1855 and formally incorporated by the *Eastern Bengal Railway Act 1857*.<sup>51</sup> The Act authorised the newly formed venture to acquire and hold land in India, to enter into contracts with the East India Company and others to construct and work the first phase of a railway line - from Calcutta (today Kolkata) to Kooshtee (today Kushtia) situate on the Ganges, and then on to Dacca in Eastern Bengal (today Dhaka in Bangladesh) - and to raise the necessary capital finance by share issue and by borrowing through bond issue. This was all underpinned by specific internal governance arrangements relating to general and board meetings (all to be held in London), operational oversight, establishing of share and bond registration offices, and so forth.
- 3.52 Construction on phase 1 started in October 1859,<sup>52</sup> and the first train ran between Sealah and Ranaghat in September 1862. Thereafter further phases considerably extended the reach of the line and, by 1866, it linked Calcutta to Kooshtee. The company had also acquired a steam vessel service operating between Kooshtee and Dacca. In March 1862 the Indian government facilitated the company's debenture issue by guaranteeing the interest payments and repayment of the capital sum when it fell due.
- 3.53 In order to complete the rail link to Dacca (via Goalundo) the company promoted what was to become the *Eastern Bengal Railway Act 1866*,<sup>53</sup> authorising the railway company to undertake various functions ancillary to its main operation (such as building, chartering and operating steam river vessels, and transporting on them both passengers and goods), to use the moneys raised for these functions, to validate retrospectively any sanction given previously by the government of India<sup>54</sup> for works or matters to be undertaken, and to put in place a provident fund for the company's employees in India.
- 3.54 In July 1883 the Secretary of State gave notice under the 1858 contract of intent to purchase the undertaking in the following June, payment to be made by a 73 year annuity, rather than by outright capital sum.<sup>55</sup> By 1884 - after two more debenture guarantees from the government (in 1876 and 1879)<sup>56</sup> - the rail link to Goalundo had been constructed and was in use, a ferry link operated to Dacca, and the employees' provident fund had been established.

<sup>51</sup> 20 & 21 Vict. c.clix (1857).

<sup>52</sup> Following execution of a contract with the East India Company in July 1858 whereby the railway company would construct and operate the rail network as common carriers (under the terms of a 99 year lease), and the East India Company would reserve an option to purchase the railway undertaking at 25 and 50 year break points.

<sup>53</sup> 29 & 30 Vict. c.cxxxvi (1866).

<sup>54</sup> /e the East India Company and, after 1 September 1858, the Secretary of State in Council of India.

<sup>55</sup> The 73 years (being the balance of the original 99 year term) would expire in 1957.

<sup>56</sup> The guarantees were made pursuant to the Indian Railway Companies Act 1868 (c.26) (see above) which specifically listed the Eastern Bengal Railway Company.

- 3.55 The purpose behind the *Eastern Bengal Railway Company Purchase Act 1884*<sup>57</sup> was to permit the company to divest itself of its principal assets, utilising a sinking fund, and to transfer the railway undertaking into state ownership. In very broad terms the Act authorised the vesting (on 30 June 1884), ended the company's liabilities on the debenture contracts, required distribution of the provident fund to its beneficiaries, sanctioned the creation by government of the purchase annuity (which was to be charged on the revenues of India), required the Bank of England as trustees to create a sinking fund (with pay-out in July 1957) derived from former stock-holders as annuitants, and provided pensions to certain company officers and employees by way of compensation for loss of office.
- 3.56 The 1884 Act was the final Act in the series of statutes dealing specifically with the Eastern Bengal Railway. In 1937 the Act was both supplemented in small measure and partially repealed.<sup>58</sup> The remainder of the Act remains in place although now it has no purpose. The railway company was probably dissolved by 1887 and the sinking fund distributed during 1957.<sup>59</sup> On that basis, all three local Acts may now be repealed.

### **Great Indian Peninsula Railway Company**

- 3.57 The Great Indian Peninsula Railway Company was formed as a stock company in August 1849 for the purpose of creating and working a rail network, linking Bombay to other parts of the Indian sub-continent, under contract with the East India Company. The *Great Indian Peninsula Railway Company Act 1849*<sup>60</sup> incorporated the railway company formally so that it could construct and operate railways and ancillary facilities - including telegraphs - in the East Indies (under contract to the East India Company as the government of India), hold the necessary land and property, and honour existing contracts. The first line was to run from Bombay to Callian. The company was authorised to raise capital by share issue and borrowing, and to extend its capital holding as necessary in order to expand the undertaking.
- 3.58 Under the original agreement of 1849 with the East India Company the railway company would take a 99 year lease on completion of the construction project, and the East India Company was given the option to purchase the railway infrastructure and rolling stock at 25 and 50 year break intervals. The capital funding and repayment arrangements were complex.

<sup>57</sup> 47 & 48 Vict. c.cxiv (1884) ("The 1884 Act").

<sup>58</sup> The East India Loans Act 1937 (c.14), s 9 required the Secretary of State in Council of India, in connection with his redemption of various railway annuities and debenture stock, to continue to make provision for the sinking fund and reduction of public debt by setting aside a specified annual sum. Section 12(3) and Schedule 2 then repealed sections 50 and 54 of the 1884 Act (dealing with the exchange of annuities and irredeemable debenture stock for India stock and the creation of a sinking fund).

<sup>59</sup> See final notice of investment published in the *London Gazette*, Issue 41072, 17 May 1957, p 2947. The fund matured on 30 July 1957, and - according to the Treasury Legal Advisers - a note on the Bank of England archive refers to a memorandum indicating that the account for the fund was closed during 1960.

<sup>60</sup> 12 & 13 Vict. c.lxxxiii (1849) ("The 1849 Act"). This Act was the first in a series of five relating to the railway company, culminating in 1927. One of the five was repealed by the East India Loans Act 1937 (c.14): the *East India Loan (Great Indian Peninsula Railway Debentures) Act 1901* (1 Edw. 7 c.25), which Act enabled the Secretary of State in Council of India to raise moneys in the UK to redeem debentures of the railway company.

- 3.59 In 1853 - the year that the first passenger train in India ran - the agreement was adjusted to vary the financial arrangements, including doubling of the share capital, and to allow the railway company to build an extension to Shawpoor (now Shahpur). A year later further contracts were in the offing, but new legislation was required to reinforce the company's financial dealings, particularly with regard to interest payments and net receipts. The *Great Indian Peninsula Railway Company Act 1854*<sup>61</sup> authorised the railway company to launch a new share issue, and reclassify others, and required it to assign distinctive titles to all new contracts and supporting share issues. It also required the railway company, if and when the purchase option was exercised, to apportion and distribute the sale receipt amongst its shareholders.
- 3.60 The 1854 Act repealed a small portion of the 1849 Act<sup>62</sup> but otherwise both Acts remain intact.
- 3.61 By 1899 some 22 contracts had been executed with the East India Company and its successor, the Secretary of State in Council of India. In August of that year, at the 50 year break point under the 1849 agreement, the Secretary of State exercised the option to purchase the railway undertaking (for a sum of just under £35 million, plus the value of the debentures). The Secretary of State opted to pay by annuity spread over the remaining 49 years and expiring in August 1948. The Secretary of State was also to take over responsibility for the provident fund.
- 3.62 Transfer of the railway required the creation of a sinking fund, allowing the various stockholders to exchange their stock for annuities. The *Great Indian Peninsula Railway Purchase Act 1900*<sup>63</sup> authorised the formal transfer of the operating assets in June 1900, together with the railway company's leasehold offices and three separate funds (including the provident fund), and required the Secretary of State to establish the purchase price annuity fund. The railway company was given additional contractual powers to maintain, manage and work the railway system, and was empowered to set up the sinking fund to be managed by annuity trustees (which fund would be distributed in August 1948). Two classes of annuitant were established. Pensions for loss of office by certain railway company employees were also to be paid.

<sup>61</sup> 17 & 18 Vict. c.xliv (1854) ("The 1854 Act").

<sup>62</sup> Section 7 of the 1849 Act (which governed call on share arrangements) was repealed by section 10 of the 1854 Act.

<sup>63</sup> 63 & 64 Vict. c.cxxxviii (1900) ("The 1900 Act").



- 3.63 By an agreement made in December 1900 the railway company continued to operate the railway undertaking until June 1925, at which point the Secretary of State took it over. The transfer gave rise to a number of practical issues relating to the purchase annuity. The *Great Indian Peninsula Railway Annuities Act 1927*<sup>64</sup> addressed these by amending the 1900 Act so that the annuity and the sinking fund trustees could reclaim expenses incurred in administering the sinking fund,<sup>65</sup> that the accumulated sinking fund be transferred in August 1948 to the annuity trustees for apportionment and distribution, and that previous deductions by the annuity trustees be legitimised.<sup>66</sup>
- 3.64 The Great Indian Peninsula Railway Company survived until 1925 (at which point the Indian government took over management of the railway network), and a note in the Bank of England archives<sup>67</sup> indicates that the stock for the railway sinking fund ceased to exist in 1964. On that basis, the various Acts described above have now become spent.

### **Madras Railway Company**

- 3.65 The Madras Railway Company was formed provisionally in July 1852 to acquire lands in the “East Indies” and to construct and work a railway or railways in that territory.<sup>68</sup> In December of that year the railway company contracted with the East India Company to construct and maintain an “experimental line of railway” from Madras to (or towards) the west coast of India. However, the company lacked formal incorporation and the power (amongst other things) to enter into contracts with the government of India for further railway and telegraph construction, and provision for affording supervisory rights to the government was inadequate. The *Madras Railway Act 1853*<sup>69</sup> authorised the forming of a body corporate to operate the railway undertaking, transferred to it the property of the former company, and provided the necessary power to enter into new contracts with the East India Company. The East India Company was given powers to control the railway operation (with a board member), to lease land to the railway company, and to purchase or take a surrender of the undertaking “at any future period”.<sup>70</sup>

<sup>64</sup> 17 & 18 Geo.5 c.v (1927) (“The 1927 Act”).

<sup>65</sup> The 1927 Act, ss 2, 9 repealed sections 22, 23 and 36 of the 1900 Act (relating to aspects of the sinking fund and the annuity trustees), and substituted a new section 22. The same Act, by section 5, amended section 62 of the 1900 Act (relating to the formula for reimbursement of the annuities management expenses).

<sup>66</sup> It appears from a notice in the *London Gazette* relating to investments held by the Eastern Bengal Railway Company (see earlier in this chapter), published on 2 November 1948 (at p 5793), that the Great Indian Peninsula Railway Annuity Class B stock had already been the subject of a first distribution of sinking fund assets.

<sup>67</sup> Information kindly provided by the Treasury Legal Advisers.

<sup>68</sup> This was the second incarnation of the Madras Railway Company. A previous venture of the same name had been established in 1845 but, through lack of adequate groundwork and research, had failed. The first company was dissolved in 1847.

<sup>69</sup> 16 & 17 Vict. c.xlvi (1853) (“The 1853 Act”).

<sup>70</sup> The 1853 Act, s 7.

- 3.66 The 1853 Act was the first of five statutes promoted to establish and reinforce the Madras Railway Company's operation. In August 1853 the railway company agreed with the East India Company that the "experimental line" should be extended further towards the west coast, and that branch lines should be constructed to Bangalore and to the foothills near Ootacamund (now Udthagamandalam), which amounted to a significant enhancement of the original scheme. The East India Company were also interested in a link to Madras on the east coast. By 1854 the railway company had embarked on construction of the first phase, but it required additional statutory powers. The *Madras Railway Company Act 1854*<sup>71</sup> authorised the railway company to contract with the government of India to extend the experimental line to the western coast of India and to build the two branchlines, to increase its capital to an uncapped sum (by further share creation), and to extend its borrowing power to a specified ceiling.
- 3.67 In June 1855 the railway company was almost ready to contract with government to undertake the western extension project, but it lacked sufficient take-up of its shares in Great Britain. In order to raise working capital in the East Indies, and concerned that the project was "of great public importance" and should proceed without delay, the company promoted what was to become the *Madras Railway Act 1855*.<sup>72</sup> The Act, amongst other things, enabled the railway company to issue and register share transfers in Indian offices and to issue debentures, and it required the company to contribute its net profits to the Indian government to compensate for the interest payable under the capital guarantee scheme.<sup>73</sup>
- 3.68 In April 1907, pursuant to the provision in the original 1853 Act, the Secretary of State in Council of India gave notice to the railway company of his intention to purchase the entire railway and telegraph network. Prior to the transfer date (31 December 1907) the company had established various funds, including a provident fund and a charitable grant fund. On transfer the government became responsible for these funds and for redemption of the debenture loans and interest. Instead of making a single payment for the undertaking the government opted to pay by annuity instalments, commencing in April 1908 and terminating in April 1956.<sup>74</sup>

<sup>71</sup> 17 & 18 Vict. c.xxix (1854).

<sup>72</sup> 18 & 19 Vict. c.xl (1855).

<sup>73</sup> The *Indian Railway Companies Act 1868* (c.26) (see above) enabled the Madras Railway Company, amongst others, to raise further moneys by debenture stock.

<sup>74</sup> This period tied-in with the residue of the original 99 year lease which ran from 1857 onwards.

- 3.69 On transfer, and prior to dissolution of the company, a sinking fund had to be created through which stockholders could exchange their holdings for annuities. The transfer of stock and management of annuities required specific legislative authority. The *Madras Railway Annuities Act 1908*<sup>75</sup> provided for a multitude of technical matters relating to the holding and management of stock, debentures and funds and, amongst other things, gave retrospective effect to the transfer of the railway company's assets, terminated all existing contracts with government (except those relating to the guarantee of debentures, for which government would become directly liable), and authorised creation of the annuity to purchase the railway undertaking and to facilitate provision of the sinking fund (with arrangements for remunerating the sinking fund trustees).<sup>76</sup> The government was authorised to acquire old railway company stock or annuities by exchanging share capital in the Madras and Southern Mahratta Railway Company (which company was to succeed the Madras Railway Company as an operational entity).
- 3.70 The railway company was deemed to be dissolved once the distribution of surplus closing profits to stockholders had been made, or by 30 June 1909, whichever was the earlier.<sup>77</sup>
- 3.71 By 1922 the Secretary of State had created both the purchase annuity (managed by annuity trustees and charged on the revenues of India) and the sinking fund (held by separate sinking fund trustees). The 1908 Act had failed to provide for adequate reimbursement of the annuity trustees when administering the distribution and winding-up processes. As a consequence the final Act, the *Madras Railway Annuities Act 1922*,<sup>78</sup> was promoted by the annuity trustees to require the sinking fund trustees, on distribution, to transfer their accumulated fund to the annuity trustees for apportionment amongst the Class B annuitants, and to adjust the formula under which the annuity trustees were reimbursed their management expenses.
- 3.72 The 1922 Act, s 2(2) repealed section 23 of the 1908 Act (relating to post-distribution of the sinking fund) and amended by substitution section 60 (relating to the remuneration deduction for the annuity trustees). Otherwise the 1908 Act remains intact.
- 3.73 The Madras and Southern Mahratta Railway Company was dissolved in 1950. The Madras Railway Company sinking fund appears to have been distributed in or around April 1956.<sup>79</sup> On this basis, all five Acts relating to the Madras Railway Company and its annuity arrangements are long spent and may be repealed.

<sup>75</sup> 8 Edw.7 c.iii (1908) ("The 1908 Act").

<sup>76</sup> The annuitants were to be divided into two classes: Class A annuitants (who elected to receive their annuities in full) and Class B (who opted to make a regular deduction towards the sinking fund): see the 1908 Act, ss 17 and following.

<sup>77</sup> See the 1908 Act, s 73.

<sup>78</sup> 12 & 13 Geo.5 c.vii (1922).

<sup>79</sup> Information provided courtesy of the Bank of England via the Treasury Legal Advisers..

### **Oude Railway Company**

- 3.74 The Oude Railway Company was formed initially (in 1856) as a joint stock company but was superseded by a company incorporated statutorily by the *Oude Railway Act 1858*.<sup>80</sup> The Act wound-up the original company and reformed it as a body corporate whose purpose was to construct and work railways and telegraphs in the Oude territory. Preliminary negotiations with the East India Company centred on the proposal to build a main railway link between Cawnpore (today Kanpur) and Lucknow, with ancillary branch lines.
- 3.75 The 1858 Act effected the transfer of all property and contractual rights to the new body, and provided for the raising of capital by share issue (including “guaranteed shares” where the interest payable was underwritten by the Indian government) and by borrowing on mortgage or bond issue. The company was permitted to establish an India office and the statute put in place a financial regulation regime. As with other railway companies formed at this time, the East India Company (acting on the government’s behalf) was to be able to supervise the railway company’s operations both in England and India, and the government reserved an option to take over the undertaking at some future date by surrender or sale.
- 3.76 The Oude Railway Company fell victim to parliamentary concern, voiced in 1861-62, about railway companies relying on governmental assistance rather than seeking private investment. A move was made to prevent further guarantees being awarded and to halt existing guarantee arrangements. The Oude Railway Company was ordered to postpone its construction works and to repay, with interest, all outstanding loan moneys.<sup>81</sup> The proposed line was later built by the Indian Branch Railway Company (an unrelated entity).
- 3.77 The Oude Railway Company was dissolved, probably between 1862 and 1867.<sup>82</sup> The 1858 Act is now spent.

<sup>80</sup> 21 & 22 Vict. c.lxxxiii (1858).

<sup>81</sup> See Statute Law Revision: Indian Railway Repeal Proposals (2007) Law Commission Consultation Paper at p133 for more detail.

<sup>82</sup> The archives of the Board of Trade contain records indicating that the railway company had been dissolved: National Archives ref. nos. BT31/217/673 & BT41/798/4393.

### Scinde Railway Company

- 3.78 The Scinde Railway Company was first incorporated by the *Scinde Railway Act 1855*.<sup>83</sup> That Act was superseded by the *Scinde Railway Act 1857*<sup>84</sup> which repealed the 1855 Act<sup>85</sup> and provided for the continuation of the railway company. Under the 1857 Act the railway company was empowered, amongst other things, to enter into contracts with the East India Company to construct and operate the Scinde railway (Kurrachee (now Karachi) to Hyderabad on the river Indus) and the Punjaub<sup>86</sup> railway (Mooltan (now Multan) to Lahore and Umritsir (Amritsar)), and to work a steam boat flotilla on the Indus between Hyderabad and Mooltan.
- 3.79 The company was authorised to raise general capital by share issue (with interest guaranteed by government) and to borrow on bond up to a predetermined ceiling. In return, the East India Company was granted significant rights, including the power to purchase the undertaking. In the event of sale or merger the company could put itself into dissolution and distribute its net assets. Once complete the Scinde railway line was to be leased by the East India Company to the railway company for 99 years, expiring in 1954. Work on the Scinde railway commenced in April 1858 and the line opened in May 1861.
- 3.80 In March 1859 the railway company had contracted with the Secretary of State in Council of India (as successor to the East India Company) to operate the Indus steam flotilla and to construct and operate the Punjaub railway (also leased for 99 years, until 1958). Each of these undertakings was made subject to the sale or surrender provisions whereby the government could acquire them in 1884 (25 years on) or in 1909. In June 1863 a further contract was executed under which the Delhi railway (Umritsir to Delhi) would be built, with a sale or surrender option exercisable in 1888 (25 years later) or in 1913, and grant of a 99 year lease of the requisite land expiring in 1962.
- 3.81 By 1869 parts of each of the four undertakings were open for traffic, and it had become expedient to amalgamate the whole or part of the separate undertakings. The *Scinde Railway Company's Amalgamation Act 1869*<sup>87</sup> authorised the merger (subject to shareholder agreement), rationalised the shareholding arrangements, permitted the raising of further capital (subject to government approval), and sanctioned ring-fenced borrowing on bond and the issue of debenture stock. In May 1870 the company changed its name to the Scinde, Punjaub and Delhi Railway Company, and in the following month a contract was executed which brought into line the various leases (so that the new lease ran from 1860 until 1959) and provided for the Secretary of State to give notice of the government's intention to purchase in 1885 or 1910. On exercising the purchase option the price was payable by annuity spread over the residue of the lease in lieu of a single lump sum.

<sup>83</sup> 18 & 19 Vict. c.cvx (1855) (repealed).

<sup>84</sup> 20 & 21 Vict. c.clx (1857) ("The 1857 Act").

<sup>85</sup> The 1857 Act, s 5.

<sup>86</sup> *Punjaub* is the spelling adopted in the legislation.

<sup>87</sup> 32 & 33 Vict. c.lxxx (1869).

- 3.82 In March 1885 the Secretary of State gave notice of his intention to purchase the entire undertaking in December of that year, using an annuity expiring in 1959. Arrangements needed to be put in place for a sinking fund, for annuity management, for pension payments for certain employees, and for the widows' orphan and benevolent fund. The *Scinde, Punjab and Delhi Railway Purchase Act 1886*<sup>88</sup> required the transfer of the undertaking - which now had constructed the whole railway system - to the Secretary of State, declared that the annuity - which was to expire on 31 December 1958<sup>89</sup> - was to be payable from the revenues of India, created a sinking fund dividing the annuity-holders into two classes, made provision for the final dissolution of the railway company, and catered for a host of ancillary matters.
- 3.83 The 1886 Act was the final statute relating to the affairs of the Scinde railway operation. The Board of Trade archives are silent as to dissolution of the railway company, although this is likely to have occurred.<sup>90</sup> The sinking fund for the Scinde Railway Company appears to have been closed after distribution in 1958.<sup>91</sup> For this reason, all three remaining statutes are now spent and can be repealed.

#### **South Indian Railway Company (formerly the Great Southern of India Railway Company)**

- 3.84 A part-precursor to the South Indian Railway Company was the Great Southern of India Railway Company, which was formed around 1857 in order to bring railway communication to the southern provinces of India.<sup>92</sup> The East India Company had sanctioned a guarantee of interest on the railway company's borrowings. The *Great Southern of India Railway Act 1858*<sup>93</sup> was enacted to incorporate the railway company and transfer the original shareholdings, to authorise the holding of land and property, to facilitate mutual running agreements with other railway companies, to authorise borrowing of additional capital (up to a set ceiling), and generally to permit the railway company to undertake the building and operation of railway lines.

<sup>88</sup> 49 & 50 Vict. c.xlii (1886) ("The 1886 Act").

<sup>89</sup> Final payment was due to the Bank of England on 1 January 1959, for distribution thereafter: see the 1886 Act, ss 8-11.

<sup>90</sup> See the National Archives records under reference no. BT41/620/3389.

<sup>91</sup> Information provided to the Treasury Legal Advisers by the Bank of England based on a note in the archive referring to a memorandum of 1969 on the subject.

<sup>92</sup> In particular the railway was to be constructed in Salem, Trinchinopoly (today Tiruchirapalli), Tanjore (now Thanjavur), Majore, Madura (now Madurai), Tinnivelly (now Tirunelveli), Tutacorin (now Thoothukudi), and Travencore (now part of the Kerala region), with the possibility of further extension.

<sup>93</sup> 21 & 22 Vict. c.cxxxviii (1858) ("The 1858 Act").

- 3.85 In September 1858 the railway company contracted with the government of India to construct the first phase of the railway line from Negapatam (today Nagapattinam) to Trinchinopoly and to pay a capital sum to the government (which it could draw upon as works proceeded), in return for which the government would guarantee interest on the sum for 99 years and would have an option to purchase the undertaking.<sup>94</sup>
- 3.86 By 1860 the cost of completing the first phase of the work (which was nearing completion) exceeded the capital raised by share issue. In order to make up the shortfall the railway company needed power to borrow beyond the original limit, secured on the existing and future guarantees. The *Great Southern of India Railway Amendment Act 1860*<sup>95</sup> repealed the earlier borrowing powers<sup>96</sup> and substituted alternative borrowing arrangements (enabling borrowing by tranches and by debenture issue, albeit with the same overall ceiling) which were to be activated only with the Secretary of State's sanction.
- 3.87 In December 1873 the Great Southern of India Railway Company agreed an amalgamation with the Carnatic Railway Company (endorsed by the Secretary of State), to form the new South Indian Railway Company, and the winding-up of the two existing entities.<sup>97</sup> By this date lines had been constructed from Negapatam to Trichinopoly and on to Errode, and from Arconum (today Arakkonam) Junction to Conjeveram (now Kanchipuram). The merged company was to construct two further lines: from Trinchinopoly to Tuticorin, and from Madras (now Chennai) to Tanjore. The tripartite agreement provided that the government could (during the next 999 years, commencing March 1870) accept a surrender of the railway undertaking, or exercise an option to purchase.

<sup>94</sup> For further information on the history of the Great Southern of India Railway Company and its successor company see the various published works listed in our Consultation Paper Statute Law Revision: Indian Railway Repeal Proposals (2007) Law Commission Consultation Paper at page 103 n343 (published on the Law Commission's website).

<sup>95</sup> 23 & 24 Vict. c.xlix (1860) ("The 1860 Act").

<sup>96</sup> Section 6 of the 1860 Act repealed the borrowing provisions set out in section 28 of the 1858 Act (a convoluted provision which authorised borrowing on mortgage or bond up to a fixed ceiling), and section 7 substituted the new mechanism. The two Acts were to be construed together.

<sup>97</sup> The Board of Trade archives (now held at the National Archives) show that the Great Southern of India Railway Company was dissolved in July 1874: see record reference no. BT31/246/808 and linked records nos. BT41/272/1564 and BT285/332.

- 3.88 The *South Indian Railway Act 1874*<sup>98</sup> combined the former companies into a single undertaking and gave binding force to the 1873 agreement. The effect was to rescind all existing government contracts and to replace them with the aggregated version, to extend to the new company the provisions enacted in the 1858 and 1860 Acts,<sup>99</sup> and to apply to the company the Indian Railway Companies Act 1868.<sup>100</sup> The new company was to inherit all the assets of the former companies from July 1874 onwards, including converted stocks and shares, and interest on the company's capital (with a fixed ceiling) was to be guaranteed by the Secretary of State at 5% p.a. The railway company's contract-making powers were extended beyond those set out in 1858 to embrace the construction of new lines, culminating in eventual surrender or sale of the undertaking to the government.
- 3.89 By 1888 additional contract-making and finance-raising powers were needed for the railway company. Considerable progress had been made in completing and opening new lines, including that between Madras and Tanjore. The *South Indian Railway (Additional Powers) Act 1888*<sup>101</sup> authorised the company to enter into contracts with government and third parties (including governments of any "native state")<sup>102</sup> for the construction and working of any railway operation, and to raise moneys by share issue and mortgage or debenture borrowing (subject to government sanction and ring-fencing of the amounts raised).
- 3.90 In 1891 the South Indian Railway Company's contract with the government expired and government then purchased all of its lines. A notice published the previous October indicated the company's intention to distribute the purchase price amongst its directors and registered proprietors.<sup>103</sup>
- 3.91 The South Indian Railway Company went into voluntary liquidation in September 1948.<sup>104</sup> On that basis, the four Acts from 1858 to 1888 are now unnecessary and can be repealed as a whole.

<sup>98</sup> 37 & 38 Vict. c.cxii (1874).

<sup>99</sup> As above.

<sup>100</sup> 31 & 32 Vict. c.26 (1868). This Act (repealed in 1964) enabled various guaranteed Indian railway companies, including now the South Indian Railway, to raise moneys by the issue of debenture stock.

<sup>101</sup> 51 & 52 Vict. c.v (1888).

<sup>102</sup> This expression was designed to embrace states or territories under the suzerainty of the British Crown, often with a separate prince or ruler, but which were not part of "British India" (formally within the sovereign's overseas dominions).

<sup>103</sup> See the *London Gazette*, Issue 26102, 31 October 1890, p 5756.

<sup>104</sup> See the Board of Trade archives at the National Archives under reference no. BT31/31230/32802.



# PART 4

## IRELAND (DUBLIN CITY)

### INTRODUCTION

- 4.1 The 40 Acts proposed for repeal in this part focus on selected areas of the city of Dublin's municipal and service functions during the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Dublin has for centuries been the capital city of Ireland. From 1801 to 1922 the United Kingdom Parliament was the sole legislative body for Ireland. Since 1949 Ireland (minus the UK province of Northern Ireland) has been a republic with independent sovereign status.<sup>1</sup>
- 4.2 The repeal candidates span the years 1807 to 1920 and have been grouped under six headings: steam packet company, hospitals, police and justice, general post and record offices, public carriage, and Dublin corporation.<sup>2</sup> The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

### GROUP 1 - DUBLIN STEAM PACKET COMPANY

- 4.3 The City of Dublin Steam Packet Company was founded (for the carriage of cargo, mail and passengers) in 1822, and functioned for 102 years. The company became a formal partnership in 1828 and, later in the same year, under specific legislation, a joint stock company.<sup>3</sup>
- 4.4 The *City of Dublin Steam Packet Company Act 1833*<sup>4</sup> gave the company various powers relating to steam navigation and shipping and, amongst other things, authorised it to raise additional capital by share issue to facilitate navigation on the river Shannon. Land could be purchased for wharfage and warehousing purposes. The 1833 Act was time-limited to expire in 1932,<sup>5</sup> but it was neither extended nor repealed.

<sup>1</sup> From 1922 until 1937 the Irish Free State had the status of a dominion under the UK Crown. In 1937 Eire became an independent sovereign state and subsequently, in 1949, Ireland became a republic. As a consequence, UK legislation relating to what territorially is now Ireland (as opposed to Northern Ireland) has ceased to have any practical utility within the UK, and can be removed from the UK statute book.

<sup>2</sup> More detailed background on each of these topics is to be found in the Law Commission's *Statute Law Repeals Consultation Paper: City of Dublin* (SLR 01/08) published in August 2008 and available on the Law Commission's website.

<sup>3</sup> See 9 Geo.4 c.lxvi (1828) ("The 1828 Act"), repealed in 1833 (see below). This Act was the first in a series of 12 statutes passed to govern the affairs of the packet company (of which 11 remain live on the statute book).

<sup>4</sup> 3 & 4 Will.4 c.cvx (1833) ("The 1833 Act"). The Act was not assigned a short title: the title used informally here derives from the *Chronological Table of Local Acts 1797-2008*.

<sup>5</sup> The 1833 Act, s 63. Section 1 of the Act repealed the 1828 Act, subject to savings for matters already transacted.

- 4.5 In 1836 the packet company needed six additional vessels to navigate the now improved Shannon. The *Dublin Steam Packet Act 1836*<sup>6</sup> provided authorisation to vire a portion of the share capital retrospectively for this expansion, but also specifically precluded the company from becoming land-based carriers.
- 4.6 By 1860 the company had contracted with two railway companies in England and Wales to provide a further four steam vessels to carry mail and passengers across the Irish Sea.<sup>7</sup> This, however, required more capital. The *City of Dublin Steam Packet Company's Act 1860*<sup>8</sup> enabled the company to issue more shares so that it could repay loans to the London and North Western Railway Company (LNWR) and to the Dublin and Liverpool Steam Ship Building Company, and retrospectively incorporated the packet company.<sup>9</sup> The 1860 Act was followed shortly by the *City of Dublin Steam Packet Company's (Consolidation of Shares) Act 1861*<sup>10</sup> which was designed to consolidate the company's paid-up shares into a single capital stock.
- 4.7 By 1867 the company had accrued a full contingency fund for replacement vessels, but had not had cause to draw upon it. The *City of Dublin Steam Packet Company's Act 1868*<sup>11</sup> authorised the company to reinvest the fund in the ship building company's redeemable shares. That investment base gradually needed widening, and the *City of Dublin Steam Packet Company's Act 1876*<sup>12</sup> empowered the company to invest in debenture stock of any UK railway company.
- 4.8 In 1883 the company entered into a second government contract (for 12 years duration) to carry the mails by sea from Holyhead to Kingstown. The operation necessitated the extension of the then Railway and Canal Traffic Acts to the steam vessels and their passengers and parcels. This was achieved by the *City of Dublin Steam Packet Company's Act 1884*,<sup>13</sup> which also authorised the setting of tariff charges for passenger and luggage carriage. Come 1895 a third contract was required (for 20 years and serviced by new vessels) which necessitated continued application of the Traffic Acts. The *City of Dublin Steam Packet Company's Act 1895*<sup>14</sup> effected the continuation, extended the company's borrowing power, and provided for the creation of a sinking fund.

<sup>6</sup> 6 & 7 Will.4 c.c (1836) ("The 1836 Act").

<sup>7</sup> In January 1859 the packet company and the LNWR had entered into a contract with the Postmaster-General to carry the Anglo-Irish mails.

<sup>8</sup> 23 & 24 Vict. c.xcviii (1860) ("The 1860 Act").

<sup>9</sup> Incorporation was back-dated to July 1833, in line with the original 1833 Act: the 1860 Act, s 2.

<sup>10</sup> 24 & 25 Vict. c.iii (1861).

<sup>11</sup> 31 & 32 Vict. c.xxx (1868).

<sup>12</sup> 39 & 40 Vict. c.xi (1876).

<sup>13</sup> 47 & 48 Vict. c.cxxx (1884).

<sup>14</sup> 58 & 59 Vict. c.cxxiii (1895).

- 4.9 The *City of Dublin Steam Packet Company's Act 1910*<sup>15</sup> came about in order to settle litigation between the packet company and the Dublin and Liverpool Steamship Building Company over non-payment on a chartering arrangement. Under the Act the shipbuilding company was to be dissolved, its shareholders were to be allocated packet company preference stock, and the company's assets were to pass to the packet company in November 1910. The Act also made provision for various technical matters relating to stock transfer, company meetings, member voting, director qualification and the like.
- 4.10 By 1916 the packet company had borrowed additional moneys, secured on its undertaking and assets. But the First World War had caused the company's invested sinking fund to depreciate significantly, which necessitated securing an extension of time on its mortgage debt repayment (due that year) and further borrowing powers.<sup>16</sup> The *City of Dublin Steam Packet Company's Act 1916*<sup>17</sup> extended the repayment period until June 1921, capped the sinking fund annual contribution, and increased the company's mortgage borrowing powers, subject to protection arrangements for existing mortgagees.
- 4.11 The final statute in the series was the *City of Dublin Steam Packet Company's Act 1920*<sup>18</sup> which was enacted to deal with two issues. First, because the packet company had by then sold all its steamers employed on the Dublin-Liverpool service, and associated land and plant, its assets now exceeded the company's authorised nominal capital. This situation required statutory sanction. Secondly, the Act reinstated previously repealed provisions relating to stock transfer, voting and director conduct.
- 4.12 The body of statute law relating to the packet company ceased to have any practical use once the company's mails contract had expired and the fleet had been sold. The packet company was wound up by the High Court at Dublin in 1924.<sup>19</sup> The series of eleven Acts can now be repealed.<sup>20</sup>

## **GROUP 2 - DUBLIN HOSPITALS**

### **Dublin Foundling Hospital**

- 4.13 The Dublin Foundling Hospital operated from 1727 until 1829. It started life as a workhouse in 1703 but, in 1727, part of the premises was reserved for use as a foundling hospital, admitting some 200 infants a month, initially with a very high mortality rate. In 1776, by statute,<sup>21</sup> the admission age for children was reduced from six years to one year in order to stem the tide of infants being presented.

<sup>15</sup> 10 Edw.7 & 1 Geo.5 c.vii (1910).

<sup>16</sup> WW1 also took its toll on vessels and human life. Three ships were sunk in the period up to and including 1918.

<sup>17</sup> 6 & 7 Geo.5 c.viii (1916).

<sup>18</sup> 10 & 11 Geo. 5 c.i (1920). The 1833 to 1920 Acts were able to be cited collectively.

<sup>19</sup> See *The Irish Times* 19 November 1924.

<sup>20</sup> Two of the Acts - the 1833 and the 1836 Acts - have already been repealed in Ireland: see the Statute Law Revision Act 2009 (No.46 of 2009) (Ire), s 3 and Sch 2 Pt 4.

<sup>21</sup> 15 & 16 Geo.3 c.25 (1775-76) (Ire).

- 4.14 A series of pre-Union Irish Acts, spanning the period 1771 to 1800, governed the hospital and workhouse's activities, followed by a United Kingdom post-Union statute of 1801.<sup>22</sup> The *Dublin Foundling Hospital Act 1810*<sup>23</sup> continued in force the Irish Acts (which had been time-limited),<sup>24</sup> and repealed the 1801 Act. It also incorporated the hospital's governing body, made provision for the oral examination of the hospital's employees as to their care of the children and the handling of funds, and varied the mechanics whereby the hospital levied property rates (through valuation, rating assessment and rate collection) in accordance with audit practice.<sup>25</sup>
- 4.15 By 1814 the hospital was again overwhelmed with admission candidates. Concern flowed from the rise in the child mortality rate, and from the attempt by some parents to secure maintenance through the hospital when they had sufficient means of their own. The *Dublin Foundling Hospital Act 1814*<sup>26</sup> empowered the governors to suspend admissions for six months (after the giving of due notice in the parishes) and to require the production of certificates by parish ministers and churchwardens as to the absence of parents or the inability of parents to provide for their child's upkeep.
- 4.16 Six years later the 1814 Act powers needed to be supplemented. The *Dublin Foundling Hospital Act 1820*<sup>27</sup> provided greater flexibility as to when admissions could be suspended and individual cases refused or granted with conditions.<sup>28</sup>
- 4.17 The time-limited Acts needed extension. First the *Foundling Hospital, Dublin Act 1821*<sup>29</sup> and then the *Dublin Foundling Hospital Act 1822*<sup>30</sup> extended the life of the Acts, initially up until 1824 and then indefinitely. The 1822 Act also tightened the admission and discharge arrangements for children in care. Admission was only to be granted where the parish overseers paid Ir£5 first, and produced a certificate which stated that the child was under 12 months old, that the parents could not be located, and that the child had been "deserted or exposed" and was in danger of perishing. From 1823 onwards hospital rates within the city and suburbs were to be abolished, and legislation relating to the parish poor was to be extended to Dublin parishes. No child was to be discharged to any putative relative without an order of the governors.

<sup>22</sup> 41 Geo.3 c.50 (1801) (*Foundling Hospital, Dublin Act*), repealed in 1810 (see below). The previous *Foundling Hospital in Dublin Act 1800* (40 Geo.3 c.33) (Ire), a pre-Union Irish Act, was repealed in Ireland in 2007.

<sup>23</sup> 50 Geo.3 c.cxcii (1810). The Act was not assigned a short title: the title used informally here derives from the *Chronological Table of Local Acts 1797-2008*.

<sup>24</sup> The continuation period was 11 years until January 1821 plus the period leading up to the end of the next parliamentary session (which meant 1822).

<sup>25</sup> Properties liable to be rated were those situate within a two mile radius of Dublin castle.

<sup>26</sup> 54 Geo.3 c.128 (1814) ("The 1814 Act").

<sup>27</sup> 1 Geo.4 c.29 (1820).

<sup>28</sup> Suspension orders first required the approval of the lord lieutenant or chief governors of Ireland.

<sup>29</sup> 1 & 2 Geo.4 c.117 (1821), repealed in 1873.

<sup>30</sup> 3 Geo.4 c.35 (1822) ("The 1822 Act").

- 4.18 In 1829 the Foundling Hospital closed, the building becoming the South Dublin Union Workhouse and later St. James's Hospital.

#### **Meath Hospital (or County of Dublin Infirmary)**

- 4.19 The Meath Hospital in Dublin was established in 1753 to serve the poor in the Liberties (a once deprived area in the city centre). It became a public county infirmary by Irish statute of 1773, and the governors and donors gained corporate status in 1775.<sup>31</sup>
- 4.20 By 1815 the hospital lacked adequate accommodation for surgical and medical procedures: it needed rebuilding so that it could expand. The *Meath Hospital and County of Dublin Infirmary Act 1815*<sup>32</sup> authorised the rebuilding project and reconfigured the hospital governance arrangements by putting it on a corporate footing, thus giving the governors the ability to appoint staff, to recommend patient admission, and to acquire land for the hospital. In addition to receiving an annual Treasury grant the county grand jury was empowered to levy a domestic rate (to raise up to £500 p.a.) within the hospital's catchment district for maintenance purposes.
- 4.21 The financial ceiling on the rate levying power gave rise to difficulties. Four years on the governing body owed nearly £1,500 to various tradesmen, had spent over £1,800 on site purchase and had expended £4,000 on new buildings, but still lacked funds to complete the project. The *Meath Hospital and County of Dublin Infirmary Act 1819*<sup>33</sup> substituted power to raise up to £5,000 to pay off the tradesmen and complete the building works (on production of certifying documentation), and empowered the grand jury to appropriate further moneys to maintenance of the hospital once built, supplemented by the proceeds of sale of the old site.
- 4.22 In 1822 the Meath Hospital moved to its new location in Heytesbury Street in Dublin, where it remained until 1998 (at which point it was amalgamated with the Adelaide and National Children's Hospital at Tallaght, County Dublin, to form the Adelaide and Meath Hospital). Today the legislation relating to the Meath Hospital is no longer required in the UK.

#### **House of Industry Hospitals**

- 4.23 Three hospitals - the Richmond, the Whitworth, and the Hardwicke - were opened to provide care for the poor and destitute of inner city Dublin. They were all attached to the Dublin House of Industry, and started life in 1772.

<sup>31</sup> Under 15 & 16 Geo.3 c.31 (1775-76) (Ire). The Act continues in force in Ireland. County grand juries were authorised in 1805 to raise a county rate for maintenance of their infirmaries: *County Infirmaries (Ireland) Act 1805 (45 Geo.3 c.111)*, repealed in Ireland in 2007, and in the UK by 1948.

<sup>32</sup> 55 Geo. 3 c.lxxxi (1815).

<sup>33</sup> 59 Geo.3 c.lxi (1819).

- 4.24 The *Dublin House of Industry Act 1820*<sup>34</sup> concerned the governance of the House of Industry. It authorised the lord lieutenant or other chief governor of Ireland to appoint a salaried governor to manage the institution (in lieu of five governors who had operated under a previous Irish Act of 1800),<sup>35</sup> overseen by up to seven appointed visitors who were responsible for both the state of the institution and general regulation of its staff. In 1838 the House of Industry was vested in the poor law commissioners who then appropriated part of it to workhouse use for the North Dublin Union.
- 4.25 The *Dublin Hospitals Regulation Act 1856*<sup>36</sup> made provision for the management of hospitals attached to the House of Industry, together with other hospitals in Dublin which were supported by parliamentary grant. The various hospitals were vested in the Commissioners of Public Works in Ireland. The lord lieutenant was to establish a board of governors to manage the various Dublin hospitals, to appoint a board of superintendence to monitor performance (in terms of patient care, staff conduct and building maintenance) and to report annually, and to regulate the numbers and nature of staff to be employed in the hospitals. The Public Works Commissioners were empowered to undertake repairs and improvements to the House of Industry and to the Westmoreland Lock hospitals.
- 4.26 The House of Industry group of hospitals (which were all medical training hospitals) ran for over 200 years until 1987, at which point they closed and their operations were amalgamated with the Jervis Street Hospital to become the Beaumont Hospital. On that basis the two surviving Acts are no longer required.

#### **Dublin Eye and Ear Hospital**

- 4.27 The *Dublin Eye and Ear Hospital Act 1897*<sup>37</sup> effected the merger of two specialist hospitals in Dublin which had each outgrown their accommodation. The National Eye and Ear Infirmary Ireland had been established in Molesworth Street in 1814, utilising a lease which was due to expire in September 1901. St. Mark's Ophthalmic Hospital and Dispensary for Diseases of the Eye and Ear was established in 1844 in Lincoln Place, under a lease expiring in March 1896. Both hospitals were built to treat poor persons suffering from eye or ear disease.
- 4.28 The 1897 Act led to the purchasing of a site for the amalgamated Dublin Eye and Ear Hospital in Adelaide Road in 1899, and subsequent erection of the new buildings. The Act formally amalgamated the hospitals, giving the new body corporate status, making arrangements for governance through a council, dissolving the old trusts, effecting transfer of property to the new organisation and sale of the original sites so that the moneys could be applied for the ongoing support of the hospital, and ensuring that treatment could be provided to both inpatients and outpatients (although excluding treatment of infectious disease).
- 4.29 In February 1904 patients from the constituent hospitals were transferred to the new building. Today the hospital exists on the same site, now named the Royal Victoria Eye and Ear Hospital. In the UK the 1897 Act is now spent.

<sup>34</sup> 1 Geo.4 c.49 (1820). This Act was repealed in Ireland in 2007.

<sup>35</sup> 40 Geo.3 c.40 (1800) (Ire), repealed in Ireland in 2007.

<sup>36</sup> 19 & 20 Vict. c.110 (1856). In Ireland this Act was repealed in 2007.

## GROUP 3 - DUBLIN POLICE AND JUSTICE

### Police

- 4.30 In 1808 the metropolitan district of Dublin was the basis for administering a police force whose principal purpose was to prevent the commission of crime in the city. The force was administered through the office of a justice of the peace. The district comprised six divisions, each having a local public office.<sup>38</sup>
- 4.31 The *Dublin Justices Act 1824*<sup>39</sup> amended the previous (1808) Act by reducing the divisions to four and making various administrative changes. The 1824 Act empowered the lord lieutenant of Ireland to reorder the divisions and their supervision (now with three divisional justices), to extend the jurisdiction of the justices across four adjoining counties, to simplify the enforcement procedure for fines and enhance the licensing regimes (for liquor sales, gaming and carriage hire), to rearrange the nightly watch, and to authorise the appointment of unpaid special constables.
- 4.32 By 1836 a more organised policing system was required for the city. The *Dublin Police Act 1836*<sup>40</sup> created the Dublin Metropolitan Police comprising a new police office, administered by two salaried justices (who later became police commissioners) working under the direction of the chief secretary to the lord lieutenant. The justices' jurisdiction was to extend across Dublin (metropolis and county) and beyond to Wicklow, Kildare and Meath. The police force was to recruit "fit and able men" in sufficient number to preserve the peace, prevent crime and apprehend offenders. The constables were to be given powers of arrest and bail, subject to a code of conduct regulating their behaviour in office.
- 4.33 The 1836 Act also put in place arrangements for raising moneys by local taxation and handling those moneys, for maintaining the police force (constables and night watchmen), and for providing the necessary infrastructure (watch houses and arms). These arrangements were varied a year later so that a police tax could be levied as part of the local rate.<sup>41</sup>
- 4.34 Further improvements to the tax collection arrangements were made by the *Dublin Police Act 1839*<sup>42</sup> which authorised tax collectors to enter rated properties by warrant and distrain on goods to discharge unpaid tax, and also enhanced the mechanisms for ascertaining the rateable value of properties.<sup>43</sup>

<sup>37</sup> 60 & 61 Vict. c.cvi (1897).

<sup>38</sup> See 48 Geo.3 c.140 (1808), now repealed.

<sup>39</sup> 5 Geo.4 c.102 (1824) ("The 1824 Act").

<sup>40</sup> 6 & 7 Will.4 c.29 (1836) ("The 1836 Act").

<sup>41</sup> 7 Will.4 & 1 Vict. c.25 (1837). The 1837 Act has been repealed.

<sup>42</sup> 2 & 3 Vict c.78 (1839).

<sup>43</sup> Two other provisions in the 1839 Act extended the jurisdiction of the divisional justices to hackney carriage licensing and enforcement, and made provision for the control of rabid dogs and other animals. The Act also addressed various ancillary matters, such as the use of fines to defray police establishment expenses, and the ability to adjust the metropolitan police district boundaries (a power vested in the lord lieutenant).

- 4.35 As the years went by the need for the police to control assorted public nuisances and anti-social acts increased (necessitating enlargement of their statutory powers). The *Dublin Police Act 1842*<sup>44</sup> regulated a significant range of matters relating to criminal process and prohibition of nuisance (such as the concealment of evidence, the maintaining of disorderly premises, the control of drunken behaviour, the misuse of police uniforms, and a host of matters pertaining to good rule and government). Provision was also made for arrest and bail without warrant in a range of situations. In harness with these changes, the justices' powers to deal with procedural and trial issues were also extended.
- 4.36 The *Dublin Police Act 1848*<sup>45</sup> contained miscellaneous provisions relating to the local administration of justice and, more particularly, altering arrangements for the regulation of hackney and stage carriages (including varying carriage stands and licensing carriage and omnibus drivers), and adjustment of the regime for recovery of local rates and police tax within Dublin.
- 4.37 The management structure for the Dublin police force (headed by two police commissioners) remained unchanged<sup>46</sup> since the format introduced in 1836. The *Dublin Police Act 1859*<sup>47</sup> changed the model of two commissioners to a single commissioner supported by an assistant commissioner, and enabled the Treasury commissioners to consolidate the separate offices of receiver, secretary and supervisor of taxes in a new office of accountant. The lord lieutenant was authorised to merge the separate police divisions in Dublin and to reduce the number of justices sitting in the police courts.
- 4.38 By 1867 changes had to be made to the arrangements for police superannuation. The *Dublin Police Act 1867*<sup>48</sup> removed the fixed rate of pension contribution by serving officers, and gave the lord lieutenant power to establish a superannuation scheme (with power to forfeit individual pension rights in the event of misconduct in office).
- 4.39 After Irish independence in 1922 the Dublin Metropolitan Police were renamed Poilini Atha Cliath and, in April 1925, they were amalgamated with the national police force, an Garda Siochana. Although the Acts from 1824 to 1859 (but not the 1867 Act) have been retained on Ireland's statute book, they all are now spent in the UK.

### **Justice**

- 4.40 The Four Courts in Dublin are the centre of the justice system in Ireland (today housing the Supreme Court and senior courts). The Four Courts were established on their present site in 1796 (originally designed in 1776 to accommodate only the Office of Public Records and the King's Inns).

<sup>44</sup> 5 & 6 Vict. c.24 (1842).

<sup>45</sup> 11 & 12 Vict. c.113 (1848).

<sup>46</sup> Except for the funding arrangements: from 1854 onwards salaries had been paid from the annual parliamentary estimates rather than the consolidated fund.

<sup>47</sup> 22 & 23 Vict. c.52 (1859).

<sup>48</sup> 30 & 31 Vict. c.95 (1867).



- 4.41 By the mid 19<sup>th</sup> century more court and ancillary accommodation was required in close proximity to the existing court complex. The *Four Courts (Dublin) Extension Act 1858*<sup>49</sup> gave the Commissioners of Public Works in Ireland the power to purchase compulsorily or by agreement a suitable site, to demolish any buildings on it and to build the new courts and offices. The acquisition powers were to be exercised within five years. The commissioners were also empowered to stop-up or divert existing streets and sewers and to build new ones. Compensation was to be paid to property owners where land was acquired compulsorily.
- 4.42 The Four Courts buildings took on an historic significance for Ireland during the 1922 uprising when anti-Treaty forces captured the building and provisional government militia attacked the buildings with artillery. The Four Courts building was badly damaged and the adjoining record office (with its contents) was destroyed. The Four Courts were subsequently restored. Today, although the 1858 Act has a purpose in Ireland,<sup>50</sup> its utility in the UK has passed.

#### **GROUP 4 - DUBLIN GENERAL POST OFFICE AND RECORD OFFICE**

##### **Dublin General Post Office**

- 4.43 In 1783 a General Letter Office and Post Office was established in Dublin at the hub of a number of sub-offices situated across Ireland. The parliament of Great Britain authorised its Postmaster General to transfer the Dublin buildings (then at College Green) to his Irish counterpart. Because in the following years business increased significantly, enlarged premises were needed. The *Dublin General Post Office Act 1808*<sup>51</sup> led eventually (in 1818) to a new post office building being opened in O'Connell Street.
- 4.44 The 1808 Act authorised the Postmaster General of Ireland to acquire landholdings adjoining the existing building, by treaty or compulsorily, so that enlargement could be effected. In the event of compulsory purchase, compensation was to be assessed and paid. The scope of the 1808 Act proved inadequate. The *Dublin General Post Office Act 1809*<sup>52</sup> permitted the Postmaster General to acquire the freehold of the land on which the original post office stood on the same conditions as applied under the 1808 Act. For this purpose the duty receipts from letter postage could be utilised.

<sup>49</sup> 21 & 22 Vict. c.84 (1858).

<sup>50</sup> It remains live on the Irish statute book.

<sup>51</sup> 48 Geo.3 c.48 (1808) ("The 1807 Act").

<sup>52</sup> 49 Geo.3 c.70 (1809) ("The 1809 Act").

- 4.45 This solution likewise was insufficient. By 1814 a new and more convenient building was needed to replace the original one. The *Dublin General Post Office Act 1814*<sup>53</sup> empowered the Postmaster General to buy parcels of land to construct a replacement post office on the assembled site. The three Acts - 1808, 1809 and 1814 - were to be construed as one. The original College Green buildings were to be sold.
- 4.46 A century later the O'Connell Street post office building was to become a symbolic part within Ireland's tapestry of independence. It was seized by republicans and became the headquarters of the 1916 Easter Rising against British rule. The building was bombarded but, after rebuilding and extension, it reopened in 1929. Today it is the headquarters of An Post (the Irish Post Office).
- 4.47 Although all three Dublin General Post Office Acts remain live in Ireland, today in the UK they serve no practical purpose and can be repealed.

### **Dublin Record Office**

- 4.48 The Dublin Record Office was the forerunner to the Public Record Office of Ireland (which latter was established in 1867,<sup>54</sup> and is today part of the National Archives of Ireland). The Record Office appears originally to have been sited within the Honourable Society of King's Inns (the home of the Irish Bar) when the Society occupied a former Dominican monastery at Inns Quay in Dublin. The Society moved out when the site was redeveloped to accommodate the Four Courts complex (which opened in 1796). A new Public Record Office was built adjoining the Four Courts, but the building (and much of its contents) was destroyed by fire in the civil war of 1922.
- 4.49 The *Dublin Site of Record Office Act 1814*<sup>55</sup> was promoted so that part of the grounds and buildings then belonging to the King's Inns could be transferred to the Crown with a view to building the new public record office. The Four Courts and the record office were to be linked by a public passageway. The Act also provided for completion of the remainder of the King's Inns buildings, and the keeping free from development of a tranche of land to the south of the site.
- 4.50 Subsequently it became clear that the development restriction was unlikely to enhance the security of the record office. The *Site for Record Office (Ireland) Act 1826*<sup>56</sup> was enacted to lift the unnecessary restriction and to allow development over the strip of land reserved for public passage (subject to the King's Inns providing an alternative route).

<sup>53</sup> 54 Geo.3 c.63 (1814).("The 1814 Act"). The *Chronological Table of the Statutes 1235-2009, Part 1* describes this statute as the *Dublin Record Office Act 1814*, but that seems to be a misnomer. The preamble to the Act speaks only of "the General Post Office in Dublin". In Ireland, where the 1814 Act remains live on the statute book, the statute is described as the General Post Office Dublin (Amendment) Act 1814.

<sup>54</sup> Under the Public Records (Ireland) Act 1867 (c.70) (now repealed in both the UK and Ireland).

<sup>55</sup> 54 Geo.3 c.113 (1814). In Ireland this statute has been retained, and is known as the Registry of Deeds (Building) Act 1814 (c.113).

<sup>56</sup> 7 Geo.4 c.13 (1826). In Ireland this statute has also been retained as the Registry of Deeds (Building) Act 1826 (c.13).

4.51 Today the Public Record Office forms part of the National Archives of Ireland, and the materials have been housed (since 1991) at Bishop Street in Dublin, on the site of the former Jacob's Factory.

4.52 Neither of the Acts relating to the Record Office have any further use in the UK.

#### **GROUP 5 - DUBLIN CARRIAGES**

4.53 Legislation regulating carriages plying for hire in the streets of Dublin and its surrounds, and providing for a licensing regime, reached back before the 1801 Union with Great Britain. Fifty years on the legislation required updating and consolidation, and effectiveness dictated the transfer of the licensing function from the justices to the Dublin metropolitan police commissioners. This gave rise to three successive carriage Acts.

4.54 The *Dublin Carriage Act 1853*<sup>57</sup> repealed - wholly or partially - 13 Acts (spanning the years 1796 to 1848) which related to vehicle and driver licensing, and authorised a single metropolitan police commissioner to undertake the bulk of the licensing function. The Act set down a rubric for the handling and determination of carriage licensing applications, put in place an enforcement regime, and gave powers to regulate the routes for licensed stage carriages. For hackney carriages the commissioner was able to control numbers and availability of carriages, carriage stands and fares, and to regulate the conduct of carriage drivers and conductors.

4.55 The *Dublin Amended Carriage Act 1854*<sup>58</sup> adjusted the 1853 Act so as to empower the police commissioner to apply conditions to licences granted, to revoke licences where the vehicle or its horse appeared unsafe or where the licensee became an unfit person, and to permit licence transfers. He could also place an overall limit on the number of hackney carriage licences to be issued, adjust the tariff of licence duties, and deal with a range of ancillary matters. Various repeals were made within the 1853 Act, subject to specific savings.

4.56 Finally, the *Dublin Amended Carriage Act 1855*<sup>59</sup> was passed to resolve certain doubts as to the application of the 1853 and 1854 Acts. The Act ensured that carriages designated "cabriolets" were to be treated in the same manner as hackney carriages, and that all three Acts were to be construed as one.

4.57 Although the Acts are still operational in Ireland today they no longer have application here in the UK, and can be removed from our statute book.

<sup>57</sup> 16 & 17 Vict. c.112 (1853) ("The 1853 Act").

<sup>58</sup> 17 & 18 Vict. c.45 (1854) ("The 1854 Act").

<sup>59</sup> 18 & 19 Vict. c.65 (1855).

## GROUP 6 - DUBLIN CORPORATION

- 4.58 Local government in Dublin can be traced back to the charter of 1229 creating the office of mayor, and city status for the municipal corporation appears to date from 1641 onwards. The Municipal Corporations (Ireland) Act 1840<sup>60</sup> laid down a new rubric for local government across Ireland.
- 4.59 The Dublin Corporation Act 1849<sup>61</sup> altered the qualification criteria for city burgesses set down in the 1840 Act so that the only pre-conditions for enrolment were to be occupancy of premises and payment of local rates. In the schedule to the 1849 Act various rates were listed.
- 4.60 A year later the *Dublin Corporation Act 1850*<sup>62</sup> was enacted to disapply (for the avoidance of doubt) the provisions in the 1840 Act - relating to publication of notice of certain rates - from those rates scheduled in the 1849 Act.
- 4.61 The *Dublin Corporation Loans Act 1889*<sup>63</sup> facilitated a financial restructuring within the city council. The Act allowed the city to consolidate its various loans through a special fund, and to borrow through the creation of redeemable corporation stock (in substitution for existing secured loans) which would be charged against all revenues and rates.
- 4.62 The 1889 Act was followed four years later by the *Dublin Corporation Act 1893*<sup>64</sup> which augmented the city's borrowing powers (by extending repayment time limits and lifting the borrowing ceiling) and authorised borrowing for waterworks purposes in connection with its role as urban sanitary authority.
- 4.63 By the turn of the century local government within greater Dublin needed significant reorganisation in order to achieve efficiencies. Amalgamation of several urban district councils within the city was effected by the *Dublin Corporation Act 1900*<sup>65</sup> which abolished the smaller authorities, transferred their assets and staff to the enlarged city council, and made various adjustments to earlier legislation. The council was empowered to collect general and water rates for the whole area within the new city boundary and borrow additional moneys, and arrangements were made for a raft of ancillary matters such as jurisdiction of the coroner and the court of conscience, electoral registration within the new wards, and drainage and street repairs (which would previously have been handled by the Dublin county council).
- 4.64 The usefulness of parts of the four Dublin Corporation Acts has now long passed in Ireland. In the UK all the Acts can be repealed, not least because Dublin is no longer within our jurisdiction.

<sup>60</sup> 3 & 4 Vict. c.108 (1840) ("The 1840 Act"), now repealed in Ireland, but part surviving in Northern Ireland.

<sup>61</sup> 12 & 13 Vict. c.85 (1849) ("The 1849 Act"), repealed in the UK as a whole in 1993, and in Ireland in 1963.

<sup>62</sup> 13 & 14 Vict. c.81 (1850). The Act was repealed in 2007 in Ireland.

<sup>63</sup> 52 & 53 Vict. c.cxxix (1889) ("The 1889 Act").

<sup>64</sup> 56 & 57 Vict. c.xv (1893).

<sup>65</sup> 63 & 64 Vict. c.cclxiv (1900). This Act is still in force in Ireland.

# **PART 5**

## **LOCAL COURTS AND ADMINISTRATION OF JUSTICE**

### **INTRODUCTION**

- 5.1 This section of the report proposes the repeal of 25 Acts (two in part only) relating to court houses and judges' lodgings sited in various counties in the United Kingdom and Ireland. Most of the Acts recited here had only local application. Additionally - as part of the wider administration of justice theme - repeals are proposed for a small number of Acts dealing with qualification of solicitors and application for appointment to the rank of Queen's Counsel. The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

### **LOCAL COURTS**

- 5.2 The courts Acts fall broadly into two categories:
- (1) those statutes which authorised the construction of court houses or judges' lodgings and subsequently became spent or otherwise obsolete because their purpose had been fulfilled (for example, because the buildings had been built, or they had ceased to be needed for their original use);
  - (2) statutes extending the jurisdiction of local courts of requests which operated in one guise or another for small debt matters from 1483 through to 1846 (at which point their jurisdiction was taken over by the new county courts).<sup>1</sup>

<sup>1</sup> Fuller background on each of the statutes discussed in this part is to be found in the Law Commission's *Statute Law Repeals Consultation Paper: Courts and Administration of Justice* (SLR 04/09) published in October 2009 and available on the Law Commission's website.

## **GROUP 1 - CORNWALL**

### **Bodmin assizes**

- 5.3 Up until 1836 the county assizes and gaol delivery for Cornwall had been held alternately at Launceston and Bodmin. From 1838 onwards civil and criminal trials were centralised at Bodmin. This, however, necessitated rebuilding the shire hall and acquiring suitable premises for judges' lodgings. The *Bodmin Assizes Act 1836*<sup>2</sup> was designed to enhance the improvement powers in the more general County buildings Act 1826<sup>3</sup> by affording the county justices power to acquire land and existing buildings (then in ownership of Bodmin corporation) with a view to demolition and rebuilding of the shire hall, incorporating accommodation for assize hearings and quarter sessions, and the provision of lodgings for the assize judges. The 1836 Act also empowered the justices to levy a special county rate and to raise moneys by loan to fund the project. Once complete the buildings were to be vested in the justices as trustees.
- 5.4 The Bodmin Assize Hall (in Mount Folly Square) was used for court hearings until 1988. Now known as Shire House the buildings are occupied by Bodmin Town Council.

## **GROUP 2 - CUMBRIA**

### **Carlisle county court**

- 5.5 Since "time immemorial"<sup>4</sup> the county assizes for Cumberland had convened in the Carlisle guildhall but, by 1807, those premises had become unhealthy and wholly inadequate. The engineer and architect to the county justices advised that the most appropriate site for re-accommodating the court was that adjoining the county gaol and city wall and citadel (which land was vested in the King in right of his crown). Parliamentary authority was required to effect the transfer of title in the land and to raise moneys through the county rate. The *Cumberland County Court Act 1807*<sup>5</sup> permitted the necessary transfer to the county justices (acting through quarter sessions), the letting of contracts to build a new shire hall and court houses, and the use of compulsory purchase powers to acquire other land both for the project and to create a more open approach to the complex and the city generally.
- 5.6 Today the citadel tower (built 1810-12) is used by Cumbria County Council as offices. It no longer has a court function. The castle itself houses the King's Own Royal Border Regiment museum in Queen Mary's Tower.

<sup>2</sup> 6 & 7 Will.4 c.xii (1836).

<sup>3</sup> 7 Geo.4 c.63 (1826), repealed in 1971.

<sup>4</sup> The expression "from time immemorial"- a time beyond memory - in the context of local customs means in English law a time preceding the year 1189 (the commencement of the reign of Richard 1). Whether the King's courts had sat in Carlisle from before that date is probably unknown. The present Guildhall Museum building dates from 1407.

<sup>5</sup> 47 Geo.3 Sess.2 c.xxxii (1807).

## GROUP 3 - DERBYSHIRE

### High Peak and Castleton courts baron

- 5.7 As in Cumberland so too in Derbyshire since “time immemorial” the courts baron (the manorial courts) had sat to hear claims for recovery of small debts or damages. In 1759 two courts - for the hundred of High Peak and the manor of Castleton - had been granted statutory powers which subsisted until formation of the county courts in 1846.
- 5.8 By 1805 the hundred and the manor embraced an ever growing population servicing an expanding industrial economy. Larger disputes (over £2 or 40 shillings in value) had to be tried in the superior courts sitting in Derby, some 40 miles away. As a consequence certain debtors and others sought to exploit the inability of creditors to access local justice. The *High Peak and Castleton Courts Baron Act 1805*<sup>6</sup> increased the courts’ jurisdiction to determine actions for up to £5 in value and put in place provisions relating to imprisonment for debt and concealment of assets by debtors.
- 5.9 Courts baron and hundred courts were superseded in 1846 but their judicial powers (as opposed to their customary functions) were not formally abolished until 1977.<sup>7</sup> The Derbyshire county records office hold no archives relating to the proceedings of the two courts.

## GROUP 4 - POWYS AND BLAENAU GWENT

### Glamorgan court of requests

- 5.10 A court of requests had been established by statute in 1809 for the (then) counties of Glamorgan, Brecon and Monmouth.<sup>8</sup> Its purpose was to facilitate the recovery of small debts (up to £5 in value) by tradespersons in various towns, thus improving access to justice for creditors and encouraging local trade. The 1809 Act had made savings for two existing manorial courts: the courts baron of the Marquis of Bute and Earl of Dumfries and of the Duke of Beaufort.
- 5.11 By 1834 the court of requests was found both to have failed in its purpose and to have become “inconvenient”. The *Glamorgan, Brecon and Monmouth Court of Requests Act 1809 Repeal Act 1834*<sup>9</sup> ceased the court’s jurisdiction from January 1835 and repealed the 1809 Act from January 1837. The 1834 Act has itself been partially repealed, but only for Mid Glamorgan,<sup>10</sup> leaving it operative for the remaining portion of the three original counties. On that basis it should now be repealed.

<sup>6</sup> 45 Geo.3 c.lxi (1805).

<sup>7</sup> By the Administration of Justice Act 1977 (c.38), s 23 and Sch 4 (following recommendations by the Law Commission in its report *Jurisdiction of Certain Ancient Courts* (Law Com. No.72, Cmnd. 6385), published in February 1976).

<sup>8</sup> 49 Geo.3 c.cxli (1809), now repealed.

<sup>9</sup> 4 & 5 Will.4 c.xl (1834).

<sup>10</sup> See Mid Glamorgan County Council Act 1987 (c.vii), s 56(1), Sch 2 Pt 1.

## **GROUP 5 - GLOUCESTERSHIRE (AND SOMERSET)**

### **Bristol and Gloucester courts of conscience**

- 5.12 In 1688 the two cities of Bristol and Gloucester were heavily populated and many “poor artificers, labourers and others”, who lived there and were subjected to vexatious debt litigation, were getting further into debt and family “ruination”. Prisons were also filling with “miserable debtors”, leaving the parishes to provide increasing poor relief. The solution was to remove small debt matters from the royal courts sitting at Westminster and to put in place less costly arrangements for dispute resolution.
- 5.13 The *Erecting Bristol and Gloucester Courts of Conscience Act 1688*<sup>11</sup> provided that a court of request or conscience should be established within each city, and that local commissioners should sit on a weekly basis to determine debt actions of up to 40 shillings in value (with no review by higher courts). Additionally, the Act made provision for the rebuilding of Bristol’s Newgate gaol (the county common gaol) - which had become ruinous, overcrowded and “unwholesome” - through the levy of a local tax by the city corporation.
- 5.14 The Bristol court of conscience (which was separate from the ancient Tolzey court) operated until 1837,<sup>12</sup> at which point it was replaced by a new small debts court for the city and county. The jurisdiction was eventually subsumed within the Bristol county court from 1847 onwards.
- 5.15 The Gloucester court of conscience met in the Tolzey building until it was replaced by the new county court structure under the 1846 reorganisation. The building was demolished around 1893. However, that part of the 1688 Act which relates to the Gloucester court still survives.

## **GROUP 6 - HEREFORDSHIRE**

### **Hereford county offices**

- 5.16 The county assizes and quarter sessions for Herefordshire were originally held in the shire hall in Hereford. But by 1814 the shire hall was in disrepair and the accommodation was inadequate for the purpose. The site of the old gaol (since relocated) was lying vacant and, with adjoining land, would be suitable for rebuilding of the shire hall and creating a new court complex with judges’ lodgings. Acquisition and building, however, would involve considerable expenditure and the wherewithal would need to be found from the county rate.

<sup>11</sup> 1 Will. & Mar. c.18 (1688) (note the italicised arabic chapter number for this private Act). The Act did not have a short title: the title used here is derived from the *Chronological Table of Private and Personal Acts 1539-1997* published by TSO.

<sup>12</sup> In 1836 the court’s jurisdictional boundary was extended by an administration of justice statute to make it coterminous with the city’s boundary: 6 & 7 Will.4 c.105 (1836), repealed in 1882. In 1837 the statute 7 Will.4 & 1 Vict. c.lxxxiv (Bristol Court of Conscience Act) repealed all that part of the 1688 Act which related to Bristol (but not to Gloucester).



- 5.17 The *Hereford County Offices Act 1815*<sup>13</sup> enabled the county justices, as works commissioners, to use the old gaol site for construction of the courts and offices complex, to acquire the necessary adjoining land (with limited compulsory purchase powers), and to raise the requisite moneys by levy of a special county rate and by secured borrowing. A 3-year time limit was placed on the construction works. When the building project was complete, responsibility for the upkeep of the old shire hall was to pass back to the city of Hereford corporation.
- 5.18 The new shire hall, on St. Peter's Square, operated as a court house for the county until local government reorganisation in 1974. The building today is used as council offices and reception rooms for the Herefordshire unitary authority formed in 1998. There is no court usage. The 1815 Act is now spent.

## **GROUP 7 - HERTFORDSHIRE**

### **St. Albans court house**

- 5.19 By the late 1820s the town hall and court house serving the borough of St. Albans had fallen out of repair and had become too small to hold mayoral and quarter sessions courts and to conduct other public business. Rebuilding on the same site was impractical because of its confined nature and its location.
- 5.20 The *St. Albans Court House Act 1829*<sup>14</sup> empowered the borough justices to acquire a suitable site for a new court house and to undertake the construction works, financing the project from the liberty (two-thirds) and borough (one-third) rates and by borrowing on mortgage. Once built the court house was to vest in the borough corporation (for use as a council chamber) and the borough justices (to be used for the borough quarter sessions), and the corporation was authorised to sell the existing town hall and court house, subject to applying the proceeds of sale towards the project. The borough gaol beneath the old town hall was decommissioned and the borough justices were permitted (in return for a contribution) to commit prisoners to the liberty gaol and house of correction.
- 5.21 The new court house was built in St. Peter's Street in St. Albans and operated as such until abolition of quarter sessions in 1972. Today it provides a venue for municipal functions and arts events, under the care of St. Albans City Council. It no longer has a judicial function.

## **GROUP 8 - LEICESTERSHIRE**

### **Ashby de la Zouch court of requests**

- 5.22 In 1838 two statutes were enacted relating to a court of requests to be established to serve various market towns within Leicestershire, Derbyshire, Warwickshire and Staffordshire. The court of requests was designed to facilitate the recovery of small debts which, viewed cumulatively, accounted for a significant monetary sum in the local economy.

<sup>13</sup> 55 Geo.3 c.ix (1815).

<sup>14</sup> 10 Geo.4 c.xxxiii (1829).

- 5.23 The first *Ashby de la Zouch Court of Requests Act 1838*<sup>15</sup> constituted the court and required the newly appointed commissioners to conduct hearings in the town of Ashby de la Zouch. However, by oversight, although the commissioners were to sit in the town they were not given specific jurisdiction to effect the recovery of small debts within that town. That “mistake” (as the subsequent Act put it) required rectification. The second very brief *Ashby de la Zouch Court of Requests Act 1838*<sup>16</sup> gave the designated commissioners the necessary authority (both prospectively and retrospectively) and extended all the powers of the first 1838 Act to the parish and town.
- 5.24 Today no records appear to have survived showing whether or not (or where) the court of requests sat. Certainly by 1847 the new county courts system would have superseded it and, in 1858, the county court was sitting in Ashby de la Zouch town hall. The second 1838 Act is, consequently, also obsolete and may now be repealed.

## **GROUP 9 - LINCOLNSHIRE**

### **Lincoln judges’ lodgings**

- 5.25 In 1808 the Lincolnshire divisional justices<sup>17</sup> formed the view that the lodgings for the assize judges were inconvenient and no longer fit for purpose, and that they should be replaced with a specific house in Lincoln which could be appropriated as required for the duration of the assize sittings. The *Lincolnshire Courthouse Act 1809*<sup>18</sup> enabled a dozen of the justices to act as commissioners for the project so that they could acquire land or buildings, build the necessary accommodation, and fund the works from an apportioned county rate. Title to the new property was to be vested in the commissioners and the high sheriff was empowered to requisition the accommodation as and when the judges needed to sit in Lincoln (subject to returning the property in a proper condition). The commissioners retained responsibility for the on-going repair and upkeep, financed from letting revenues.

### **Lincolnshire county hall**

- 5.26 By 1822 Lincolnshire county hall (which housed the assize sessions), sited in the yard of Lincoln castle, had reached a state where it needed either substantial repair or complete rebuilding. The building was leased from the Duchy of Lancaster until 1844. The county justices (acting on the recommendation of the grand jury) decided to demolish and rebuild the hall, but that required parliamentary authority.

<sup>15</sup> 1 & 2 Vict. c.xv (1838). This first Act was repealed in March 1847 by Order in Council under the County Courts Act 1846 (c.95).

<sup>16</sup> 1 & 2 Vict. c.xci (1838).

<sup>17</sup> For the three county divisions of Lindsey, Kesteven and Holland.

<sup>18</sup> 49 Geo.3 c.lxxv (1809).

- 5.27 The *Lincolnshire County Offices Act 1822*<sup>19</sup> authorised fourteen of the divisional justices (as works commissioners) to demolish the existing county hall, clear the site and then construct and fit out a replacement facility which would incorporate sufficient accommodation to hold the county assizes and to transact other county business. The cost of the project was to be defrayed from the county rate, supplemented by moneys raised on mortgage (to be repaid by 1836).
- 5.28 On completion the new county hall was to be held for public purposes by the county sheriff and the divisional justices, who would become responsible for general repair and maintenance. The divisional justices were also authorised to purchase the freehold of the castle and castle yard from the King (in right of the Duchy).

### **Lincoln county offices**

- 5.29 Although the 1822 Act (above) allowed the justices to buy the castle freehold from the Duchy, by 1830 they were still in occupation, holding over under a lease which had been granted in 1814. The new county hall and a new county gaol (supported by county rates) had “recently” been erected within the castle precincts, and the county commissioners had acquired and refurbished a nearby house for use as judges’ lodgings. The gaol sessions sitting in October 1830 decided that the time was right to acquire the castle freehold and to forestall further encroachment on the castle walls by adjoining property owners (which impacted on prison security).
- 5.30 The *Lincoln County Offices Act 1831*<sup>20</sup> allowed the gaol sessions court (through the divisional justices) to pursue purchase of the castle and its yard, bulwark and moat, together with buildings and lands adjoining the castle walls and the judges’ residence. Purchase could be by way of compulsory acquisition if necessary, and the moneys for the project were to come from the county rates or by borrowing (repayable within 14 years). The various castle lands and the existing judges’ lodgings were all to be held by the county sheriff and the justices, and unspecified parts of the 1809 Act (above) relating to the lodgings were repealed by the 1831 Act.<sup>21</sup> The county hall, the assize courts, the lodgings and other public buildings were all to be maintained under the powers relating to the county common gaol.
- 5.31 The principal buildings on the castle site date in the main from 1823 to 1826 and, today, house the Lincoln Crown Court. They are managed by H.M. Courts and Tribunals Service. The three statutes of 1809, 1822 and 1831 are now spent because construction and land acquisition occurred long ago, and management of the complex no longer lies with the county justices.

<sup>19</sup> 3 Geo.4 c.lxxiv (1822).

<sup>20</sup> 1 & 2 Will.4 c.xxxiii (1831).

<sup>21</sup> The 1831 Act, s 24.

## **GROUP 10 - LONDON (GREATER)**

### **Southwark and East Brixton court of requests**

- 5.32 A court of requests to handle small debt actions had been established in the borough of Southwark and neighbouring parishes by statutes of 1748 and 1758.<sup>22</sup> By the early 1800s it became clear that the jurisdictional ceiling needed to be lifted to expedite debt recovery arrangements and encourage trade in the locality.
- 5.33 The *Southwark and East Brixton Court of Requests Act 1806*<sup>23</sup> provided that the earlier jurisdictional limit in the previous Acts should be repealed, and that a new court of requests be established with ability to handle debt disputes valued up to £5 which had arisen in Southwark or the eastern half of the Brixton hundred. The commissioners were empowered to determine civil disputes and to give directions as to how judgments were to be honoured and costs paid.<sup>24</sup> The Act laid down a table of fees payable to the court bailiff, clerks and court officers in place of looser arrangements which had previously applied to debtors (and prescribed maximum time limits for holding debtors in the borough compter or other gaol).
- 5.34 The 1806 Act was part repealed by the *Southwark Court of Requests Act 1823*<sup>25</sup> which was itself repealed by the County Courts Act 1846.
- 5.35 Contemporary paintings and literature indicate that the court of requests sat at Swan Street in Southwark and was built in 1824 on the site of what today is the Inner London Crown Court annexe. None of the original buildings in the area remain, and the court of requests' jurisdiction was almost certainly overtaken by the new county court regime. The 1806 Act is now obsolete.

### **City of London courts**

- 5.36 In the early nineteenth century the courts of King's Bench and of Common Pleas - when determining matters arising within the City of London - sat within the Guildhall apartments, and the City's court of requests would sit in the Guildhall chapel (no longer used for divine service), which adjoined the Guildhall building. Neither of these venues was suitable for their judicial purpose. The City corporation decided that the chapel site and the land occupied by the (also redundant) Blackwell Hall cloth market and warehouses should be used to build new court buildings.

<sup>22</sup> The statutes were 22 Geo.2 c.47 (1748) and 32 Geo.2 c.6 (1758), both repealed in 1846 on the formation of the new county courts system.

<sup>23</sup> 46 Geo.3 c.lxxxvii (1806).

<sup>24</sup> Actions for recovery of wages fell within jurisdiction, but actions based on disputed land title or arising on a deed were precluded, as were actions relating to matters arising outside the court's boundaries, and those arising from will disputes and matrimonial and ecclesiastical causes.

<sup>25</sup> 4 Geo.4 c.cxxiii (1823).

- 5.37 The *City of London Courts of Justice Act 1815*<sup>26</sup> repealed various statutes relating to Blackwell Hall and the woollen cloth trade (spanning the years 1557 to 1714) and empowered the City corporation to demolish the chapel<sup>27</sup> and the market buildings. The corporation was also authorised to acquire more land in the vicinity, to sell off materials salvaged from the demolition, and to use the proceeds of sale to construct new court accommodation and other buildings necessary for public business.
- 5.38 The new courthouse was built around 1822 and courts sat there until 1885, at which time the building was converted into the Guildhall Art Gallery. After damage sustained during the Second World War the building was demolished to make way for construction of Guildhall Yard East. The 1815 Act provisions are therefore now spent.

## **GROUP 11 - LOUTH (IRELAND)**

### **Dundalk county court**

- 5.39 The grand jury for the county of Louth (today within the state of Ireland) formed the view in 1813 that a new county court house should be built in Dundalk. Appointed overseers contracted with a builder from Dublin to undertake the project. By 1818, although substantial moneys had been paid out, progress was slow and the public inconvenience was significant. The grand jury decided to employ alternative builders and, by early 1819, the project was complete and the court house was operational.
- 5.40 In 1820 the original builder (William Moore) obtained judgment in the Irish Court of Common Pleas against the overseers for the unpaid balance of the contract sum. However, the grand jury had insufficient funds to reimburse the overseers for the sums owed, and needed parliamentary authority to raise moneys by county levy.
- 5.41 The *Louth County Court House Act 1821*<sup>28</sup> provided that the Louth grand jury could raise sufficient moneys by county levy to reimburse and indemnify the overseers for their lawful expenditure, subject to examining the supporting documentation. Any person who was deemed liable to pay the levy contribution was entitled to contest the “presentment”.
- 5.42 The court house is still in use today but the purpose underpinning the 1821 Act has long since been spent. Repeal of the Act will not affect its status in Ireland.

<sup>26</sup> 55 Geo. 3 c.xciii (1815).

<sup>27</sup> Although the Guildhall chapel was to be demolished, the Act provided that two internal monuments should be preserved and relocated to the St. Lawrence Jewry parish church, and that the internal floor should be left undisturbed.

<sup>28</sup> 1 & 2 Geo.4 c.cxxiv (1821).

## **GROUP 12 - NORTHUMBERLAND**

### **Newcastle-upon-Tyne court of conscience**

- 5.43 In 1688 a sizeable proportion of the population of Newcastle-upon-Tyne were poor artificers and labourers who found it extremely difficult and costly to recover small debts owed to them. Proceedings had to be issued in London, and whilst they were away, responsibility for maintenance of their families fell on the city corporation. The solution was to create (on the London model) a local court with limited jurisdiction for recovery of small debts.
- 5.44 The *Erecting Newcastle-upon-Tyne Court of Conscience Act 1688*<sup>29</sup> authorised the establishment of a court of requests or conscience for poor people living in the county and city of Newcastle, to comprise some 13 commissioners (nominated by the city corporation) supported by a beadle and registrar. The court was tasked with determining debt and damages actions of up to £2 in value. Claimants could require a debtor to be summoned before the court and where the defendant failed to appear or to show just cause he or she could have their goods levied for distress by default. The court was not able, however, to countenance actions relating to occupation of land or to probate or matrimonial or ecclesiastical matters. In order to simplify the process, judgments were not capable of appeal or higher review. Court fees were prescribed in the legislation.
- 5.45 Records for the Newcastle court of conscience still exist for the years 1697 through to 1847, at which point jurisdiction would have passed to the new county courts (which superseded it). The city guildhall, where the court sat, had been constructed by 1658: the building survives today as a tourist information centre. The 1688 Act is now obsolete.

### **Northumberland gaol and courts of justice**

- 5.46 In 1809 the county assizes for Northumberland were held in the moot hall within Newcastle's castle garth. The hall, the grand jury room and the holding gaol were all in a bad state of repair, and they required replacing. The King, who owned the land and buildings in right of his crown, had signified his willingness to transfer his interest to the county justices to facilitate reconstruction.

<sup>29</sup> 1 Will. & Mar. c.17 (1688) (note the italicised arabic chapter number for this private Act). The Act did not have a short title: the title used here is derived from the *Chronological Table of Private and Personal Acts 1539-1997* published by TSO.

- 5.47 The *Northumberland Gaol and Courts of Justice Act 1809*<sup>30</sup> provided that the moot hall, grand jury room and adjoining waste ground should be vested in the county justices, and that the justices be empowered to organise demolition of the existing buildings and to build a new moot hall, courts of justice and assize gaol on the site. Additionally, the justices were permitted to acquire other lands to create a more open approach to the courts complex. Moneys for the project as a whole were to be raised by levying a rating precept on towns and parishes within the county and by sale of a large redundant building in Morpeth. Once constructed and operational the new buildings were to be maintained and insured out of the county general rate, and a constable was to be appointed to preserve peace and safeguard property within the castle garth.
- 5.48 By 1839 the moot hall, county court house (opened in 1812) and county gaol were recorded as built and functioning. Today much of the castle has been redeveloped (except the keep and the Black Gate), although the court house is still extant and used for court purposes. Nonetheless, the 1809 Act - which was designed for a particular purpose - is now no longer required.

### **GROUP 13 - NOTTINGHAMSHIRE**

#### **Newark court of requests**

- 5.49 By 1839 the borough of Newark had become a large market town embracing extensive trading interests. Here, and in surrounding places (some in Lincolnshire), employees of the mills, malt-kilns and “manufactories” ran up small debts in considerable number which they were either unwilling or unable to pay. Recovery of moneys by creditors involved the incurring of disproportionate expense.
- 5.50 The Newark court of requests was established by the *Newark Small Debts Recovery Act 1839*<sup>31</sup> which enabled debts of up to £5 in value to be recovered through a small claims system. The Lord Chancellor, the Lord Keeper or the Lords Commissioners were to appoint a permanent judge, and the county justices were to appoint a salaried clerk and a treasurer to the court. The cost of maintaining the court was to be borne from borrowed moneys, the general rate fund and a special fund derived from charges levied on each plaintiff’s claim. The clerk was charged with caring for the court house and its contents.
- 5.51 The Act prescribed the court fees to be charged to litigants (subject to review and updating), the court process to be followed in matters of actions, payments into court, rules of court and so forth, and the arrangements to be made for enforcement of court orders (including committal). Unlike some other courts of requests the jurisdiction afforded to Newark was not to be exclusive, so small claims actions could still be brought elsewhere.

<sup>30</sup> 49 Geo.3 c.clxxxv (1809).

<sup>31</sup> 2 & 3 Vict. c.xcix (1839).

- 5.52 The 1839 Act was partially repealed by the *Newark Small Debts Recovery Act 1841*<sup>32</sup> which was itself repealed by Order in Council made in March 1847 under the County Courts Act 1846 (c.95). The new county courts system superseded the small claims jurisdiction operating in and around Newark, thus rendering the remainder of the 1839 Act redundant.

## **GROUP 14 - SHROPSHIRE**

### **Shrewsbury judges' lodgings**

- 5.53 In 1821 the Shropshire (or Salop) county justices concluded that the lodgings for the assize judges in Shrewsbury were inconvenient and failed to provide suitable accommodation. Alternative premises should be acquired.
- 5.54 The *Salop County Judges' Accommodations Act 1821*<sup>33</sup> allowed the county justices, acting in quarter sessions, to purchase a house or suite of apartments in Shrewsbury for use as a judges' residence, and to borrow moneys mortgaged on the county rates for this purpose. On completion of the purchase the accommodation was to be made fit to receive assize judges, and the sheriff was empowered to take control of the premises for the duration of each assize session. Maintenance and repair of the premises (an obligation to remain with the county justices) was to be funded from the public stock or the county rates. The justices were also authorised to sell off any land or buildings surplus to requirements, transferring the proceeds of sale to the county stock.
- 5.55 The property acquired by the county justices in Shrewsbury (built in 1701) has now reverted to private house status. Until 1996 it was owned by Shropshire County Council. Judges' lodgings in Shrewsbury are recorded from 1821 through to 1889. As the lodgings have been decommissioned the purpose behind the 1821 Act has now expired.

## **GROUP 15 - SUFFOLK**

### **Ipswich county hall and assize courts**

- 5.56 The Suffolk county assizes traditionally were held at the county hall in Bury St Edmund's although administratively the county operated in two parts: one part centred on Bury and the other on Ipswich. By the 1830s the county justices felt that, for the convenience of residents in the eastern part of the county, some of the assize sessions should be held in Ipswich. The practical difficulty, however, was that the Ipswich shire hall was too small to accommodate the assizes and there were no judges' lodgings. Moreover the justices did not own the shire hall there and they had no statutory power to enlarge the building.

<sup>32</sup> 4 & 5 Vict. c.lxxix (1841), s 13.

<sup>33</sup> 1 & 2 Geo.4 c.xcvi (1821).



- 5.57 The *Ipswich Assizes Act 1836*<sup>34</sup> overcame these difficulties. The Act permitted the justices (acting through quarter sessions) to purchase a suitable site and then to build on it a new county hall, courts of justice, ancillary office accommodation and lodgings for the judges. Alternatively, the justices could construct the new complex on land adjoining the existing county gaol. Once built, the various buildings were to vest in the county justices for assize, quarter sessions and other court, administrative and electoral purposes, and they would be responsible for on-going maintenance and insurance. The costs of the project - including fitting-out - were to be defrayed either by borrowing (secured on the county rates) or by assessing a special county rate. The judges' lodgings were to be made available to the high sheriff as required, and otherwise let to produce a rental income.
- 5.58 The East Suffolk county hall was built in Ipswich in 1837, in front of the 18<sup>th</sup> century gaol which has now been demolished. The building today is listed. The purposes underpinning the 1836 Act are spent, however.

## **GROUP 16 - SURREY**

### **Croydon court house**

- 5.59 Croydon's original town hall was built in the 16<sup>th</sup> century. By the early 19<sup>th</sup> century it had become "extremely incommensurate", it lacked adequate facilities for holding the Surrey assizes (which had sat alternately at Guildford and in Croydon), and it was in want of repair. So too was the adjoining butter market house. Each required rebuilding.
- 5.60 The *Croydon Court House, Market House and Burial Ground Act 1806*<sup>35</sup> required the parish and vestry to repair the existing town hall and court house or to rebuild it, together with a replacement butter market house and corn market. In order to do so, the parish was permitted to purchase an alternative site, divert any public streets necessitated by the project, and defray the costs by the sale of the existing site and of certain allotment lands.<sup>36</sup>
- 5.61 The replacement town hall (with court room) was built on the High Street in 1809. The building survived until 1893 when it was decommissioned and demolished as part of the Croydon improvement scheme. The town hall, containing municipal offices and law courts, was rebuilt on Katharine Street. As a consequence, those parts of the 1806 Act which related to the High Street building are now spent and can be repealed.<sup>37</sup>

<sup>34</sup> 6 & 7 Will.4 c.xi (1836).

<sup>35</sup> 46 Geo.3 c.cxxx (1806).

<sup>36</sup> The sale of certain enclosed allotments, the creation of an additional burial ground, and the protection of various gravel pits (which provided material for repairing roads) were also authorised by the 1806 Act, ss 1-8,13 and 14. However, these provisions fall outside the scope of the present topic and are not recommended for repeal.

<sup>37</sup> The 1806 Act was amended by the Local Government Supplemental Act 1869 (c.cxxiv) and the scheduled Provisional Order No.1 relating to Croydon, which transferred certain lands held by Local Act trustees to the Local Board of Health. However, because the amendment in the 1869 Act was cast in such general terms it would be inappropriate to seek to repeal just a small portion of that Act.

### **Kingston-upon-Thames court house**

- 5.62 As in Croydon, so too in Kingston-upon-Thames. The old court house, by 1808, had fallen into disrepair and was inadequate to house the county quarter sessions or the assizes. The solution was to rebuild the court house and the market house, utilising moneys derived from sale of various common and waste lands. The *Kingston-upon-Thames and Imworth Inclosure, Court House and Market House Act 1808*<sup>38</sup> authorised, amongst other things, the bailiffs and freemen of Kingston-upon-Thames to sell off certain allotment lands and to use the moneys realised to enlarge or replace the town hall and court house, and to build a new market house with ancillary accommodation. If land became surplus to requirements it could also be sold and the funds applied in similar manner (with any residue held for parochial purposes). Likewise, if further parcels of land were needed for the scheme they could be acquired.
- 5.63 The new guildhall building in Kingston was not completed and opened until 1840, mainly through land sale difficulties. It housed the court room and council chamber on the upper floor, with market accommodation below, and operated as a municipal building until 1935. Today the building still exists (as the market house) and houses the tourist information centre. The provisions in the 1808 Act relating to the town hall and courts are now spent and may be repealed.<sup>39</sup>

## **GROUP 17 - WORCESTERSHIRE**

### **Kingsnorton court of requests**

- 5.64 In 1840, in the parishes of Kingsnorton and Northfield in Worcestershire, creditors were finding it uneconomic to institute proceedings for the recovery of small debts because the cost of litigation outweighed the value of the return. The aim of the *Kingsnorton and Northfield Small Debts Recovery Act 1840*<sup>40</sup> was to rectify this issue by putting in place a less expensive recovery method. The Act established a court of requests to sit in the two parishes on a regular basis, presided over by a judge appointed by the Lord Chancellor, the Lord Keeper or the Lords Commissioners. The court was to be supported by a clerk and a treasurer, and its jurisdiction was to be limited to claims of up to £15 in value (with jury trial for claims exceeding £5). The Act also set up mechanisms for enforcement of its orders.
- 5.65 Concurrent jurisdiction was not removed (so that claimants could choose their forum), the judge had the ability to order retrial in the event of error by a jury, and the Westminster superior courts retained power in certain limited circumstances to order review of the court's proceedings.

<sup>38</sup> 48 Geo.3 c.cxxxiv (1808).

<sup>39</sup> These provisions in the 1808 Act are sections 47 to 54 inclusive. The remaining portions of the Act which deal with the enclosure and sale of common and waste lands in Kingston-upon-Thames and Imbercourt in Surrey are not proposed for repeal because they fall outside the scope of the present topic.

<sup>40</sup> 3 & 4 Vict. c.lxix (1840).

- 5.66 The 1840 Act was supplemented by the *Kingsnorton Court of Requests Act 1841*<sup>41</sup> which extended the jurisdiction of the court to cover parishes in Worcestershire and Warwickshire where considerable trade was transacted, and repealed<sup>42</sup> part of the 1840 Act which related to committal to a house of correction in Worcestershire of persons who defaulted on court orders.
- 5.67 Once new statutory arrangements were put in place to facilitate the recovery of small debts the court of record's jurisdiction was to be superseded, and the 1840 Act provisions were to lapse.<sup>43</sup> The new county court jurisdiction took over responsibility for debt matters from 1847 onwards. The 1840 Act is now spent.

## **GROUP 18 - YORKSHIRE**

### **Wakefield court house**

- 5.68 Prior to 1806 the west riding (of Yorkshire) quarter sessions were held in some eleven towns across the county.<sup>44</sup> By that date, however, the various court houses were - for the most part - very old, generally had fallen into disrepair, and were no longer convenient for holding court hearings. None of the buildings were owned by the county justices: they were used by "permission and sufferance" (as the statute puts it).
- 5.69 The *West Riding of Yorkshire Court Houses Act 1806*<sup>45</sup> permitted the justices (sitting at Pontefract) to make orders for the building and fitting-out of court houses in any of the eleven towns, and to fund the project from the public stock or the county rates relating to the west riding. More particularly the justices could purchase lands and construct the court houses or, where appropriate, repair existing buildings so long as the owners made those buildings available to the justices whenever required.
- 5.70 The court house in Wakefield was planned from 1804 onwards and, once built, it operated for court purposes until the 1970s, when the Crown Court moved to Leeds. The building survives but need for the 1806 Act has long been superseded.

### **York judges' house**

- 5.71 In 1805 the county justices sitting at York formed the view that the judges' lodgings in the city had ceased to provide suitable accommodation for the assize judiciary when they were in residence, and that acquiring or building a specific house was the only solution.

<sup>41</sup> 4 & 5 Vict. c.lxxv (1841). This 1841 Act was repealed by the County Courts Act 1846 (c.95), s 5 and Sch B, and an 1847 Order in Council.

<sup>42</sup> By section 8 of the 1841 Act.

<sup>43</sup> The 1840 Act, ss 70, 71.

<sup>44</sup> The eleven towns were: Wetherby, Wakefield, Doncaster, Pontefract, Skipton, Bradford, Rotherham, Knaresborough, Leeds, Sheffield and Barnsley.

<sup>45</sup> 46 Geo.3 c.iii (1806).

- 5.72 The *York Judges' House Act 1806*<sup>46</sup> authorised the appointment of five commissioners who were then empowered to acquire the necessary land and to build or refurbish a house for use as the judges' residence, the cost to be defrayed from the public stock or the county rates (from across all three ridings). Once built the house was to be held by the commissioners, who would be responsible for ongoing repairs and maintenance, and made available to the county high sheriff for the assize sessions.
- 5.73 In the event the commissioners did not construct a new building. Instead, in 1806, they acquired an existing private house in York city centre, and used it as the replacement judges' lodgings. Today the building is a hotel with a name reflecting its former use. The 1806 Act's limited purpose has now expired and it can be repealed.

#### **Hatfield court of requests**

- 5.74 The manor of Haitefield, in the west riding of the county, embraced at least four market towns.<sup>47</sup> By 1839 concern had grown as to the number and size of small debts which were going unpaid within this part of the county. Creditors were either foregoing their claims or were expending disproportionate sums in seeking recovery.
- 5.75 The *Hatfield (Yorkshire) Small Debts Recovery Act 1839*<sup>48</sup> was designed to create a simpler and speedier method for securing repayment within the locality, and to protect commercial credit. It established the Hatfield court of requests, presided over by a judge appointed by the Lord Chancellor, the Lord Keeper or the Lords Commissioners. The court was to be supported by an attorney as clerk and a treasurer, together with bailiffs and other court officers. Its jurisdiction - which was not to be exclusive - was limited to debt actions up to £15 in value (to be tried by jury if over £5). Actions could not, however, be brought in respect of title to land or of tithes, tolls, fairs, markets or franchises, or of wills or trusts.
- 5.76 The treasurer was empowered to borrow moneys on security, and to acquire the necessary land and buildings for the court house (subject to the justices' consent), and the clerk could meet the court's running and maintenance costs by a percentage levy on plaintiffs' debt claims.

<sup>46</sup> 46 Geo.3 c.xxxi (1806).

<sup>47</sup> Hatfield, Stainforth, Thorne and Armthorpe, together with various townships and parishes lying to the north-east of Doncaster.

<sup>48</sup> 2 & 3 Vict. c.xcvii (1839).

5.77 The 1839 Act specifically provided for the court's demise in the event that a general Act was later passed with provisions inconsistent with the earlier Act's.<sup>49</sup> The *Hatfield Court of Requests Act 1841*<sup>50</sup> was not inconsistent in that it extended the court's jurisdiction to include the mill and factory townships of Crowle and Epworth, and various parishes in the west riding and Lincolnshire and Nottinghamshire. But in 1846 the new county courts' legislation did supersede the 1839 Act arrangements and the court of request's separate jurisdiction was then deemed to "cease and determine". According to archive records the Hatfield court had a limited lifespan from February 1840 to January 1847, and was replaced by the Thorne county court. The 1839 Act is now obsolete.

## ADMINISTRATION OF JUSTICE

### Solicitors

- 5.78 All that remains of substance today of the *Justices of the Peace Act 1949*<sup>51</sup> are portions of two sections: sections 20 and 46.<sup>52</sup> The first provision deals with a narrow aspect of qualification as a solicitor of the senior courts. If an individual had not served under articles,<sup>53</sup> but had served as an assistant to a justices' clerk for 10 years or more (of which 5 years' "approved" service had pre-dated 1 January 1960), then the Law Society could certify that approved service as being equivalent to an equal number of years under articles which, in turn, would contribute to the obtaining of the professional qualification.
- 5.79 Under these arrangements the latest date the qualifying service could have started was 1 January 1955. Given the significant time lapse the need for this qualification route has now disappeared. Repeal of the 1949 Act will not remove any rights accrued to an individual under that Act.
- 5.80 If section 20(3) were to be repealed, then the remainder of the 1949 Act becomes unnecessary (including section 46(1), (3))<sup>54</sup> and the whole Act can be repealed. Likewise, a minor amendment made by the *Solicitors Act 1974*, Sch 3 para 4 should be repealed as a consequence.
- 5.81 The Law Society for England and Wales, the Solicitors Regulation Authority and the Justices' Clerks' Society have each indicated that they have no objections to the repeal proposals.

<sup>49</sup> The 1839 Act, ss 72, 73.

<sup>50</sup> 4 & 5 Vict. c.lxxiv (1841). The 1841 Act was repealed by the County Courts Act 1846 (c.95),

<sup>51</sup> 12, 13 & 14 Geo.6 c.101 (1949). The 1949 Act was designed to deal with a range of issues relating to magistrates' courts - principally in England and Wales - and, more particularly, justices of the peace, justices' clerks, and administrative and financial arrangements for magistrates' courts.

<sup>52</sup> More specifically, all that remains of the Act are the short and long titles, section 20(3) and section 46(1), (3). Section 46(1), (3) deals simply with the Act's short title citation and its extent (England and Wales only). The previous repeals were effected by various statutes from 1952 onwards.

<sup>53</sup> As required by regulations made under the Solicitor's Act 1974 (c.47).

<sup>54</sup> Section 20 of the 1949 Act extends to England and Wales only. Section 46 once applied to Scotland, but the whole of the 1949 Act was repealed for Scotland by the District Courts (Scotland) Act 1975 (c.20), s 24 and Sch 2. The Act never applied in Northern Ireland.

### **Queen's Counsel**

- 5.82 Application by barristers and solicitors for appointment to the rank of Queen's Counsel (QC) within England and Wales had, under the *Access to Justice Act 1999*,<sup>55</sup> to be made through the Lord Chancellor,<sup>56</sup> accompanied by a prescribed fee.
- 5.83 From November 2006 onwards the appointment of Queen's Counsel has been handled by an independent body, Queen's Counsel Appointments (supported by a secretariat), which is separate from government and the professions. The body's selection panel makes recommendations for appointment.
- 5.84 Under the 1999 Act two fees Orders were made: one in 1999 (SI 1999 No. 2138) and a second, superseding the first, in 2002 (SI 2002 No.2037).<sup>57</sup> The last prescribed application fee was £720. For the year 2011/12 - under the current arrangements - the initial fee payable is £1,950 plus VAT, with an additional fee payable on grant of £3,500 plus VAT. The 2002 fees Order has not been amended or revoked.
- 5.85 Section 45 of the 1999 Act, and the 2002 fees Order, have now been superseded: accordingly section 45 may now be formally repealed.<sup>58</sup> Similarly, the amending provision in *Legal Services Act 2007*, Sch 21 para 130 can also be repealed.

<sup>55</sup> 1999 (c.22), s 45.

<sup>56</sup> Reference in section 45 of the 1999 Act to the Lord Chancellor was replaced in 2003 by reference to the Secretary of State under the Secretary of State for Constitutional Affairs Order 2003 (SI 2003 No.1887), but reverted in 2007 to Lord Chancellor under the Legal Services Act 2007 (c.29), s 208 and Sch 21 para 130.

<sup>57</sup> The 2002 Order revoked the 1999 Order.

<sup>58</sup> No express revocation of the 2002 fees Order is required – it will lapse automatically upon the repeal of section 45.

# PART 6

## LONDON

### INTRODUCTION

- 6.1 This part of the report proposes the repeal of some 92 obsolete Acts relating to London. These Acts reflect London's social and economic history from Tudor times through to the early 20<sup>th</sup> century. Most of the Acts were passed to raise money to pay for particular projects. The money was usually raised either by local parish rates or by increasing existing taxes, especially taxes on the import of coal into the City of London. Once raised the money would be used for funding projects such as building or repairing churches or making improvements to the streets and to local amenities.
- 6.2 Most of the Acts have become obsolete either because they authorised a one-off event (like the holding of a lottery or the building of a church) or because the funding arrangements which they authorised have been superseded by changes over time to central and local government finance.
- 6.3 The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

### GROUP 1 – CHURCHES

#### **Church of Elsing Spytle, Parish Church of St Alphas Act (1536)**

- 6.4 The parish church of St Alphege Cripplegate<sup>1</sup> owed its origins to a merchant called William Elsing who around 1330 founded a hospital (known as St Mary Elsing Spital) by London Wall on the edge of the City of London. Originally a secular establishment but with an existing priory church,<sup>2</sup> the hospital was in 1340 taken over by Augustinian friars. Together with its priory church, the hospital was seized by Henry VIII in 1536 as part of the dissolution of the monasteries.<sup>3</sup> Although the hospital was closed, the priory church was granted by the Crown as the new parish church of St Alphege Cripplegate to replace the existing parish church. The 1536 Act<sup>4</sup> gave effect to this arrangement.

<sup>1</sup> Alternative spellings of "Alphage" included "Alphe" and "Alphege".

<sup>2</sup> The priory church probably formed part of a Benedictine nunnery called St Mary-within-Cripplegate which had been founded centuries earlier.

<sup>3</sup> The Act of Supremacy of 1534 declared Henry VIII supreme head of the Church in England, granting him the power to appoint Bishops and to collect taxes previously paid to the Vatican. During the dissolution of the monasteries, 1536-40, more than 800 religious houses in England and Wales were disbanded and their assets seized by the Crown.

<sup>4</sup> 28 Hen.8 c.27.

- 6.5 The church continued in use for nearly another four centuries. It was substantially rebuilt in the late 18<sup>th</sup> century and again following damage during the First World War. However in 1917 the parish was amalgamated with that of St Mary Aldermanbury and the church became redundant. Most of the building was demolished in 1923, the tower and porch being spared until 1962 when they too were demolished (to make way for the new alignment of traffic along London Wall). The closure of the church and its subsequent demolition mean that the 1536 Act can no longer serve any useful purpose. Its repeal is proposed on that basis.

#### **Rebuilding of St Paul's and Westminster Abbey Act (1696)**

- 6.6 This 1696 Act<sup>5</sup> was passed to raise money to rebuild St Paul's Cathedral after the Great Fire of 1666<sup>6</sup> and to carry out repairs to other churches including Westminster Abbey. Earlier tax-raising measures to rebuild the Cathedral had proved insufficient, partly because of the high cost of shipping-in the necessary building materials. Accordingly the 1696 Act extended the existing duties payable on coal imported into the City of London for a further period of 16 years from September 1700 to September 1716.<sup>7</sup> The Cathedral rebuilding works were completed in 1710 and the Act became spent once the duty-raising powers expired in 1716.

#### **New Churches in London and Westminster Act (1710)**

- 6.7 The main purpose of this 1710 Act<sup>8</sup> was to raise money to build 50 new churches in and around the cities of London and Westminster.<sup>9</sup> The preamble to the Act recorded the wish of Queen Anne to increase the number of churches in and around London to cater for the religious instruction of the inhabitants of the rapidly-growing metropolis. The Act imposed an additional duty on coal imported into the City of London between May 1716 and September 1724. This revenue was to be used for purchasing the necessary sites for the churches and for carrying out the building work. Some of the funds were allocated to carry out repair works at Westminster Abbey. The 1710 Act became spent in 1724 when its duty-raising powers expired.

<sup>5</sup> 8 & 9 Will.3 c.14.

<sup>6</sup> A cathedral dedicated to St Paul has stood on the current site of St Paul's Cathedral since 640AD. The Cathedral was destroyed in the Great Fire of 1666 and the current cathedral (the fourth to occupy this site) was designed by the court architect St Christopher Wren and built between 1675 and 1710.

<sup>7</sup> An Act of 1685 had imposed coal duties from September 1687 to September 1700.

<sup>8</sup> 9 Ann. c.17.

<sup>9</sup> The Act also established the *Commission for Building Fifty New Churches*. In the event only about 12 new churches were actually built, though a number of others were financially assisted by the Commission. In most cases the architect was Nicholas Hawksmoor.



### **Building of Churches, London and Westminster Act (1714)**

- 6.8 This 1714 Act<sup>10</sup> was consequential upon the 1710 Act referred to above. It extended the duty imposed on the import of coal into the City of London from September 1724 to September 1725, and provided that the revenue raised should be used for the maintenance of the Ministers of the new churches built pursuant to the 1710 Act. The 1714 Act also facilitated rebuilding work to the parish church of St Mary Woolnoth.<sup>11</sup> The 1714 Act became spent in 1725 when its duty-raising powers expired.

### **St Michael, Cornhill Building Act (1717)**

- 6.9 This 1717 Act<sup>12</sup> was passed to authorise the completion of rebuilding works to the parish church of St Michael, Cornhill in the City of London. St Michael's, Cornhill was largely destroyed in the Great Fire of 1666. It was rebuilt by Sir Christopher Wren between 1669 and 1672. Since, however, Wren's tower subsequently needed replacing, the 1717 Act provided the necessary finance. The Act accordingly authorised that revenue raised under the New Churches in London and Westminster Act of 1710 should be applied to the cost of replacing the tower. The building works were duly completed in 1722, whereupon the 1717 Act became spent.

### **St Giles in the Fields Rebuilding Act (1717)**

- 6.10 The purpose of this 1717 Act<sup>13</sup> was to authorise the rebuilding of the parish church of St Giles-in-the-Fields in central London.<sup>14</sup> The preamble to the 1717 Act recorded that the church was suffering from more subsidence and damp than could be remedied by repair works. It was cheaper to rebuild it from scratch. Accordingly the 1717 Act authorised that revenue raised under the New Churches in London and Westminster Act of 1710 should be applied to the rebuilding of St Giles. The rebuilding works were duly completed in 1734 under the supervision of the architect Henry Flitcroft. The 1717 Act thereupon ceased to serve any useful purpose.

<sup>10</sup> 1 Geo.1 St.2 c.23.

<sup>11</sup> St Mary Woolnoth is located on the corner of Lombard Street and King William Street near the Bank of England. The rebuilding works were completed in 1716.

<sup>12</sup> 4 Geo.1 c.5.

<sup>13</sup> 4 Geo.1 c.14.

<sup>14</sup> St Giles is to the south of New Oxford Street.

### **Church at Woolwich Act (1731)/ Woolwich Church Act (1738)**

- 6.11 The preamble to the 1731 Act<sup>15</sup> recorded that the parish church of St Mary Magdalen in Woolwich was in a ruinous condition and that funds were needed to complete the necessary rebuilding works. The 1731 Act authorised the use of £3000 raised under the New Churches in London and Westminster Act of 1710 to cover the costs of the works. This proved to be insufficient and the 1738 Act<sup>16</sup> had to be passed to enable the works to be completed in 1739. The completion of the works and the passage of time since then means that both Acts have long been unnecessary. The church remains in use to this day.

### **Church of St George, Southwark Act (1732)**

- 6.12 The preamble to this 1732 Act<sup>17</sup> recorded that the parish church of St George the Martyr in Southwark “is very old, and in such a ruinous Condition, that it is dangerous for the Inhabitants of the said Parish to attend the Worship of God therein”. The 1732 Act authorised the use of £6000 raised under the New Churches in London and Westminster Act of 1710 to cover the costs of the necessary rebuilding works. The church was duly rebuilt in 1736 and remains in use today. Accordingly the 1732 Act has long ceased to serve any useful purpose.

### **Church of St Olave, Southwark Act (1736)/ St Olave Southwark Rectory Act (1817)**

- 6.13 The 1736 Act<sup>18</sup> was passed to authorise the rebuilding of the parish church of St Olave in Southwark.<sup>19</sup> The Act authorised the levying of rates and the sale of annuities to pay for the rebuilding. The 1817 Act<sup>20</sup> provided income for the maintenance of the rector of St Olave and for the building of a new rectory house. Both Acts have, however, now been superseded by the Saint Olave’s Southwark Church Act 1918<sup>21</sup> which authorised the closure and sale of the church, the sale of the rectory house, the extinction of the parish itself and its merger with neighbouring parishes.<sup>22</sup> The church was declared redundant in or around 1928.

<sup>15</sup> 5 Geo.2 c.4.

<sup>16</sup> 12 Geo.2 c.9. The 1738 Act was necessary to accelerate a legacy of £1000 arising under the will of Daniel Wiseman who died on 1 February 1738. The legacy would otherwise have become available only after the death of Mr Wiseman’s wife and mother-in-law.

<sup>17</sup> 6 Geo.2 c.8.

<sup>18</sup> 10 Geo.2 c.18.

<sup>19</sup> The church was situated close to London Bridge. The site is today the location of St Olaf House which houses part of London Bridge Hospital.

<sup>20</sup> 57 Geo.3 c.vii.

<sup>21</sup> 8 & 9 Geo.3 c.xxxix.

<sup>22</sup> Changes in the locality had prompted these developments including a substantial reduction in the local population.

### **Ealing Church Act (1738)**

- 6.14 The medieval church of St Mary's, Ealing had suffered severe damage in 1642 during the Civil War and was in a ruinous state by the early 18<sup>th</sup> century. The 1738 Act<sup>23</sup> was therefore passed to raise sufficient money to permit the rebuilding of the church. The Act authorised the levying of rates and the sale of annuities to cover the costs. The rebuilding works were duly completed and the new church was opened on Trinity Sunday 1740. The fund-raising provisions of the 1738 Act have long ceased to operate so that the Act itself is now unnecessary.

### **St Catherine Coleman Acts of 1738 and 1741**

- 6.15 The church of St Catherine Coleman was situated in Magpie Alley on the south side of Fenchurch Street. The 1738 Act<sup>24</sup> was passed to raise money to demolish and rebuild the church. The Act accordingly authorised the levying of rates and the sale of annuities to cover the costs. In the event, although the rebuilding works were duly completed and the new church opened in 1741, the money raised by the 1738 Act proved insufficient. As a result the 1741 Act<sup>25</sup> was passed to raise more money to cover the overspend. The fund-raising provisions of both Acts have long ceased to serve any useful purpose so that both Acts may now be repealed.

### **Islington Church Act (1750)**

- 6.16 This 1750 Act<sup>26</sup> was passed to authorise the rebuilding of St Mary's Church, Islington.<sup>27</sup> The Act authorised the levying of rates and the sale of annuities to cover the costs. In 1754 the rebuilding was complete and the new church was opened. The fund-raising provisions of the 1750 Act have long ceased to operate with the result that the Act itself is now unnecessary.

<sup>23</sup> 12 Geo.2 c.7. St Mary's remains in use to this day.

<sup>24</sup> 12 Geo.2 c.17.

<sup>25</sup> 15 Geo.2 c.12.

<sup>26</sup> 24 Geo.2 c.15.

<sup>27</sup> The Church of St Mary the Virgin is situated in Upper Street, Islington. A church has stood on this site since the 12<sup>th</sup> century. The original church was rebuilt in 1483, 1754 and 1956. The 1956 rebuild was necessitated by bomb damage during the Second World War.

### **St Botolph Church Aldersgate Acts of 1753 and 1792**

- 6.17 These Acts of 1753<sup>28</sup> and 1792<sup>29</sup> were passed to raise money to secure the repair and rebuilding of the parish church of St Botolph's without Aldersgate in the City of London.<sup>30</sup> The preamble to the 1753 Act recorded that the church was "now very much decayed and out of repair". The Act authorised the levying of rates and the sale of annuities to cover the building costs. The works were carried out between 1754 and 1757. Further legislation was, however, necessary to resolve doubts that had arisen about the powers in the 1753 Act to raise money to pay and discharge debts. Accordingly the 1792 Act was passed to resolve these doubts. The fund-raising provisions of both Acts have long ceased to be operable so that both Acts may now be repealed.

### **Croydon Parish Church Act (1760)**

- 6.18 This 1760 Act<sup>31</sup> was passed to authorise repairs to the parish church of St John the Baptist, Croydon. The preamble to the Act recorded that the church roof and chancel were "so much decayed, and in so ruinous a Condition, as to deter several of the Parishioners from attending Divine Service therein". The Act authorised the levying of rates and the sale of annuities to meet the repair costs. The fund-raising provisions of the 1760 Act have long ceased to operate with the result that the Act now serves no useful purpose.<sup>32</sup>

### **St Peter le Poor Parish Church Act (1788)**

- 6.19 This 1788 Act<sup>33</sup> was passed to secure the rebuilding of the parish church of St Peter le Poor in Broad Street in the City of London.<sup>34</sup> The Act authorised the taking down of the existing church together with neighbouring properties and the erection of a new church on the site. The building costs were met by the levy of a rate on every resident in the parish. The church was duly demolished and rebuilt. The architect, Jesse Gibson, completed the work in 1792. Falling City congregations, however, meant that the church was eventually considered redundant. It was finally demolished in 1907.<sup>35</sup> The site in Old Broad Street is today occupied by the Stock Exchange branch of the HSBC Bank. The fund-raising provisions of the 1788 Act have long been obsolete so that the Act as a whole may now be repealed.

<sup>28</sup> 26 Geo.2 c.94.

<sup>29</sup> 32 Geo.3 c.39.

<sup>30</sup> The church of St Botolph's Aldersgate remains in use to this day. The first church on the site was built during the early 11<sup>th</sup> century as a Cluniac priory.

<sup>31</sup> 1 Geo.3 c.38.

<sup>32</sup> The church was severely damaged by fire in 1867. It was rebuilt under the direction of Sir George Gilbert Scott and reconsecrated in 1870.

<sup>33</sup> 28 Geo.3 c.62.

<sup>34</sup> This church (otherwise known as St Peter le Poer) existed as early as 1181 when it was situated on the west side of Old Broad Street.

<sup>35</sup> The proceeds from the sale of the church site were used to fund the St Peter-le-Poor church in Friern Barnet (north London).

### **St Bride Church Act (1792)/ St Bride's Church, City Act (1796)**

- 6.20 St Bride's in Fleet Street was among several City churches to be rebuilt by Sir Christopher Wren following the Great Fire of 1666.<sup>36</sup> The 1792 Act<sup>37</sup> was passed partly to raise sufficient money to carry out repairs and improvements to the church, and partly to raise money to provide a workhouse for the parish poor.<sup>38</sup> The Act authorised the levying of rates and the sale of annuities to meet the cost of the church repairs and the cost of building the workhouse. The total cost involved was greater than expected as evidenced by the preamble to the 1796 Act<sup>39</sup> which recorded that more money was needed to complete the works to the church and the workhouse. Accordingly the 1796 Act authorised the raising of a further sum of £6000 to complete these works. Both the 1792 and the 1796 Acts became obsolete when the church repair and workhouse building works were completed and the fund-raising provisions ceased to be invoked. Both Acts may now be repealed.

### **St Martin Outwich Church, City Act (1796)**

- 6.21 St Martin Outwich<sup>40</sup> was a medieval parish church in the City of London, on the corner of Threadneedle Street and Bishopsgate. The preamble to the 1796 Act<sup>41</sup> recorded that the church was in so decayed and ruinous a condition that "it is become dangerous for the Inhabitants of the said Parish to attend Divine Service therein". Accordingly the Act authorised the demolition and rebuilding of the church, the costs to be met by the levy of rates and the sale of annuities. The rebuilding works were duly completed in or around 1798. However, falling congregations and pressure to release land for road-widening resulted in the church being demolished in 1874 and the parish being combined with St Helen Bishopsgate. The fund-raising provisions of the 1796 Act have long ceased to be operable with the result that the Act as a whole no longer serves any useful purpose.

<sup>36</sup> St Bride's was further restored following extensive war damage in 1940.

<sup>37</sup> 32 Geo.3 c.64.

<sup>38</sup> Most parishes (or unions of parishes) of the day funded at least one workhouse in their area, and the parish of St Bride was no exception. Indeed a workhouse had existed in the parish as early as the 1720s.

<sup>39</sup> 36 Geo.3 c.35.

<sup>40</sup> The church was dedicated to St Martin, the 4<sup>th</sup> century Bishop of Tours. *Outwich* derived from the family name of Oteswich.

<sup>41</sup> 36 Geo.3 c.103.

### **St Mary-le-Bow Lecturer's Trust Act (1799)**

- 6.22 The preamble to this 1799 Act<sup>42</sup> records that George Palyn,<sup>43</sup> a parishioner of the parish of St Mary-le-Bow, left £100 in his will to pay for a weekly afternoon lecture or sermon to be read or preached in the parish church of St Mary-le-Bow in the City of London.<sup>44</sup> Mr Palyn, who died in October 1610, directed that the lecture or sermon should be funded by the income from land to be purchased by his trustees. Such gifts to this church were not uncommon in the 17<sup>th</sup> century. The preamble to the 1799 Act also records that a number of other gifts were made to support the lecture proposed by Mr Palyn.<sup>45</sup> Two properties and a shop in Abchurch Lane were purchased by the trustees and the rents from these were used to fund the afternoon lectures, the first of which appears to have been delivered around 1622.<sup>46</sup> The 1799 Act authorised the parish of St Mary-le-Bow to sell the rental properties and use the income from the sale proceeds to meet the costs of the lectures. The Act also provided that future lectures should be given by a preacher elected by a parish committee and licensed by the Archbishop of Canterbury.
- 6.23 These arrangements continued throughout most of the 19<sup>th</sup> century with a parish committee meeting regularly to select future lecturers and to determine the fees to be paid to them. However, the last record of such a committee meeting was in 1878. Although parish records kept at the time suggest that the Palyn lectures were still being held in 1890, it seems likely that the endowment for the lectures was absorbed by a Charity Commission Scheme made for the parish of St Mary-le-Bow in 1891.<sup>47</sup> In any event it is clear that these lectures ceased to be held well over a century ago. The church of St Mary-le-Bow has confirmed that it has no knowledge of them, nor is there any reference to them in the accounts of the relevant parish charity.<sup>48</sup> Accordingly the provisions of the 1799 Act no longer serve any useful purpose and the repeal of the Act is proposed on that basis.

<sup>42</sup> 39 Geo.3 c.lxxxii.

<sup>43</sup> Also spelled as *Palin*. He was previously a Master of the Girdlers' Company in the City of London.

<sup>44</sup> Founded in or around 1080 as the London headquarters of the Archbishops of Canterbury, the ancient parish church of St Mary-le-Bow was rebuilt by Sir Christopher Wren following its destruction in the Great Fire of 1666. Its destruction again in 1941 resulted in its complete restoration and re-consecration in 1964.

<sup>45</sup> An unrelated gift was that provided for in the will of Robert Boyle who died in 1691. This gift provided funds for a series of lectures at the church which are still held annually.

<sup>46</sup> This arrangement continued for a number of years. In 1640 the lecturer received £30 a year and thereafter the annual payment was increased to £32 and 10 shillings. The Great Fire of 1666, however, resulted in the loss of the church and the rental properties. The Palyn lectures continued once the church and the properties had been rebuilt by Sir Christopher Wren.

<sup>47</sup> This scheme was made under powers given by the City of London Parochial Charities Act 1883 (46 & 47 Vict. c.36). The purpose of the 1883 Act was to provide for the better application and management of the parochial charities of the City of London.

<sup>48</sup> The Parochial Church Council of the Ecclesiastical Parish of St Mary-le-Bow, Cheapside.

### **Bridewell Hospital Chapel Act (1807)**

- 6.24 Bridewell Palace, which was originally a residence of Henry VIII, was built on the site of the medieval St Bride's Inn near Fleet Street. In 1553 Edward VI gave the palace to the City of London for the housing of homeless children and the punishment of disorderly women.<sup>49</sup> Part of the site of Bridewell Palace became a school known as Bridewell Royal Hospital. The prison built by the City was closed in 1855, the school moved to Surrey in 1867<sup>50</sup> and the buildings were demolished in 1863-64. The chapel was located within the Bridewell Hospital and the Bridewell precinct. The preamble to the 1807 Act<sup>51</sup> recorded that the chapel "on account of its decayed state, hath been lately taken down, and another Chapel built within the Distance of a few Yards from the Scite of the former Chapel." However, because the site of the now rebuilt chapel was slightly different from the original site, doubts had arisen as to whether marriages could still validly be solemnised there.
- 6.25 Accordingly the 1807 Act provided that the chapel, once duly consecrated, could be used for the legal solemnisation of marriages to the same extent as with the old chapel, together with all the rights enjoyed by the old chapel. The chapel however no longer exists. It was absorbed, as part of the Bridewell Precinct, into the parish of St Bride Fleet Street in 1864. The chapel itself was demolished in 1871. The extinction of the chapel means that the 1807 Act has long been unnecessary.

### **GROUP 2 – IMPROVEMENTS**

#### **Streets (London) Act (1696)**

- 6.26 The *Streets (London) Act of 1696*<sup>52</sup> was passed to remedy defects in an Act of 1690<sup>53</sup> relating to the paving and cleansing of London streets. The 1696 Act required everyone living in the area (that now comprises central London) to sweep and clean the street and public areas in front of their houses every Wednesday and Saturday morning between six and nine o'clock upon pain of a ten shilling fine.<sup>54</sup> The fines were to be applied equally to the relief of the poor and to the repair and paving of the streets. The Act also provided for the removal of houses situated on London Bridge to permit the widening of the bridge at its southern end.
- 6.27 The obligations imposed by the 1696 Act have long ceased to be enforced. Today the responsibility for cleansing, paving and repairing London's streets and highways belongs to the London boroughs and is financed by local taxation levied pursuant to the Local Government Finance Acts 1988 and 1992. Accordingly the 1696 Act is now unnecessary.

<sup>49</sup> The City converted the Palace into a prison, hospital and workrooms. The name "Bridewell" was thereafter adopted throughout Britain as meaning a prison or place of detention.

<sup>50</sup> King Edward's School, Witley is still situated in the village of Wormley, near Witley where it moved in 1867.

<sup>51</sup> 47 Geo.3 Sess.1 c.xxviii.

<sup>52</sup> 8 & 9 Will.3 c.37.

<sup>53</sup> 2 Will. & Mar. Sess.2 c.8.

### **Kensington, Chelsea and Fulham Roads (Tolls) Act (1725)**

- 6.28 Until the late nineteenth century, Britain had no national framework for maintaining its highways. For much of the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained. Turnpikes were an alternative method of road administration and were first used in 1663.<sup>55</sup> A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.
- 6.29 The *Kensington, Chelsea and Fulham Roads (Tolls) Act of 1725*<sup>56</sup> was passed to authorise the charging of tolls at turnpikes along specified roads in Kensington, Chelsea and Fulham in order to secure the repair of those roads. Under the terms of the Act, the authority to charge tolls was to expire no later than 31 May 1747. Since the repair of the roads pursuant to the Act was dependent upon the receipt of those tolls, it follows that the Act as a whole has served no useful purpose for at least 260 years.<sup>57</sup>

### **Fulham Roads Acts of 1730 and 1749**

- 6.30 As explained above in relation to the Kensington, Chelsea and Fulham Roads (Tolls) Act of 1725, the maintenance of Britain's highways for much of the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries was attended to on a local basis, sometimes by means of tolls chargeable at turnpikes. The *Fulham Roads Acts of 1730 and 1749* were turnpike Acts passed to raise money to repair the road between Fulham and Hammersmith. The preamble to the 1730 Act<sup>58</sup> recorded that this road "is become so ruinous and bad, in the Winter Season, that the same cannot ... be sufficiently repaired and amended". The Act appointed trustees to repair the road and authorised them to levy tolls until May 1752. However, the debts incurred by the trustees (£550) were such that the 1749 Act<sup>59</sup> had to be passed to extend their authority to levy tolls to May 1773. Under the terms of the 1749 Act, both Acts were to expire on or before May 1773. It follows that neither Act has served any useful purpose for about 240 years, and their formal repeal is now proposed on that basis.

<sup>54</sup> 50 pence in modern currency.

<sup>55</sup> This turnpike was in Wadesmill in Hertfordshire.

<sup>56</sup> 12 Geo.1 c.37.

<sup>57</sup> In fact one part of the Act was extended by the St George Hanover Square Improvement Act of 1813 (53 Geo.3 c.xxxviii, s 3). This 1813 Act, however, was short-lived and was repealed by the St George Hanover Square Improvement Act of 1826 (7 Geo.4 c.cxxi), s 1.

<sup>58</sup> 4 Geo.2 c.34.

<sup>59</sup> 23 Geo.2 c.10.



### **Charterhouse Square Rates Act (1742)**

- 6.31 This 1742 Act<sup>60</sup> was passed to enable the residents of Charterhouse Square<sup>61</sup> in London to levy rates to maintain the appearance of the Square and make improvements. The preamble to the 1742 Act recorded that the wooden fencing that used to enclose Charterhouse Square had fallen into decay and that the Square was liable to be frequented by “common Beggars, Vagabonds, and other disorderly Persons, for the Exercise of their idle Diversions, and other unwarrantable Purposes, so as to be unfit for the Habitation of Persons of Character and Condition”. The preamble also recorded that the cleaning, watching<sup>62</sup> and paving of the Square had been greatly neglected. The owners and residents had agreed that they should raise funds by way of rates to maintain the appearance of the Square. The 1742 Act accordingly appointed trustees with authority to levy and collect rates from the Square’s residents to meet the costs of enclosing, paving, policing, cleaning and improving the Square.
- 6.32 The powers in the 1742 Act have long ceased to be exercised. Responsibility for public street cleaning, policing and road maintenance in London has passed to the London boroughs and is funded under the Local Government Finance Acts 1988 and 1992. Accordingly, since none of the services for which the 1742 Act was passed are today provided or directly funded by the residents of the Square, the 1742 Act has become obsolete and may be repealed on that basis.

### **Southwark Streets Act (1749)**

- 6.33 This 1749 Act<sup>63</sup> was passed to improve the security in the parish of St John in Southwark. The preamble to the Act recorded the need for street lamps and watchmen to improve security to the local residents at night. Accordingly the Act provided for street lamps to be erected throughout the parish and for parish constables and watchmen to be appointed to keep watch in the parish each night. The parish vestry<sup>64</sup> was authorised to levy rates to meet the costs of lighting and watching.

<sup>60</sup> 16 Geo.2 c.6.

<sup>61</sup> Charterhouse Square is an historic square in the London Borough of Islington, just north of the City of London. The Charterhouse today is an almshouse run by the charity known as Sutton’s Hospital in Charterhouse.

<sup>62</sup> This meant policing especially during the hours of darkness.

<sup>63</sup> 23 Geo.2 c.18.

<sup>64</sup> The vestry was an administrative committee of a parish. In England, until the 19<sup>th</sup> century, the parish vestry was in effect what would today be known as the parochial church council. Vestries were responsible not only for the ecclesiastical affairs of a parish but also for a range of civil or lay issues including the support of the poor.

- 6.34 The 1749 Act has long ceased to serve any useful purpose. Responsibility for providing public street lighting and policing has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.<sup>65</sup> Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax. Accordingly the 1749 Act is now obsolete.

#### **Southwark Roads Act (1750)/ South London Roads Act (1764)**

- 6.35 As explained above in relation to the Kensington, Chelsea and Fulham Roads (Tolls) Act of 1725, the maintenance of Britain's highways for much of the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries was managed on a local basis, sometimes by means of tolls chargeable at turnpikes. The *Southwark Roads Act of 1750*<sup>66</sup> and the *South London Roads Act of 1764*<sup>67</sup> were turnpike Acts passed to raise money to construct and repair roads in South London.
- 6.36 The 1750 Act recorded the need to improve roads in Lambeth, Newington, Southwark, Bermondsey and Lewisham. The Act appointed trustees to build and repair the roads and authorised them to levy tolls until 1781. The 1764 Act was passed to amend the 1750 Act, in particular by extending its powers until 1802. Under the terms of the 1764 Act, both Acts were to expire in 1802. Accordingly both Acts have ceased to be operable for more than 200 years.

#### **St Luke's Middlesex (Lighting and Watching) Act (1754)**

- 6.37 This 1754 Act<sup>68</sup> dates back to a time when local taxes were commonly raised on a parish basis. The preamble to the Act recorded that "it would greatly tend to the Benefit and Safety of the Inhabitants of the Parish of Saint Luke in the County of Middlesex, and other Persons resorting thereto, if Provision was made for enlightening and cleansing the open Places, Squares, Streets, Lanes, Alleys, and other Passages and Courts within the said Parish, and maintaining an able and regular Nightly Watch therein; and that the Highways of the said Parish should be kept in good Repair".<sup>69</sup> The Act accordingly appointed trustees to supervise the erection of lamps, appointment of constables and watchmen, cleansing and repairing the streets and levying rates to pay for the costs of the Act.

<sup>65</sup> Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

<sup>66</sup> 24 Geo.2 c.58.

<sup>67</sup> 4 Geo.3 c.54.

<sup>68</sup> 27 Geo.2 c.25.

<sup>69</sup> The parish of St Luke's was created when the church of St Luke (in Old Street) was constructed in 1733 from the part of the existing parish of St Giles Cripplegate that lay outside the City of London. The church was closed in 1964, the parish having been reunited in 1959 with the parish of St Giles-without-Cripplegate.

6.38 The 1754 Act has long ceased to serve any useful purpose. Responsibility for providing public street lighting and cleaning, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.<sup>70</sup> Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax. Accordingly the 1754 Act is now obsolete.

#### **Bethnal Green Road Acts of 1756, 1767 and 1805**

6.39 As explained above in relation to the Kensington, Chelsea and Fulham Roads (Tolls) Act of 1725, the maintenance of Britain's highways for much of the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries was managed on a local basis, sometimes by means of tolls chargeable at turnpikes. The *Bethnal Green Road Acts of 1756, 1767 and 1805* were turnpike Acts passed to raise money for the construction and repair of roads in the Bethnal Green area of east London.

6.40 The preamble to the 1756 Act<sup>71</sup> recorded that "the several Parishes of Saint Matthew Bethnal Green, Christ Church, Saint Leonard Shoreditch, and the Hamlet of Mile End New Town ... are large and populous" and that it would be "of great Benefit and Utility to the Publick" if certain roads in the area were made or widened. The 1756 Act appointed trustees to build and repair the roads and authorised them to levy tolls until May 1777. The 1767 Act<sup>72</sup> was passed to amend the 1756 Act, in particular by extending its powers until 1798. The 1805 Act<sup>73</sup> was passed to extend the powers of the 1756 and 1767 Acts until 1826. Under the provisions of the 1805 Act, the powers of all three Acts expired in 1826. Accordingly all three Acts have ceased to serve any useful purpose for nearly two centuries.

<sup>70</sup> Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1. So far as highways maintenance is concerned, the parish remained the body responsible for highways until 1894, when section 25 of the Local Government Act 1894 transferred the powers of the highways authority to the district council. Today the cost of maintaining public highways is governed by the Highways Act 1980, Pt 4.

<sup>71</sup> 29 Geo.2 c.43.

<sup>72</sup> 7 Geo.3 c.105. The preamble to the 1767 Act recorded that £3000 of debt had been incurred in carrying out the 1756 Act and that some parts of the road were in a ruinous condition.

<sup>73</sup> 45 Geo.3 c.vi.

### **Passage from Charing Cross Act (1757)**

- 6.41 The surviving provisions of this 1757 Act<sup>74</sup> provided for the widening of a roadway running from Charing Cross to St James's Park in central London.<sup>75</sup> The works were to be carried out as part of a larger project to widen the streets between Charing Cross and the Houses of Parliament.<sup>76</sup> The roadway was duly widened and was subsequently absorbed by the eastern end of Pall Mall. The relevant provisions of the 1757 Act are therefore spent. There being no other provisions remaining, the Act may now be repealed as a whole.

### **Shoreditch Streets Acts of 1768, 1776 and 1785**

- 6.42 These three Acts were passed to authorise improvements to the streets of Shoreditch, an area that is today within the London Borough of Hackney. The preamble to the 1768 Act<sup>77</sup> recorded that certain highways in Shoreditch were "extremely ill paved, and the Passage through the same greatly obstructed by Posts and Projections, and annoyed by Spouts, Signs, and Gutters." Accordingly the Act appointed Commissioners to arrange for the paving and repair of the streets, the removal of obstructions and the levy of rates to pay for the works. The 1776 Act<sup>78</sup> was passed to raise more finance and to resolve doubts that had arisen about the powers of the 1768 Act. The 1785 Act<sup>79</sup> amended the earlier two Acts and authorised the raising of additional finance to carry out the necessary works.
- 6.43 Responsibility for paving and maintaining public streets has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.<sup>80</sup> Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Accordingly the Acts of 1768, 1776 and 1785 have all become obsolete.

<sup>74</sup> 31 Geo.2 c.36. The surviving provisions are sections 10 and 11. The remainder of the 1757 Act related to the charging of taxes and duties and was repealed by the Statute Law Revision Act 1876, s 1, Sch.

<sup>75</sup> The roadway was a mere 12 feet wide and led from Charing Cross to Spring Gardens on the site of the present approach to Pall Mall.

<sup>76</sup> This larger project was authorised by an Act of 1756: 29 Geo.2 c.38.

<sup>77</sup> 8 Geo.3 c.33.

<sup>78</sup> 16 Geo.3 c.60.

<sup>79</sup> 25 Geo.3 c.96.

<sup>80</sup> The Commissioners' powers under these three Acts ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Management Act 1855 (18 & 19 Vict. c.120). The Commissioners' functions devolved upon the Vestry of St Leonard Shoreditch before passing to the new metropolitan borough councils pursuant to the London Government Act 1899 (62 & 63 Vict. c.14). Today the functions are mostly vested in the London Borough of Hackney.

**Christchurch, Middlesex Act (1772)/ Christchurch, Middlesex Improvement Act (1788)**

- 6.44 These two late 18<sup>th</sup> century Acts were passed to improve an area that is today within the London Borough of Tower Hamlets. The preamble to the 1772 Act<sup>81</sup> recorded that the public passages and places within the parish of Christ Church were “not properly paved, nor sufficiently cleansed, and are in general greatly obstructed by sundry Nuisances.” Accordingly the Act appointed Commissioners to arrange for the paving, repair and cleansing of the streets, the appointment of a night watch and the levy of rates to pay for the works. The 1788 Act<sup>82</sup> was passed to amend the powers provided by the 1772 Act and to raise additional finance to carry out the necessary works.
- 6.45 Responsibility for providing public street cleaning, lighting, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.<sup>83</sup> Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Accordingly the 1772 and 1788 Acts have long ceased to serve any useful purpose.

**London Streets Act (1776)**

- 6.46 This 1776 Act<sup>84</sup> was passed to provide for the lighting and policing of a road now in the London Borough of Southwark. This road ran from the southern end of Borough High Street to London Bridge. The preamble to the Act recorded that the road was much used by night-time travellers and was not properly “lighted or watched: and Robberies and other Offences are frequently committed therein”. The Act accordingly appointed trustees to arrange for the lighting and watching of the road, to appoint watchmen, to provide road lamps and to levy rates to cover the costs.
- 6.47 The 1776 Act no longer serves any useful purpose. Responsibility for providing street lighting and policing has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.<sup>85</sup> Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax. Since none of the services for which the 1776 Act was passed are today provided or funded by parishes, the 1776 Act has become obsolete.

<sup>81</sup> 12 Geo.3 c.38.

<sup>82</sup> 28 Geo.3 c.60.

<sup>83</sup> The Commissioners’ power under these Acts ceased in 1855 with the creation of the Metropolitan Board of Works and devolved upon the Board of Works for the Whitechapel District. Today the Commissioners’ functions are mostly vested in the London Borough of Tower Hamlets.

<sup>84</sup> 17 Geo.3 c.23.

<sup>85</sup> Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

### **Ratcliff Highway Act (1778)**

- 6.48 This 1778 Act<sup>86</sup> was passed to authorise money arising from an ancient fund known as the Orphans Fund<sup>87</sup> to be used to pay for the construction and improvement of roads in the east end of London. The preamble to the Act recorded that an Act of 1776<sup>88</sup> had authorised the construction and improvement of certain roads in the Wapping area of east London (today within the London Borough of Tower Hamlets) near the Ratcliff Highway<sup>89</sup> and Wapping Street.<sup>90</sup> The 1778 Act accordingly required the City of London to use the Orphans Fund as security for the payment of £1000 to the Commissioners appointed by the 1776 Act.
- 6.49 The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives show that by January 1824 all moneys outstanding from the City of London under the terms of the Act had been paid. The 1778 Act thereupon became unnecessary.

### **Goodman's Fields Act (1778)**

- 6.50 This 1778 Act<sup>91</sup> was passed to authorise money arising from the Orphan's Fund (as described earlier in relation to the Ratcliff Highway Act of 1778) to be used to pay for the widening of certain streets that are today within the City of London and the London Borough of Tower Hamlets. The preamble to the Act recorded the need to widen several avenues leading into Goodman's Fields.<sup>92</sup> The Act accordingly required the City of London to use the Orphan's Fund as security for the payment of £1500 to the Commissioners appointed to carry out the road widening work.
- 6.51 The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives show that by January 1824 all moneys outstanding from the City of London under the terms of the Act had been paid. The 1778 Act thereupon became unnecessary.

<sup>86</sup> 18 Geo.3 c.49.

<sup>87</sup> The Orphans Fund was established by an Act of 1694 (5 & 6 Will. & Mar. c.10) to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760 (much of the Fund's wealth came from receipts from the duties on coal and wine imported into the City of London), the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.

<sup>88</sup> 17 Geo.3 c.22.

<sup>89</sup> The Ratcliff Highway is the road running from the City to Limehouse and is today known as The Highway.

<sup>90</sup> Wapping Street is today known as Wapping High Street.

<sup>91</sup> 18 Geo.3 c.50.

<sup>92</sup> Goodman's Fields is today the area bounded by Prescott Street, Leman Street, Mansell Street and Alie Street. The area was named after Roland Goodman who farmed the area in the 16<sup>th</sup> century.

### **Southwark Streets Act (1778)**

- 6.52 This 1778 Act<sup>93</sup> was passed to authorise money arising from the Orphans Fund (as described earlier in relation to the Ratcliff Highway Act of 1778) to be used to pay for the paving of streets in Southwark. The preamble to the Act recorded that an Act of 1766<sup>94</sup> had authorised the paving of streets and lanes in the Southwark area. More money was however needed to complete the works. The 1778 Act accordingly required the City of London to use the Orphans Fund as security for the payment of £4000 to the Commissioners appointed by the 1766 Act.
- 6.53 The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives show that by January 1825 all moneys outstanding from the City of London under the terms of the Act had been paid. The 1778 Act thereupon became unnecessary.

### **London Streets Act (1778)**

- 6.54 This 1778 Act<sup>95</sup> was passed to authorise money arising from the Orphans Fund (as described earlier in relation to the Ratcliff Highway Act of 1778) to be used to pay for the paving of the central London road from Aldersgate Street to Goswell Street. The preamble to the 1778 Act recorded that “the Pavement of the High Street or Road leading from Aldersgate-bars .... to the Turnpike near the End of Goswell-street ... is in a ruinous Condition, and very dangerous to Passengers”. The 1778 Act accordingly authorised the City of London to carry out the necessary works and to borrow £5000 to cover the costs, using the Orphans Fund as security for the loan.
- 6.55 The paving works were duly completed in 1784. Although the exact date of the loan repayment is unknown, the final instalment would have been no later than 1832 when the Orphans Fund was wound up. The 1778 Act has accordingly long ceased to serve any useful purpose.

### **Shoreditch Streets Act (1778)**

- 6.56 This 1778 Act<sup>96</sup> was passed to authorise improvements to certain streets in Shoreditch. The preamble to the 1778 Act recorded that the streets within the Liberty of Norton Folgate<sup>97</sup> were badly paved and in need of clearance from obstructions. Accordingly the Act appointed Commissioners to arrange for the paving and repair of the streets, the removal of obstructions and the levy of rates to pay for the works.

<sup>93</sup> 18 Geo.3 c.51.

<sup>94</sup> 6 Geo.3 c.24.

<sup>95</sup> 18 Geo.3 c.73.

<sup>96</sup> 18 Geo.3 c.77.

<sup>97</sup> Norton Folgate (formerly Norton Falgate) connects Bishopsgate with Shoreditch High Street. Until its absorption into the borough of Stepney in 1900, Norton Folgate was a Liberty or enclave outside the normal parochial administrative system. A Liberty was a geographical area falling outside the usual administrative system of the county, borough or parish in which it was situated.

6.57 Responsibility for paving and maintaining public streets has long ceased to vest in individual parishes or Liberties but has passed to local and county councils and the London boroughs.<sup>98</sup> Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Accordingly the 1778 Act has long been obsolete.

**Spitalfields Streets Act (1778) / Spitalfields Improvement Act (1782)**

6.58 These two late 18<sup>th</sup> century Acts were passed to construct a street to provide access for carriages between Spitalfields and Bishopsgate.<sup>99</sup> The 1778 Act<sup>100</sup> was passed to authorise money arising from the Orphans Fund (as described earlier in relation to the Ratcliff Highway Act of 1778) to be used to pay for the cost of constructing this street. The Act accordingly required the City of London to use the Orphans Fund as security for the payment of £9000 to certain Commissioners who had been appointed to carry out the construction works. The 1782 Act<sup>101</sup> was passed to amend the Commissioners' powers as provided by the 1778 Act.

6.59 Both Acts have long ceased to serve any useful purpose. Records held at the London Metropolitan Archives show that by October 1824 all moneys outstanding from the City of London under the terms of the 1778 Act had been paid. Moreover the 1782 Act became obsolete in 1786 when the street was actually completed.

<sup>98</sup> The Commissioners' powers under the 1778 Act ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Management Act 1855 (18 & 19 Vict. c.120). The Commissioners' functions devolved upon the Board of Works for the Whitechapel District. Today these functions are mostly vested in the London Boroughs of Hackney and Tower Hamlets.

<sup>99</sup> The street constructed pursuant to these Acts appears to be the thoroughfare that is today known as Brushfield Street which runs west from Commercial Street to Bishopsgate. Brushfield Street was formerly known as Paternoster Row, and then as Union Street, before being renamed as Brushfield Street in 1870.

<sup>100</sup> 18 Geo.3 c.78.

<sup>101</sup> 22 Geo.3 c.43.



### **Hans Town, Chelsea Improvement Acts 1790 and 1803**

- 6.60 Until the 1770s the area stretching from Knightsbridge in the north to the Kings Road in the south was still mostly fields and market gardens. During the 1770s the outward spread of London led the architect Henry Holland to put forward an ambitious scheme to develop the area, which was then known as Hans Town.<sup>102</sup> He was granted a building lease by the Earl of Cadogan,<sup>103</sup> and the development of the area unfolded over the next 50 years. The 1790<sup>104</sup> and 1803<sup>105</sup> Acts were consequential upon the building rights granted to Henry Holland to develop Hans Town. The 1790 Act authorised the creation and repair of the public streets and passages with powers to light, clean, repair, pave and appoint watchmen. Commissioners were appointed to supervise these works and their powers were enlarged by the 1803 Act.
- 6.61 The preamble to the 1790 Act recorded the lease of 89 acres of land in Hans Town granted by the Earl of Cadogan to Henry Holland and the fact that Holland had already constructed Sloane Street running across the land from Knightsbridge. The preamble also stated that the benefit and safety of the inhabitants would be enhanced if provision were made “for forming and paving, or otherwise repairing and keeping in Repair [the streets] and also for cleansing, lighting, watching, and watering the said Streets ... and keeping the same free from all Nuisances, Annoyances, and Incroachments”. The 1790 Act accordingly appointed Commissioners to carry out the necessary works and to levy an annual rate on the inhabitants of Hans Town to cover the costs. The 1803 Act amended the powers of the 1790 Act, in particular to ensure that the streets and pavements were properly cleaned.
- 6.62 The Commissioners’ powers under the 1790 and 1803 Acts ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Management Act 1855.<sup>106</sup> The Commissioners’ functions passed to the local parish vestry before transferring to the new metropolitan borough councils pursuant to the London Government Act 1899.<sup>107</sup> Today they mostly vest in the Royal Borough of Kensington and Chelsea<sup>108</sup> and are funded by local taxation pursuant to the Local Government Finance Acts 1988 and 1992. Accordingly since none of the services for which the 1790 or 1803 Acts were passed are today provided by either Act, both Acts have become unnecessary and may be repealed.

<sup>102</sup> Hans Town, which comprised about 90 acres, was named after Sir Hans Sloane (1660 - 1753) who purchased the manor of Chelsea in 1712. Sloane Square, Sloane Street, Sloane Gardens, Hans Street, Hans Crescent, Hans Place and Hans Road are all named after him. He was President of the Royal Society and President of the Royal College of Physicians.

<sup>103</sup> The Earl had acquired the land through marrying one of Sir Hans Sloane’s daughters. The land remains part of the Cadogan Estate.

<sup>104</sup> 30 Geo.3 c.76.

<sup>105</sup> 43 Geo.3 c.xi.

<sup>106</sup> 18 & 19 Vict. c.120.

<sup>107</sup> 62 & 63 Vict. c.14.

<sup>108</sup> Responsibility for maintaining the streets of Kensington and Chelsea is shared between the Royal Borough and Transport for London.

### **Charles Street, Westminster Act (1799)**

- 6.63 The preamble to this 1799 Act<sup>109</sup> recorded that the approaches to the King's Theatre<sup>110</sup> in the Haymarket were "not sufficiently convenient for the Access of the great Number of Carriages and Persons resorting thereto". Access would be improved and the theatre made more secure against fire "if a new Street were made and opened from the Street called The Haymarket into Charles Street, St James's Square".<sup>111</sup> Finally the preamble recorded that William Taylor (the theatre manager) was willing to make such a street. Accordingly the Act authorised William Taylor to extend Charles Street into the Haymarket and to acquire land in neighbouring streets. However the Act also provided that his powers to build the street were to pass to the Commissioners of HM Treasury if they had not been exercised by 13 July 1801.
- 6.64 In the event the new street was built but not pursuant to the 1799 Act. William Taylor failed to exercise his powers under the Act within the time limit and so the powers passed to HM Treasury. The building work was instead carried out pursuant to an Act of 1813<sup>112</sup> which was passed to improve communications between Marylebone Park<sup>113</sup> and Charing Cross. Section 2 of the 1813 Act provided that the Commissioners appointed under that Act should carry out their works as if the powers in the 1799 Act had been repealed. The new street was completed pursuant to the 1813 Act in 1818. The 1799 Act thereupon became unnecessary and may now be formally repealed.

<sup>109</sup> 39 Geo.3 c.lxxiv.

<sup>110</sup> The King's Theatre is today called Her Majesty's Theatre. It occupies the same site on the corner of the Haymarket and Charles II Street.

<sup>111</sup> Charles Street is today called Charles II Street. In 1799 Charles Street ran east from St James's Square across what is now Regent Street and ended near, but not connecting with, the Haymarket.

<sup>112</sup> 53 Geo.3 c.121. This Act also provided for the construction of Regent Street under the supervision of John Nash.

<sup>113</sup> Part of the site of the old Marylebone Park is today occupied by Regents Park (designed by John Nash in 1818).

## **Temple Bar Improvement Acts of 1800, 1804 and 1811**

### **City of London Lottery Act (1806)**

### **London and Westminster Houses Lottery Act (1809)**

- 6.65 These five obsolete early 19<sup>th</sup> century Acts related to the widening of the streets providing access to the City of London. Three of the Acts were passed to raise money for the construction works. The other two Acts authorised the holding of lotteries to facilitate the development of the area following those works. The Acts proposed for repeal are consequential upon the Temple Bar etc Act of 1795<sup>114</sup> which was passed to widen and improve two access points to the City of London. The first was near the former west gate to the City known as Temple Bar<sup>115</sup> at the junction of Fleet Street and the Strand. This was the principal access point for carriages approaching from Westminster. The second was the street called Snow Hill which provided access to the City from the north-west side. In both cases the accesses were described as-

too narrow and incommodious for the passing and repassing, as well of Foot Passengers as of Coaches, Carts, and other Carriages, to the Prejudice and Inconvenience of the Owners and Inhabitants of Houses in and near the same, to the great Interruption of Business, and to the endangering of the Lives of many of His Majesty's Subjects.<sup>116</sup>

<sup>114</sup> 35 Geo.3 c.126.

<sup>115</sup> Temple Bar was built around 1672 to mark the boundary between the City of London and the City of Westminster. The construction of the Royal Courts of Justice in the Strand (which were opened in 1882) necessitated the removal of Temple Bar in 1878. It was transported to Theobalds Park in Hertfordshire in 1887 where it stood until re-sited in 2004 at the new Paternoster Square development near St Paul's Cathedral.

<sup>116</sup> The 1795 Act, preamble.

- 6.66 The *Temple Bar Improvement Act of 1800*<sup>117</sup> was passed to raise more money to complete the road improvement works authorised by the 1795 Act. The City of London was authorised to raise up to £90,000 by selling annuities and taking out loans. The *Temple Bar Improvement Act of 1804*<sup>118</sup> was passed for a similar purpose, this time to raise a further £100,000. By contrast the *City of London Lottery Act of 1806*<sup>119</sup> was passed to enable the City of London to dispose of its freehold in the land that it had purchased pursuant to the 1800 and 1804 Acts. The City of London had granted building leases of this purchased land to persons who were finding it impossible to develop the various sites profitably.<sup>120</sup> Such development was necessary to give effect to the improvements required for the Temple Bar and Snow Hill areas. The solution provided by the 1806 Act was for the City of London to divest itself of the freeholds by disposing of them by means of three separate lotteries.<sup>121</sup> The first lottery was drawn on 14 April 1807 and the second on 26 April 1808. The third draw was delayed because of doubts arising over the powers in the 1806 Act.<sup>122</sup> The *London and Westminster Houses Lottery Act of 1809*<sup>123</sup> was passed to resolve these doubts, enabling the third draw to take place at the Guildhall on 4 December 1810.<sup>124</sup>
- 6.67 The preamble to the *Temple Bar Improvement Act of 1811*<sup>125</sup> recorded that, although very great progress had been made in carrying out the improvement works, the costs and expenses involved had greatly exceeded the previous estimates. Accordingly the City of London was authorised to raise a further £40,000 by means of loans and annuities in order to complete the works.
- 6.68 All five Acts have long been obsolete. In the case of the 1800 Act, the 1804 Act and the 1811 Act, records held at the London Metropolitan Archives indicate that by 1829 or thereabouts sufficient moneys were paid by the City to discharge the bonds issued by the City to secure the annuity payments required by each of those Acts. This repayment ended the City's liabilities under those Acts, which thereupon became unnecessary. In the case of the 1806 Act and the 1809 Act, these became unnecessary once the lotteries which they authorised had been drawn in 1807, 1808 and 1810. Accordingly all five Acts are now unnecessary and their repeal is proposed on that basis.

<sup>117</sup> 39 & 40 Geo.3 c.xlii.

<sup>118</sup> 44 Geo.3 c.xxvii.

<sup>119</sup> 46 Geo.3 c.xcvii.

<sup>120</sup> One problem was the high ground rents payable to the City.

<sup>121</sup> The freeholds were disposed of free of the building leases, and free of the high ground rents.

<sup>122</sup> These doubts had arisen because of the passage of time since the 1806 Act.

<sup>123</sup> 49 Geo.3 c.lxx.

<sup>124</sup> The London Gazette, 16 October 1810, p 1645.

<sup>125</sup> 51 Geo.3 c.ccciii.

### **Southwark Improvement Act (1804)**

- 6.69 The *Southwark Improvement Act of 1804*<sup>126</sup> was passed to amend an Act of 1766<sup>127</sup> relating to improving the streets in Southwark. The preamble to the 1804 Act recorded that the powers in the 1766 Act, which covered the parishes of St George, St Saviour, St Mary Newington and part of St Olave, had proved defective and insufficient. Accordingly the 1804 Act appointed Commissioners to supervise the cleaning of the streets, the removal of obstructions and levy of rates.
- 6.70 Responsibility for paving and maintaining public streets has long ceased to vest in individual parishes but has passed to local and county councils and the London boroughs.<sup>128</sup> Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Accordingly the 1804 Act has long been obsolete.

### **Southwark Improvement Act (1845)**

- 6.71 As explained above in relation to the Kensington, Chelsea and Fulham Roads (Tolls) Act of 1725, the maintenance of Britain's highways for much of the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries was managed on a local basis, sometimes by means of tolls chargeable at turnpikes. The *Southwark Improvement Act of 1845*<sup>129</sup> was passed to abolish the charging of turnpike tolls in Southwark on Sundays. The preamble to the Act recorded that an Act of 1766<sup>130</sup> provided for the charging of tolls in respect of cattle and carriages passing through certain turnpikes on Sundays. As the preamble put it, "the Collection of such Toll is a general and public Annoyance and Inconvenience".
- 6.72 Accordingly the 1845 Act repealed the provisions in the 1766 Act providing for this toll. Indeed the 1845 Act ordered the removal, by 29 October 1845, of all turnpikes erected pursuant to that Act and the repayment of all outstanding loans by using rates moneys authorised by the 1766 Act. Given that the 1766 Act was repealed in 1901,<sup>131</sup> it is clear that the 1845 Act has been obsolete for well over a century.

<sup>126</sup> 44 Geo.3 c.lxxxvi.

<sup>127</sup> 6 Geo.3 c.24. This Act was repealed by the Southwark Improvement Act 1845 (8 & 9 Vict. c.xiii), s I; SR & O 1901/264, 275.

<sup>128</sup> The Commissioners' powers under the 1804 Act ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Management Act 1855 (18 & 19 Vict. c.120). The Commissioners' functions devolved either upon the parish Vestry or upon the Board of Works for the relevant parish. Today these functions are mostly vested in the London Borough of Southwark.

<sup>129</sup> 8 & 9 Vict. c.xiii.

<sup>130</sup> 6 Geo.3 c.24.

<sup>131</sup> SR & O 1901/ 264, 274.

### **Westminster Improvement Association Act 1853**

- 6.73 During the second half of the 19<sup>th</sup> century, a large number of model dwelling companies and trusts were established to improve the housing conditions of the working classes in Britain by building new homes for them, whilst at the same time receiving a competitive rate of return on their investment. Perhaps the best known of these bodies was the Peabody Trust which continues in existence today.
- 6.74 This 1853 Act<sup>132</sup> was passed to improve the standard of housing in central London. Its purpose, according to its long title, was “the Incorporation of the Westminster Association for improving the Dwellings of the Working Classes”. The principal object of the Association was to provide, whether by altering existing buildings or by building new ones, “commodious and healthy Lodgings or Dwellings for the poorer Classes, and to let out the same to them as temporary Lodgings or otherwise”.<sup>133</sup> Because the work of the Association was not confined to Westminster, the Association’s name was changed in 1855 to “The London and Westminster Association for improving the Dwellings of the Working Classes”.<sup>134</sup>
- 6.75 No trace of the Association surviving beyond 1855 has been found. It is likely that the Association, in common with many other model dwelling companies and trusts of the period, was unable to raise the considerable funds needed to acquire and improve properties in the London area. In any event it is clear that the Association no longer exists today with the result that the 1853 Act, its enabling legislation, is obsolete. Its repeal is proposed on that basis.

### **Pimlico Improvement Act 1857**

- 6.76 The purpose of this 1857 Act<sup>135</sup> was, according to its long title, “to extend the Time for enabling the Commissioners of Her Majesty’s Works to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace”.<sup>136</sup>

<sup>132</sup> 16 & 17 Vict. c.ccxv.

<sup>133</sup> The 1853 Act, s 4.

<sup>134</sup> The Westminster Improvement Act 1855 (18 & 19 Vict. c.cxciii), s 15.

<sup>135</sup> 20 & 21 Vict. c.67.

<sup>136</sup> The functions of the Commissioners of Works and Public Buildings are today vested in the Secretary of State for Culture, Media and Sport: Crown Lands Act 1851, s 15; Secretary of State for Culture, Media and Sport Order 1997, SI 1997 No 1744.

- 6.77 The works in question included constructing and widening streets and pulling down buildings to improve public access to St James's Park and the Houses of Parliament. The works were authorised by an Act of 1852<sup>137</sup> which gave the Commissioners compulsory purchase powers to acquire land and buildings for these purposes. These compulsory purchase powers, as extended by an Act of 1853,<sup>138</sup> were time-limited and would have expired after 4 August 1857. The preamble to the 1857 Act recorded that these powers were still required and therefore needed to be extended. Accordingly the 1857 Act extended the powers until 4 August 1859. No further extension was granted and the 1857 Act ceased to have effect after that date.

### **GROUP 3 – LONDON GASLIGHT ACTS**

#### **London Gaslight Acts 1852, 1857, 1866 and 1880**

- 6.78 The origins of the gas industry lay with the discovery of coal gas in the early 18<sup>th</sup> century. Gas lighting for homes, buildings and streets was pioneered by a Scottish engineer, William Murdoch, and his pupil, Samuel Clegg. Murdoch first used coal gas in 1792 to light his home in Redruth, Cornwall. By the early 1800s Murdoch was building gas works for the illumination of mills and factories. The first public street gas lighting was demonstrated in Pall Mall in central London in January 1807 by the German inventor, Frederick Winsor. The Gas Light and Coke Company, the first gas undertaking in the world, was incorporated by Royal Charter in 1812. Westminster Bridge was illuminated by gas on New Year's Eve 1813.
- 6.79 Gas lighting proved a great success. Gas produced a much brighter light than that obtainable from candles or oil lamps, and was safer and cheaper than either. The installation of gas lamps in the streets made towns safer after dark and helped to reduce crime. Gas lighting in factories helped to increase production especially during the winter months. By 1823 many towns in Britain had gas lighting in their homes, factories and streets. By 1830 two hundred gas companies had been established, a number rising to nearly one thousand by 1860. One of these was the *London Gaslight Company*.
- 6.80 The London Gaslight Company ("the Company") was incorporated under that name by an Act of 1844.<sup>139</sup> The four Acts relating to the Company that are now proposed for repeal related to the early structure, finance and trading of the Company.

<sup>137</sup> Pimlico Improvement Act 1852 (15 & 16 Vict. c.78).

<sup>138</sup> Pimlico Improvement Act 1853 (16 & 17 Vict. c.44).

<sup>139</sup> 7 & 8 Vict. c.xcv (London Gaslight Company). This Act was repealed, with savings, by the London Gaslight Act 1852.

- 6.81 The *London Gaslight Act 1852*<sup>140</sup> repealed earlier legislation relating to the Company and provided a new share structure and constitution for the Company. The Company was authorised to do everything necessary for supplying its customers with gas and gas products. The *London Gaslight Act 1857*<sup>141</sup> authorised the Company to issue new debenture stock and to defer dividend payments to preference shareholders. The *London Gaslight Act 1866*<sup>142</sup> authorised the Company to raise additional funds by issuing new shares and bonds. The *London Gaslight Act 1880*<sup>143</sup> authorised the Company to sell or let to its gas customers not only gas but also stoves, pipes and other appliances for heating and cooking purposes.
- 6.82 The four London Gaslight Acts have long been obsolete. The Company ceased to exist as an independent company in 1883 when it was amalgamated with the Gas Light and Coke Company. Nationalisation of the gas industry on 1 May 1949 resulted in the establishment of twelve Area Boards.<sup>144</sup> One of these Boards, the North Thames Gas Board, was vested with the property, rights, liabilities and obligations of the Gas Light and Coke Company which then ceased to exist.<sup>145</sup> The four Acts thereupon became obsolete.

<sup>140</sup> 15 & 16 Vict. c.lxxxii.

<sup>141</sup> 20 & 21 Vict. c.lxxxiii.

<sup>142</sup> 29 & 30 Vict. c.lv.

<sup>143</sup> 43 & 44 Vict. c.xcvi.

<sup>144</sup> Gas Act 1948, s 17(1); Gas (Vesting Date) Order 1949, SI 1949 No 392.

<sup>145</sup> The North Thames Gas Board was dissolved on 1 January 1973 when it became a region of the British Gas Corporation ("the BGC"). All the assets of the Area Boards then vested in the BGC. The property, rights and liabilities of the BGC vested in British Gas plc on 24 August 1986 in preparation for privatisation of the company. The privatised company demerged to form two separate companies in February 1997. Centrica plc took over responsibility for the gas supply business within the UK, whilst BG plc took over responsibility for the gas transportation business (Transco) and the international exploration and production business.



## GROUP 4 – MARKETS

### South London Market Acts of 1834, 1864 and 1866

#### South London Market Company Act of 1837

#### South London (Elephant and Castle) Market Act 1882

- 6.83 The repeals proposed under this heading are of five obsolete 19<sup>th</sup> century Acts, all passed to establish markets in Southwark. None of these markets proved successful. The markets envisaged by these obsolete Acts (other than the 1882 Act) would have been established in the vicinity of Borough Market which is situated close to the south end of London Bridge and adjacent to Southwark Cathedral.<sup>146</sup> Borough Market moved to its current site in 1755 primarily to avoid the congestion of its earlier site in Borough High Street. An Act of 1755 provided that as from 25 March 1756 no market or market stalls should be erected in Borough High Street.<sup>147</sup> A second Act of 1755 authorised the holding of the ancient market in the parish of Saint Saviour so long as it did not interfere with Borough High Street.<sup>148</sup> Borough Market remains on its 1755 site to this day. An Act of 1757 prohibits the setting up of any rival market or stalls within a thousand yards of Borough Market.<sup>149</sup>
- 6.84 The preamble to the *South London Market Act of 1834*<sup>150</sup> recorded that the population of the Borough of Southwark and neighbouring parishes had been greatly increasing for many years. Moreover the establishment of a market and the erection of a market place with shops and other buildings selling fresh meat, fish, vegetables, dairy products and other commodities “would be highly advantageous to a great Part of the said Borough ... and would greatly tend to the Benefit and Advantage of the Inhabitants thereof”. It appears that this new market was planned as an extension to the existing St George’s Market which had been established around 1789 in St George’s Fields in Southwark. The 1834 Act was passed despite considerable opposition from the trustees of Borough Market.
- 6.85 The 1834 Act incorporated the South London Market Company with power to acquire land and build and operate the new market. No part of the market was to be erected within 1000 yards of Borough Market, the Company paying the trustees of Borough Market compensation for any interference with its business. The Company’s powers under the Act were to cease if the market was not completed by 15 June 1839.

<sup>146</sup> Until 1905 Southwark Cathedral was known as St Saviour’s church.

<sup>147</sup> 28 Geo.2 c.9 (Southwark Market), ss 1, 2.

<sup>148</sup> 28 Geo.2 c.23 (Southwark Market).

<sup>149</sup> 30 Geo.2 c.31 (Southwark Market), s 10. The penalty for contravening was forty shillings.

<sup>150</sup> 4 & 5 Will.4 c.xlv.

- 6.86 The *South London Market Company Act of 1837*<sup>151</sup> was passed to amend the powers contained in the 1834 Act and to extend until 11 July 1841 the Company's time limit for completing the market. In the event, however, the Company was unable to raise the necessary capital to construct the market. As a result the powers provided by the 1834 and 1837 Acts ceased in July 1841 and both Acts became obsolete.
- 6.87 The need for another general market to supplement Borough Market resulted in an attempt in 1864 to give effect to the spirit of the 1834 Act proposals. The *South London Market Act 1864*<sup>152</sup> authorised the establishment of a new market for the sale of fresh meat, fish, vegetables, dairy products and other commodities. As with the 1834 Act, the 1864 Act incorporated a body to be known as the South London Market Company with power to acquire land and build and operate the new market. The Company's powers under the Act were to cease if the market was not completed by 29 June 1869.
- 6.88 As with the 1834 Act, the 1864 Act powers were soon found to be insufficient. The *South London Market Act 1866*<sup>153</sup> provided new powers to raise capital and increase the Company's borrowing powers. Once again, however, the efforts to raise the finance to construct the proposed market failed, and the market was accordingly never built. Both the 1864 and 1866 Acts became obsolete at the end of June 1869 when the powers provided by the 1864 Act lapsed.
- 6.89 The *South London (Elephant and Castle) Market Act 1882*<sup>154</sup> was passed to authorise the establishment of a market which would, according to the Act's preamble, sell "fish and other provisions articles and commodities in a convenient position near the Elephant and Castle tavern<sup>155</sup> in the parish of Saint Mary Newington ... [and] would be advantageous to the inhabitants of that neighbourhood and of the southern part of the metropolis generally". Unlike the other two Southwark markets referred to above, the Southwark market proposed by the 1882 Act was situated on the north side of the New Kent Road near the Elephant and Castle. Again, unlike the other two South London markets, the one authorised by the 1882 Act actually opened (though it lasted only three years).

<sup>151</sup> 7 Will.4 & 1 Vict. c.cxiv.

<sup>152</sup> 27 & 28 Vict. c.cxli.

<sup>153</sup> 29 & 30 Vict. c.cclxix.

<sup>154</sup> 45 & 46 Vict. c.cxliv.

<sup>155</sup> The Elephant and Castle Tavern was an ancient coaching inn situated at the northern end of Walworth Road and at the start of the New Kent Road. The tavern ceased to exist as such when it had its licence withdrawn in around 1920.

- 6.90 The 1882 Act incorporated a body to be known as “the South London Fish Market Company” with powers comparable with the companies incorporated by the 1834 and 1864 Acts. However, although the general market authorised by the 1882 Act actually opened during the summer of 1883, its success was short lived because it lasted for only three years, closing during 1886. The 1882 Act thereupon became obsolete.<sup>156</sup>

#### **Islington Market Repeal Act 1854**

- 6.91 The purpose of the *Islington Market Repeal Act 1854*<sup>157</sup> was to repeal an Act of 1835<sup>158</sup> which had authorised the opening of a cattle market in competition with Smithfield Market. This cattle market, which opened in April 1836, was situated in the parish of St Mary in Islington. The market proved unsuccessful and soon closed. Accordingly the 1854 Act repealed the 1835 Act and ended all rights under that Act. The repeal took effect in June 1854 when the 1854 Act came into force. The 1854 Act thereupon became unnecessary.

#### **Lambeth Market Act 1868**

- 6.92 The *Lambeth Market Act 1868*<sup>159</sup> was passed to establish a general market in Lambeth, south London. The preamble to the 1868 Act recorded that “the Establishment of a Market for the Sale of Butchers Meat, Poultry, Game, Fish, Butter, Cheese, Milk, Vegetables, and other Animal and Vegetable Products, and other marketable Commodities ... in the Borough of Lambeth and County of Surrey, would be highly advantageous to the Inhabitants of the said Borough and the adjoining Parishes and Places”. The preamble also recorded that a number of persons were willing, at their own expense, to be incorporated into a Company to establish such a market. The Act duly established the Lambeth Market Company with power to acquire land and build and operate the new market. The Company’s powers to create the market would cease to be exercisable after July 1873.
- 6.93 In the event no market was ever established pursuant to the 1868 Act. Indeed within months of the Act coming into force in July 1868, notice was published in the *London Gazette*<sup>160</sup> of proposed further legislation authorising amendment or repeal of the Act and permitting the Company to sell or lease the market. No such legislation was ever brought forward. The fact that no market was established pursuant to the 1868 Act means that the Act became spent once the time limit for completing the market expired at the end of July 1873.

<sup>156</sup> The present day Elephant and Castle Market, situated outside the Elephant and Castle Shopping Centre, does not rely in any way on the powers contained in the 1882 Act.

<sup>157</sup> 17 & 18 Vict. c.lxiii.

<sup>158</sup> 5 & 6 Will.4 c.cxi.

<sup>159</sup> 31 & 32 Vict. c.clxviii.

<sup>160</sup> London Gazette, 27 November 1868, p 6293.

## London River-side Fish Market Acts 1882 and 1885

### London Riverside Fish Market (Transfer to Corporation of London) Act 1901

- 6.94 The preamble to the *London River-side Fish Market Act 1882*<sup>161</sup> recorded that “the establishment of a market for the sale of Fish in the parish of St Paul Shadwell [in east London] ... would be of local and public utility”. The Act accordingly incorporated the London River-side Fish Market Company with power to acquire land and establish and maintain a public market for the sale of fish on any day except Sundays. The Company’s powers to lay out the site of the market were to expire on 24 July 1887. These powers proved insufficient and the *London River-side Fish Market Act 1885*<sup>162</sup> increased the Company’s powers and extended to 24 July 1892 the time limit for completing the market works. The fish market was duly completed using these increased powers, before being sold to the City of London in 1901. This sale was pursuant to an agreement dated 10 July 1900 and confirmed by the *London Riverside Fish Market (Transfer to Corporation of London) Act 1901*.<sup>163</sup> Under this Act, the Company was dissolved and the whole of its undertaking was vested in the City of London.
- 6.95 During the early years of the 20<sup>th</sup> century the demand for a fish market in the Shadwell area diminished. An Act of 1912 recorded that “it has been found that no public demand has existed or now exists for the holding of a fish or other market on the site prescribed in that behalf by [the 1882 Act] and it is expedient that the obligation to provide and maintain the said market should be repealed and that the lands comprised in the said undertaking should be used for other purposes.”<sup>164</sup>
- 6.96 The closure of the Shadwell fish market in the early 1900s meant that the 1882, 1885 and 1901 Acts all became obsolete. The site of the former market is now part of the park known as the King Edward Memorial Park or Shadwell Park which was opened by King George V in 1922.<sup>165</sup>

<sup>161</sup> 45 & 46 Vict. c.cxlvi.

<sup>162</sup> 48 & 49 Vict. c.xlix.

<sup>163</sup> 1 Edw.7 c.lxxi.

<sup>164</sup> City of London (Various Powers) Act 1912 (2 & 3 Geo.5 c.xlii), preamble.

<sup>165</sup> The park was a project taken forward in memory of King Edward VII. The City of London agreed to sell its interest in the site for £70,000. The park is today owned by the London Borough of Tower Hamlets.

### **Paddington Market Act 1883**

- 6.97 The *Paddington Market Act 1883*<sup>166</sup> was passed to establish a market near Paddington railway station in west London.<sup>167</sup> The preamble to the 1883 Act recorded that “the establishment of a Market for the sale of fruit vegetables meat poultry fish and other provisions articles and commodities in a convenient position at Paddington in the parish of St Mary Paddington in the county of Middlesex would be advantageous to the inhabitants of that neighbourhood and of the Western and North-western parts of the Metropolis generally”. The Act incorporated the Paddington Market Company with power to construct and maintain a market and acquire the necessary land. The Company’s powers to construct the market were to expire after 2 August 1888.
- 6.98 Despite the 1883 Act providing the necessary authority for the establishment of a market in Paddington, it appears that no market was ever established pursuant to this Act.<sup>168</sup> On that basis it is clear that the Act became spent once the time limit for completing the market expired after 2 August 1888. It follows that the 1883 Act has long ceased to serve any useful purpose and its repeal is proposed on that basis.

### **GROUP 5 – GENERAL REPEALS**

#### **Orphans, London Act (1694)**

- 6.99 The 1694 Act<sup>169</sup> was passed to raise a fund (known as the City of London Orphans Fund) to replenish an ancient fund that existed to support orphan children of Freemen of the City of London.<sup>170</sup> The City of London has long made financial provision for such orphans.<sup>171</sup> The funds for this included deposits invested by Freemen as well as the assets of deceased Freemen. Unfortunately these funds became depleted as a result of the political and economic turmoil in England following the overthrow of Charles I and the losses caused by the Great Fire of 1666. By 1694 the City’s debts had reached £747,472, two-thirds of which was money belonging to the orphans. The City was unable to repay its debts and sought Parliamentary assistance in raising new finance to help clear its debts and replenish the orphans’ trust money.

<sup>166</sup> 46 & 47 Vict. c.clviii.

<sup>167</sup> The market’s intended site was between the Harrow Road and North Wharf Road, just to the north of Paddington Station.

<sup>168</sup> An ancient market (dating back to 1830) used to operate in Church Street but was discontinued in the early 20th century. The site was bombed during the Second World War and was then redeveloped as part of the Church Street estate.

<sup>169</sup> 5 & 6 Will. & Mar. c.10.

<sup>170</sup> Freemen of the City of London were (and remain) persons who have been granted the Freedom of the City. Freemen were commonly members of the City Livery Companies.

<sup>171</sup> The Lord Mayor and Aldermen were entrusted with the care and guardianship of all orphan children of Freemen while they were minors and unmarried.

- 6.100 The 1694 Act provided a package of measures to raise a fund to pay the interest on the City's debts.<sup>172</sup> These measures included an annual payment of £8,000 from the City's estates, an annual tax on city residents, duty of four shillings per tun<sup>173</sup> on all wine imported into the City and duties on all coal imported into the City. These measures were so successful, particularly the income from the coal import duty, that by 1747 the resulting income was able to pay not only the interest due on the City's debt but also part of the debt itself.<sup>174</sup>
- 6.101 So healthy had the Fund's income become by 1760 that the City was able to use the Fund as security for raising substantial loans to finance public building works in the City. These included the construction of Blackfriars Bridge (which opened in 1769), the reconstruction of parts of the Thames Embankment (1767-1784), the rebuilding of Newgate Gaol (1767-1781), the redemption of the tolls for using London Bridge (1768) and the repair of the Royal Exchange (1767). A total of £300,000 was raised on the security of the Fund, Parliament in each case passing legislation approving the arrangement. Surpluses from the execution of these projects were credited to the Fund.
- 6.102 The income from the Fund was such that the City of London's debts to the orphans and other creditors were cleared by the early 1830s. All the taxes and duties imposed by the 1694 Act had been abolished by then (with the exception of the import duties on coal and wine).<sup>175</sup> The money flowing into the Fund by the 1750s (especially from the duties on coal) together with the surpluses from the use of the Fund to support the finance of large public projects from the 1760s onwards enabled the final debt to be cleared by 1832. The Fund was then effectively wound up when it was merged with the London Bridge Approaches Fund.<sup>176</sup> At that point the purposes of the 1694 Act had been met in full with the result that it had become unnecessary. Its repeal is proposed on that basis.

#### **Orphans, London Act (1747)**

- 6.103 This 1747 Act<sup>177</sup> was consequential upon the Orphans, London Act of 1694 (proposed for repeal above) and altered some of the fund-raising provisions contained in that Act. For example the 1747 Act continued for a further 35 years one of the coal-import duties imposed by the 1694 Act that would otherwise have expired in September 1750. The 1747 Act also authorised surplus income to be used to repay the capital of debts owed by the City of London.

<sup>172</sup> The annual interest amounted to nearly £30,000.

<sup>173</sup> A tun amounted to 252 wine gallons.

<sup>174</sup> This was authorised by an Act of 1747: 21 Geo.2 c.29 (Orphans, London).

<sup>175</sup> The duty on coal was finally abolished on 5 July 1889 by the London Coal Duties Abolition Act 1889 (c.17), s 1. The duty on wine was abolished on the same day by virtue of the London Coal and Wine Duties Continuance Act 1863 (c.46), s 1.

<sup>176</sup> The merger was effected by an Act of 1829: 10 Geo.4 c.cxxxvi (London Bridge Approaches), s 76. The London Bridge Approaches Fund ceased to exist when its assets were transferred to the Thames Embankment and Metropolis Fund pursuant to the London Coal and Wine Duties Continuance Act 1861 (c.42), s 9. This latter fund was established by the 1861 Act (s 5) and its assets were later transferred to the Metropolitan Board of Works pursuant to the Thames Embankment Act 1862 (25 & 26 Vict. c.93), s 45.

<sup>177</sup> 21 Geo.2 c.29.

- 6.104 As explained above in relation to the 1694 Act, the City's debts were cleared by 1832 when the City of London Orphans Fund was effectively wound up. Accordingly the 1747 Act has long been obsolete.

#### **St George's Fields, Surrey: Right of Common Extinguished Act (1772)**

- 6.105 This 1772 Act<sup>178</sup> was passed in order to extinguish a right of common over land in St George's Fields in Southwark. The preamble to the 1772 Act recorded the need to move the existing house of correction<sup>179</sup> in Southwark to a new site. The existing house of correction was said to be "too small, unhealthy, inconvenient, and unsafe, and Persons committed to the [house of correction] for Felony cannot be kept separate from those committed for small Misdemeanours, which greatly tends to the Ruin and entire Corruption of the latter". The preamble also recorded that a suitable site for a new house of correction had been found. An acre of open land in St George's Fields called White Lyon (or Hangman's Acre) near the Kings Bench prison had been earmarked for the purpose. The only problem was that this land was subject to a right of common. Since the land could not be built on whilst this right of common remained in force, an Act of Parliament was needed to extinguish that right.
- 6.106 Accordingly the 1772 Act provided that all rights of common and pasture over this acre of land should be extinguished with immediate effect. This enabled building work on the house of correction to start, the work being completed in early 1773.<sup>180</sup> The Act achieved its purpose upon taking effect at Royal Assent and thereupon become spent.

#### **Theatre Royal, Covent Garden Act (1776)**

- 6.107 The Theatre Royal, Covent Garden is today better known as the Royal Opera House. It opened in 1732 and was primarily a playhouse until 1847 when the Theatre was re-named as the Royal Italian Opera, being finally re-named as the Royal Opera House in 1892.<sup>181</sup> The 1776 Act<sup>182</sup> was passed to incorporate a fund, to be known as The Society established for the Relief of indigent Persons belonging to the Theatre Royal, Covent-garden. The fund amounted to £4300 and had been collected in or around 1765 "for the Support of such Performers belonging to the said Theatre as, through Age, Infirmary, or Accident, should be obliged to retire from the Stage; and to the occasional Relief of Performers in case of Sickness".<sup>183</sup> The Act appointed a committee to manage the fund.

<sup>178</sup> 12 Geo.3 c.65.

<sup>179</sup> Houses of correction provided for the custody of persons convicted of comparatively minor offences. By 1865 all distinctions between houses of correction and prisons had been abolished: Prison Act 1865 (28 & 29 Vict. c.126).

<sup>180</sup> This house of correction remained in use until 1798 when its inmates were transferred to Horsemonger Lane Gaol. The building was later used as a soap factory.

<sup>181</sup> The Royal Opera House is quite separate from another ancient theatre in the same area that still exists, the Theatre Royal, Drury Lane.

<sup>182</sup> 16 Geo.3 c.31.

<sup>183</sup> The 1776 Act, preamble. The fund was also intended to benefit the widows and children of deceased performers.

- 6.108 The fund no longer exists in any independent form. In all probability it was absorbed by a separate charity, the Actors' Benevolent Fund,<sup>184</sup> soon after that charity was established in 1882.<sup>185</sup> Accordingly the 1776 Act has long ceased to serve any useful purpose and its repeal is proposed on that basis.

#### **London Fish Trade Act (1802)**

- 6.109 The purpose of the *London Fish Trade Act of 1802*<sup>186</sup> was to repeal provisions in an Act of 1762<sup>187</sup> that limited the number of fish saleable by wholesale in the City of London and to regulate the sale of fish in Billingsgate Fish Market.<sup>188</sup> The 1802 Act repealed the regulatory provisions of the Act of 1762, replacing them with new statutory regulatory provisions under the supervision of the Corporation of London. These provisions enabled the Corporation to regulate the sale of fish by wholesale in Billingsgate Market.
- 6.110 The 1802 Act was repealed by the Sea Fisheries Act 1868<sup>189</sup> subject to a saving provision to the effect that the repeal of certain enactments (including the 1802 Act) was not to affect the validity or invalidity of anything already done (or any right of title conferred) pursuant to those enactments. Since, however, that saving provision was itself repealed in 1883,<sup>190</sup> the 1802 Act has become obsolete and may now be repealed.

<sup>184</sup> Registered charity No 206524. The 1776 Act does not form any part of the constitution of the Actors' Benevolent Fund.

<sup>185</sup> Another charity, The Royal Opera House Benevolent Fund, exists primarily for the benefit of past and present employees, directors and trustees of the Royal Opera House and their dependants. It does not exist to provide direct benefits for artistes or performers or their dependants.

<sup>186</sup> 42 Geo.3 c.lxxxviii.

<sup>187</sup> 2 Geo.3 c.15.

<sup>188</sup> Billingsgate Wharf, close to Lower Thames Street in the City of London, became the centre of a thriving fish market during the 16<sup>th</sup> and 17<sup>th</sup> centuries. In 1849 the market was moved into a riverside building which was replaced by an arcaded market hall in 1875. In 1982 the fish market was relocated to a new thirteen acre building complex close to Canary Wharf in Docklands.

<sup>189</sup> 31 & 32 Vict. (c.45), s 71, Sch 2.

<sup>190</sup> Sea Fisheries Act 1883 (c.22), s 30, Sch 2, Pt 1.



### **Port of London Act (1806)**

- 6.111 This 1806 Act<sup>191</sup> was passed to amend an Act of 1799<sup>192</sup> relating to compensation payments following improvements to the Port of London. The origins of the 1799 Act lay in the lack of shipping capacity within the Pool of London. In 1790 the West India merchants complained about congestion and delays in the existing docks, against a background of a doubling in ships and tonnage using the Pool between 1750 and 1796. Accordingly the 1799 Act authorised the building of the West India Docks on, and a new canal running across, the Isle of Dogs.<sup>193</sup> The 1799 Act also contained elaborate provisions for providing compensation out of the Consolidated Fund to those whose interests had been adversely affected by the building of the docks and the canal. Compensation Commissioners were appointed to operate these compensation provisions. Nevertheless, according to the preamble to the 1806 Act, the compensation provisions in the 1799 Act were insufficient and in need of amendment. Accordingly the 1806 Act extended those provisions and amended the Commissioners' powers.
- 6.112 The 1806 Act has long been obsolete. The building of the West India Docks was completed that year. The final claim for compensation pursuant to the 1799 Act had to be lodged no later than 28 June 1810. The Commissioners themselves finally disbanded in or around 1824.

### **Westminster Society for Insurance of Lives and Survivorship and for Granting Annuities Act (1814)**

- 6.113 The Westminster Society for Insurance of Lives, and for Granting Annuities was established as a life insurance office in 1792, its offices being off the Strand, near Charing Cross. The preamble to the 1814<sup>194</sup> Act recorded that the Society had experienced procedural difficulties in bringing legal proceedings in the courts. As the law then stood, the Society's legal proceedings had to be brought in the name of all the Society's subscribers and partners, rather than in the sole name of the Society. Accordingly the 1814 Act provided that all legal proceedings concerning the Society were to be brought, and defended, in the name of the Society's Secretary. The 1814 Act became obsolete when the Society was dissolved on 23 December 1863 pursuant to the Westminster Insurance Society's Dissolution Act 1861.<sup>195</sup>

<sup>191</sup> 46 Geo.3 c.cxxxii.

<sup>192</sup> 39 Geo.3 c.lxix (Port of London Improvement and City Canal).

<sup>193</sup> The Isle of Dogs is situated on the north side of the Thames, opposite Greenwich.

<sup>194</sup> 54 Geo.3 c.clxxix.

<sup>195</sup> 24 & 25 Vict. c.ccxxv, s 34; The London Gazette, 20 November 1863, p 5714.

### **City of London Gauger Act (1817)**

- 6.114 The preamble to this 1817 Act<sup>196</sup> recorded that the office of Gauger within the City of London was granted to the City by letters patent dated 20 June 1479.<sup>197</sup> The Gauger's functions included examining and measuring all barrels of wine, beer, oil and other liquid substances brought by sea into the City of London. The Gauger charged fees for these services. The preamble also recorded that, until the completion of the West India Docks and the London Docks in the early 1800s, liquor imported into London would arrive in the City where it would be processed by the deputy Gauger, thereby earning the City of London a considerable sum by way of profits and revenue. The completion of the docks meant that much of the liquor was now arriving in the docks rather than in the City, a change that resulted in a loss of income both for the City and for the person currently holding the office of deputy Gauger.<sup>198</sup> Finally the preamble recorded that the cost of compensating the City and the estate of the late deputy Gauger for their respective losses could be met by increasing the fees payable by persons seeking to be admitted as commodity brokers within the City.<sup>199</sup> The licensing of such brokers was an ancient power exercised by the City.<sup>200</sup>
- 6.115 The 1817 Act accordingly provided that every person wishing to be admitted to act as a commodity broker within the City of London as from 1 July 1817 was required to pay to the City Chamberlain an admission fee of three pounds and a yearly fee of three pounds (in addition to the existing admission fee of forty shillings and the existing annual fee of forty shillings). Part of this fee income was to be paid by way of compensation to the estate of the late deputy Gauger, the balance being paid to the City.
- 6.116 The City's jurisdiction over commodity brokers, and the fees payable by them, ended with the passing of the London Brokers' Relief Act 1884<sup>201</sup> which took effect on 29 September 1886. Accordingly the 1817 Act thereupon became spent and its repeal is proposed on that basis.

<sup>196</sup> 57 Geo.3 c.lx.

<sup>197</sup> This grant was made by Edward IV and was confirmed by letters patent.

<sup>198</sup> The most recent office-holder had been Nicholas Bacon Harrison, appointed in 1806 following the death of his brother who had also been the deputy Gauger. Mr Harrison paid a yearly rent of £750 for the right to exploit this apparently lucrative office. He died in 1817.

<sup>199</sup> These fees were first charged in 1707 pursuant to an Act of that year: 6 Ann c.68 (City of London (garbling of spices and admission of brokers)). This Act was repealed by the Food and Drugs Act 1938 (c.56), s 101, Sch 4.

<sup>200</sup> Between 1285 and 1886 the Corporation of London was empowered to license all commodity brokers operating in the City of London.

<sup>201</sup> 47 & 48 Vict. c.3. This Act was repealed by the Statute Law Revision Act 1898.

### **Orphans' Fund, City of London Act (1822)**

- 6.117 This 1822 Act<sup>202</sup> was consequential upon the Orphans, London Act of 1694 (proposed for repeal above) and was passed to increase the income of the City of London Orphans Fund established by the 1694 Act. In particular the 1822 Act provided that income such as the receipts from wine and coal duties should be credited to the Fund at quarterly rather than half-yearly intervals. As explained above in relation to the 1694 Act, the City's debts were cleared by 1832 when the Fund was effectively wound up. Accordingly the 1822 Act has long been obsolete.

### **London Printing and Publishing Company's (Limited) Act 1856**

- 6.118 The preamble to this 1856 Act<sup>203</sup> recorded that the London Printing and Publishing Company Ltd was incorporated in 1854 for the purpose of carrying on "the Trades or Businesses of Printing, Engraving, Bookbinding, and various other Branches of Trade, Manufacture, Art, and Science connected with the Production and Publication of Literary Works". The preamble also recorded that legislation was required to give effect to alterations to the Company's constitution arising from the Company's acquisition of a business previously carried on by one John Tallis.<sup>204</sup> The Act provided the Company with a new share structure and cancelled the terms of an earlier agreement entered into by the Company.
- 6.119 After some initial success the Company's shareholders decided to wind it up in June 1882.<sup>205</sup> The 1856 Act thereupon became unnecessary and its repeal is proposed on that basis.

### **London Hydraulic Power Company Limited Act 1860**

- 6.120 This 1860 Act<sup>206</sup> was passed to give additional powers to the London Hydraulic Power Company. The Company was an early example of the late Victorian and early 20<sup>th</sup> century use of hydraulic (i.e. water) power as a form of energy to operate cranes, lifts, presses and other machinery in central London. Pre-dating the use of electricity as a power source for these purposes, water power was transmitted at high pressure through miles of underground cast-iron pipes to thousands of hotels, shops, offices, docks and factories. The water was pumped using an elaborate network of mains and pumping stations. Parliamentary authority was, however, required to provide the infrastructure necessary for the Company to acquire the necessary access rights and to contract with water companies for the use of their water.

<sup>202</sup> 3 Geo.4 c.cxiii.

<sup>203</sup> 19 & 20 Vict. c.cvii.

<sup>204</sup> John Tallis (1816-1876) was a bookseller and publisher, specialising in the publication of maps. His family began publishing Tallis's London Street Views in 1838, with John Tallis taking control of the business in 1849. Tallis entered partnership with Ephraim Tipton Brain in 1853 and together they set up the Company the following year. The 1856 Act was necessary to give effect to their business relationship.

<sup>205</sup> The London Gazette, 25 July 1882, p 3472. John Tallis had lost control of the Company by 1861, following differences as to the running of the Company.

<sup>206</sup> 23 & 24 Vict. c.lxxxv.

6.121 Although the 1860 Act provided the Company with the powers that it needed to operate a hydraulic power system in London, the venture proved to be unsuccessful. Within 20 years the Company had become defunct. On 7 March 1882 it was struck off the Companies Register and dissolved.<sup>207</sup> The 1860 Act thereupon became unnecessary.

### **City of London Traffic Regulation Act 1863**

6.122 The preamble to this 1863 Act<sup>208</sup> recorded that it was “expedient that better Provision should be made for the Regulation of Omnibuses, Cabs, Carriages, Carts, and other Vehicles passing through the Streets of the City of London or the Liberties thereof so as to prevent Obstruction, and enable the increasing Traffic of the said City to be conducted with less Delay and in a safer Manner”. The 1863 Act accordingly empowered the Court of the Mayor and Aldermen of the City of London to make bye-laws for regulating such matters as the routes to be taken by omnibuses and stage carriages, and the height and width of goods carts and wagons using the streets during the daytime. The Act was expressed to remain in force for seven years.

6.123 The 1863 Act continued in force until 1870 when, in accordance with its terms, it ceased to have effect. Accordingly, although the 1863 Act has never been formally repealed, it has served no useful purpose since 1870.<sup>209</sup> Its repeal is therefore proposed on that basis.

<sup>207</sup> London Gazette, 7 March 1882, pages 1003, 1009. This action was taken by the Registrar of Joint Stock Companies pursuant to section 7 of the Companies Act 1880 (c.19) (power of Registrar of Joint Stock Companies to strike names of defunct Companies off register). Curiously by 1882 an entirely separate company had acquired rights to establish a hydraulic power system in central London. Incorporated by the Wharves and Warehouses Steam Power and Hydraulic Pressure Company's Act 1871 (34 & 35 Vict. c.cxxi), this company later changed its name to the London Hydraulic Power Company and provided London with hydraulic power until 1977 when it finally ceased operations. The network of pipes, ducts and conduits belonging to that company were acquired in 1985 by Mercury Communications Ltd (now owned by Cable & Wireless Worldwide plc). The network now contains many miles of fibre optic cabling.

<sup>208</sup> 26 & 27 Vict. c.ccvii.

<sup>209</sup> The 1863 Act was superseded by the Metropolitan Streets Act 1867 (30 & 31 Vict. c.134) which contained analogous provisions relating not just to the City of London but to all parts of London within the jurisdiction of the Metropolitan Board of Works. Bye-laws under the 1863 Act were made in October 1863 and May 1864 (London Gazettes 27 October 1863, page 5073; 3 June 1864, page 2876).

### **South London Polytechnic Institutes (Borough Road Site) Act 1890**

- 6.124 According to its long title, the purpose of the *South London Polytechnic Institutes (Borough Road Site) Act 1890*<sup>210</sup> was to authorise the purchase of a site in Southwark for the South London Polytechnic Institutes. The Institutes was an association established following the City of London Parochial Charities Act 1883.<sup>211</sup> That Act provided for the distribution by the Charity Commissioners of money to improve the physical, social and moral condition of Londoners. In 1888 the Charity Commissioners pledged funds to establish three polytechnics in south London, one of which was to be established near the Elephant and Castle on Borough Road.<sup>212</sup> The 1890 Act provided the necessary authority for the purchase of that site to house the new polytechnic. Parliamentary authority was required because the freehold of the site was owned by the City of London Corporation.
- 6.125 The Corporation duly sold their freehold interest in accordance with the 1890 Act and the polytechnic opened as the Borough Polytechnic Institute in 1892.<sup>213</sup> The Corporation's disposal of its freehold interest in the Borough Road site in 1890 fulfilled the purpose of the 1890 Act which thereupon became spent. It is proposed for repeal on that basis.

### **King Edward's Hospital Fund for London Act 1907**

- 6.126 The preamble to this 1907 Act<sup>214</sup> recorded that the King Edward's Hospital Fund for London ("the Fund") was established as a result of public subscriptions being invited by the then Prince of Wales in 1897 to secure "more efficient aid and support for hospitals of London and of thus commemorating the sixtieth anniversary of the reign of Her late Majesty Queen Victoria". The preamble also recorded that "it is expedient that for the proper establishment and administration of the Fund upon a permanent basis the president and general council should be incorporated". Accordingly the 1907 Act incorporated the Fund's president, governors and general council by the name of King Edward's Hospital Fund for London ("the Corporation").
- 6.127 The role of the Corporation changed during the twentieth century. Originally its work focussed on raising money for London's voluntary hospitals. However, with the founding of the National Health Service ("the NHS") in 1948, the Corporation began to focus on research and development in the area of health and social care, and worked to develop good practice in the NHS. Moreover the passage of time revealed issues with the 1907 Act which became a hindrance to the Corporation in the carrying out of its work.

<sup>210</sup> 53 & 54 Vict. c.ix.

<sup>211</sup> 46 & 47 Vict. c.36.

<sup>212</sup> Pressure for the establishment of the polytechnics was exerted by the South London Polytechnics Institutes Council founded by Edric Bayley, a solicitor and member of the London School Board. The other two polytechnics were established at New Cross (now Goldsmiths College) and at Battersea (which eventually moved and became part of the University of Surrey).

<sup>213</sup> Re-named the Polytechnic of the South Bank in 1971 and the South Bank Polytechnic in 1987, the polytechnic acquired university status in 1992 and has, since 2003, been known as the London South Bank University.

<sup>214</sup> 7 Edw.7 c.lxx.

6.128 Accordingly the Corporation in 2007 petitioned the Privy Council for a Royal Charter to establish a new body to take forward the Corporation's charitable objectives, with the benefit of a new governance structure better fitted for modern times. The Royal Charter was granted on 9 July 2008 and constituted a new corporate body known as The King's Fund<sup>215</sup> with a new and modern governance structure. The assets and the undertaking of the Corporation were transferred to The King's Fund on 1 January 2009 on terms that The King's Fund in effect took over the running of the charitable works previously carried on by the Corporation. The King's Fund was registered as a charity on 27 November 2008. The 2009 transfer of assets and functions means that the Corporation became a shell with no assets to its name and no functions to carry out. Accordingly the provisions of the 1907 Act, which established the Corporation and provided for its functions, are now spent. It follows that the 1907 Act has become obsolete and its repeal is proposed on that basis.<sup>216</sup>

#### **National Theatre Acts 1949 and 1974**

6.129 The National Theatre Acts 1949 and 1974 were designed and enacted to authorise the Treasury (and, later, the Secretary of State responsible for culture and heritage) to contribute public funds towards the cost of erecting and equipping a new national theatre building on the South Bank in London. That theatre, which became known as the National Theatre, was operated by way of memorial to William Shakespeare.

6.130 Section 1 of the 1949 Act<sup>217</sup> authorised the Treasury to contribute up to £1m towards the cost of erecting and equipping the new theatre out of moneys provided by Parliament. That limit was repealed by section 1 of the 1974 Act<sup>218</sup> subject to the proviso that "no contribution shall be made under that section [i.e. section 1 of the 1949 Act] after the passing of this Act without the consent of the Treasury".

6.131 The National Theatre was duly opened in 1976 since when all payments under the 1949 Act have ceased. Accordingly section 1 of that Act has become obsolete and may be repealed along with the ancillary section 1 of the 1974 Act. Moreover, since the 1974 Act contains no other substantive provisions,<sup>219</sup> the 1974 Act may be repealed as a whole.

<sup>215</sup> The objectives of The Kings Fund, as set out in the Charter, are "the promotion of health and the alleviation of sickness for the benefit of the public, by working with and for healthcare organisations, provided that such work will confer benefit, whether directly or indirectly, upon healthcare in London".

<sup>216</sup> Such repeal was supported by the Corporation at its final General Council Meeting in November 2010 when it passed a resolution to that effect.

<sup>217</sup> 12, 13 & 14 Geo.6 c.16.

<sup>218</sup> 1974 c.55. Before its repeal, the limit had been raised first to £3.75m (National Theatre Act 1969, s 1) and then to £5.7m (National Theatre and Museum of London Act 1973, s 1(1)). The functions of the Treasury to make contributions under the 1949 Act were later transferred to the Secretary of State for Culture, Media and Sport.

<sup>219</sup> The only other provision in the 1974 Act is section 2 (short title, citation and repeals).

# PART 7

## LOTTERIES

### INTRODUCTION

- 7.1 Discussed in this Part are two types of lottery statute: the old (from 1711 to 1807), which authorised the holding of private lotteries, often to facilitate the realisation of art collections or items of value; and the more modern, in the form of 1971 legislation, designed to control pool competitions as a form of betting. Statutes in each category have since lost their usefulness. The individuals and organisations consulted about these proposals are set out in *Appendix 3*.

### PRIVATE LOTTERIES

- 7.2 Private lotteries were prohibited by statute in 1698.<sup>1</sup> They were only permitted where authorised by specific Act of Parliament. Between 1711 and 1807 six Acts were passed which enabled a variety of private lotteries to be held in London with a view to raising funds for the relevant lottery promoters. In each instance the main purpose behind the lottery was to sell sufficient tickets at a price which, cumulatively, would cover the value of the principal prize or prizes - in other words, the asset - on offer. The lottery mechanism was an alternative to trying to effect outright sale of the asset which, given the prevailing economic circumstances, would prove (or had proved) impractical. Sale by this method was authorised either because some wider public benefit was likely to flow or because the asset owner had already contributed to the national interest by promoting the fine arts and their artists.

### The Million Lottery

- 7.3 In 1693 an Act was passed<sup>2</sup> which (amongst other things) authorised the establishment of the so-called Million Lottery scheme, involving the sale of up to 100,000 tickets to “natives or foreigners”. This state-sponsored scheme was designed to raise the sum of £1 million “towards carrying on the war against France”.<sup>3</sup> Under it some 2,500 tickets each year would become eligible for prizes of between £10 and £1,000. The lottery draws appear to have spanned some 130 years, and provided a form of long-term loan to government. Lottery tickets of this nature were a secure investment, providing a chance to win a prize sum, with guaranteed recovery of the invested capital (much on the lines of today’s NS&I premium bonds).

<sup>1</sup> 10 Will. 3 c.23 (1698) (Act for suppression of lotteries), repealed in 1934 in England and Wales, and in 1957 for Northern Ireland. The 1698 Act was followed by other statutes designed to prohibit private lotteries and to regulate state-promoted lotteries: 9 Ann. c.6 (1710), 8 Geo.1 c.2 (1721) and 13 Geo.2 c.19 (1739), all now repealed.

<sup>2</sup> 5 Will. & Mar. c.7 (1693), which was principally a taxation statute. Sections 34 to 49 dealt with the lottery arrangements. The Act was fully repealed by 1957.

<sup>3</sup> State lotteries were designed to raise revenue for government, to underwrite state loans, to fund public projects and to reduce the national debt. See generally on state lotteries in the 18<sup>th</sup> century, D. Miers *Regulating Commercial Gambling: Past, Present, and Future* (OUP, 2004), chap 5.2.

- 7.4 In 1711 Manuel Henriquez of Amsterdam was entitled to a share in the Million Lottery by virtue of his holding of 32 tickets. Fourteen of the 32 tickets were sent to him but were received by Peter and Peire Henriquez, who subsequently were ordered by the court of chancery to hand them over. Manuel authorised Sir William Hodges as his appointed attorney to receive the moneys due on the 14 tickets, but the lottery paymaster refused to make payment without statutory authority.
- 7.5 The *Million Lottery Tickets Act 1711*<sup>4</sup> authorised the lottery paymaster to pay Sir William the half-yearly payments (of £250) due on the tickets for the benefit of Manuel and, on receipt of the moneys (and in accordance with his own recognisance), Sir William, or his heir, was then required to make payment to such persons who could show good title to the sums. The Act time-limited the payments by Sir William to six months from the end of the current parliamentary session. On that basis the statute is long since spent.

### **Macklin's Lottery**

- 7.6 Thomas Macklin was a London print seller and art dealer. Having sold subscriptions for a new illustrated folio Bible he then needed to sell his existing collection of modern paintings in order to fund the project's production.
- 7.7 The *Thomas Macklin's Paintings Act 1797*<sup>5</sup> authorised Macklin, who was known for his encouragement of artists in painting and engraving and for raising "the celebrity of the English school" in this field, to dispose of his collection (some 96 scheduled works of art) by the sale of 2,400 lottery tickets. This was to raise a maximum sum of £12,600. Pending the draw (through the state lottery mechanism), the paintings were to be held by trustees.
- 7.8 Although Macklin gave notice of the lottery in the *London Gazette* in July 1797 (just ahead of the statutory deadline) he was unable to hold the lottery until the deadline had passed. By February 1798 he had only been able to sell one-sixth of the total number of tickets. The *Macklin's Lottery Act 1798*<sup>6</sup> extended the time limit and provided that the prizes were to be determined by the next state lottery, and that tickets already issued either were to be honoured or could be sold back.
- 7.9 Macklin's Lottery was held in 1799. Although the 1797 Act was later repealed the expired 1798 Act was overlooked. It is now obsolete.

### **Pigot and Fisher Diamond Lottery**

- 7.10 In 1775 George Lord Pigot bequeathed the Pigot Diamond (which was then valued a little short of £30,000, and was the equal of any known diamond in Europe) in thirds: to his brothers Sir Robert and Vice-Admiral Hugh Pigot, and to his widowed sister Margaret Fisher. Sir Robert subsequently died and the one-third share passed to his son Sir George. Vice-Admiral Hugh died in 1793 and his interest passed to his widow Frances Pigot.

<sup>4</sup> 10 Ann. c.27 (1711). The chapter number is given in italic arabic numerals because the 1711 statute was a private Act.

<sup>5</sup> 37 Geo.3 c.133 (1797), repealed in 1948.

<sup>6</sup> 38 Geo.3 c.iii (1798).



- 7.11 The three survivors sought to sell the diamond, but unsuccessfully because its value was so great. The *Pigot and Fisher Diamond Lottery Act 1800*<sup>7</sup> provided that the various owners of the diamond could effect sale by “lottery or chance” (without fear of incurring a penalty), issuing up to 11,428 tickets at 2 guineas each (which would raise just short of £24,000). After giving public notice the lottery was to be determined by the first state draw after July 1800. Pending sale, the diamond was to be deposited at the Bank of England in the name of specific trustees.
- 7.12 The lottery was drawn in January 1801, and the prize was won by a syndicate who had bought a large number of tickets. The 1800 Act thereafter became spent.

### **Boydell’s Lottery**

- 7.13 John and Josiah Boydell (uncle and nephew) were London print sellers who published Shakespeare’s plays in editions ornamented with English artists’ engravings, and exhibited them in their gallery in Pall Mall. The French Revolution of 1789 (and onwards), and the Anglo-French war of 1793, impacted adversely on their trading market: the collection became too large and expensive to maintain, and the original purpose of its passing into public ownership became unsustainable.
- 7.14 The *Boydell’s Lottery Act 1804*,<sup>8</sup> acknowledging that ordinary sale would give rise to considerable loss, permitted the Boydell family to dispose of their leasehold gallery premises and art collection “by way of chance” without infringing the restriction on lotteries. The dispensation was afforded by parliament in recognition of the Boydells’ previous encouragement of the painting and engraving arts and their material contribution to the country’s international pre-eminence in the field.
- 7.15 Under the Act 22,000 tickets could be sold in order to raise up to £69,300. The collection was to be divided into 62 prizes, and the draw was to be made either through the state lottery or by lottery drawn at the City of London guildhall. Pending the draw the collection was to be held by trustees (although copyright remained with the original owners). Any person who won an artwork was prohibited from copying it for sale without prior consent.
- 7.16 Following public notice the draw took place via the state lottery in January 1805 (ahead of the latest deadline of September 1805). John Boydell died a month before the draw, but his nephew continued the business at Cheapside until 1818. The purpose behind the 1804 Act is now long since spent.

<sup>7</sup> 39 & 40 Geo.3 c.cii (1800).

<sup>8</sup> 44 Geo.3 c.vi (1804).

### **Bowyer's Lottery**

- 7.17 Robert Bowyer was a painter of miniatures and a print publisher, based at his gallery in Pall Mall. He sought generally to promote the arts of painting and engraving and, more specifically, he wanted to publish an ornamented folio of *Hume's History of England*. However, as with the Boydells before him, high costs, an uncertain market and other failures of assistance drove Bowyer to find an alternative means of realising his asset.
- 7.18 The *Bowyer's Lottery Act 1805*<sup>9</sup> allowed Bowyer to dispose of his collection (together with unsold copies of the *Hume*) by lottery which should raise up to £69,300 by selling 22,000 tickets. Some of the art works for sale were, as yet, incomplete. They had to be furnished with certificates of completion. Pending distribution of the property (and distribution of the proceeds) all the assets had to be held by three named trustees. Once the lottery was complete the copper plates of the *Hume* were to be destroyed by the trustees, although copyright remained with Bowyer.
- 7.19 The statutory lottery was time-limited, expiring in December 1806. However, because the only available state lottery carried 20,000 tickets, and Bowyer needed 22,000, time was inadequate and continuation powers were required. The *Bowyer's Lottery Act 1807*<sup>10</sup> re-enacted the original powers and enabled distribution of the 1,451 prizes to be determined either by the first available state lottery or by private lottery (both before July 1807).
- 7.20 Bowyer gave public notice in February 1807 of his second attempt, which attempt came to fruition - via the state lottery - in April 1807. As a consequence, both the 1805 and the 1807 Acts are spent.

<sup>9</sup> 45 Geo.3 c.xxiv (1805).

<sup>10</sup> 47 Geo.3 Sess.1 c.i (1807).

## POOL BETTING

- 7.21 The *Pool Competitions Act 1971*<sup>11</sup> was designed as a temporary measure to make lawful the continued promotion of “pool betting” competitions for prizes which were being run by charitable and sports societies.<sup>12</sup> In November 1970 the House of Lords appellate committee<sup>13</sup> had held that such competitions, because they failed to involve the use of forecasting skill, amounted to an unlawful lottery.<sup>14</sup> Pool competitions had become the vehicle of choice for promoters because, unlike small lotteries (governed by the Small Lotteries and Gaming Act 1956),<sup>15</sup> they had no upper limit on turnover or on the size of prizes on offer (although they did attract liability to pay an element of pool betting duty).
- 7.22 The 1971 Act was enacted to ensure that various pool competitions, which over the years had contributed to charitable and sporting fundraising, would remain legitimate pending a proper review by government. For that reason the Act contained a sunset clause giving it validity for just five years (although the Secretary of State was given power, exercisable through delegated legislation, to order extensions in 12 month bites).<sup>16</sup>
- 7.23 Under the 1971 Act licences to hold competitions would be granted only to registered pool promoters who had to demonstrate (in order to register) that in the 12 months’ period ending on 24 November 1970<sup>17</sup> they had held at least nine competitions in support of a society conducted “wholly or mainly” for charitable, sporting, cultural or allied non-commercial purposes.

<sup>11</sup> 1971 (c.57).

<sup>12</sup> The 1971 Act extended to England, Wales and Scotland. The topic of lotteries is now a reserved matter under the Scottish devolution settlement: Scotland Act 1998 (c.46), s 30 and Sch 5 Part I Section B9.

<sup>13</sup> Sitting in *Singette Ltd v Martin* [1971] AC 407, HL. The competition in *Singette* was analogous to a football pool because, in name, it involved participants each week selecting teams whom they thought would win their matches. In fact, from week to week most participants would simply reuse their existing nominations, thereby negating the elements of forecasting and of choice. The competition became one of chance.

<sup>14</sup> In breach of the Betting, Gaming and Lotteries Act 1963 (c.2), s 4(3) and Sch 2 para 13(a), which Act was later repealed by the Gambling Act 2005 (c.19), with savings.

<sup>15</sup> 1956 (c.45), repealed in 1963.

<sup>16</sup> The 1971 Act, s 8(2).

<sup>17</sup> The *Singette* decision was given by the Law Lords on 25 November 1970.

7.24 The life of the 1971 Act was extended by order until 26 July 1987, after which date it lapsed irrevocably.<sup>18</sup> The Act had been the subject of minor amendment and repeal in 1976, substituting references to the Lotteries and Amusements Act 1976<sup>19</sup> for references to the earlier Betting, Gaming and Lotteries Act 1963.<sup>20</sup> Both the 1976 and the 1963 Act provisions have been repealed and replaced by the Gambling Act 2005.<sup>21</sup> The 2005 Act established a control regime for the pool betting industry, alongside other forms of gambling. Pool betting operating licences (under Part 5 of the Act) cover greyhound racing, football and other sports pools, and 'fantasy football' competitions (as from 1 September 2007). The 2005 Act made no provision, though, for resurrecting the 1971 Act or for repealing it. The 1971 Act is spent.<sup>22</sup>

<sup>18</sup> The final continuation order was the Pool Competitions Act 1971 (Continuance) Order 1986, SI 1986 No. 1234.

<sup>19</sup> 1976 (c.32).

<sup>20</sup> 1963 (c.2), above. The references to lotteries were in Part 3 of the 1963 Act.

<sup>21</sup> 2005 (c.19). Certain horserace betting provisions in the 1963 Act were retained in the 2005 repeals.

<sup>22</sup> The Gambling Commission has kindly indicated to the Law Commission that it agrees with the repeals proposed in this Part on the ground of their obsolescence.

# PART 8

## POOR RELIEF

### INTRODUCTION

- 8.1 The Acts proposed for repeal in this part relate to the poor relief arrangements that existed before the advent of the modern welfare state. Indeed most of them are relics of the “old poor law” as it operated throughout England and Wales.<sup>1</sup> They were passed to provide for the needs of the local poor, particularly by providing the necessary powers to raise money from the residents of a parish to build workhouses or houses of industry to contain the poor and elderly of that parish.<sup>2</sup>
- 8.2 The abolition of parish-run poor law by the Local Government Act 1929 and the abolition of the existing poor law system itself by the National Assistance Act 1948 has made nearly all of the poor law legislation dating back to the 17<sup>th</sup> century unnecessary.<sup>3</sup> The Acts now proposed for repeal have long ceased to serve any useful purpose and their repeal is proposed on that basis. The individuals and organisations consulted about these proposals are set out in Appendix 3.

<sup>1</sup> By “old poor law” is meant the parish-based poor law relief arrangements that existed before the implementation of the Poor Law Amendment Act 1834 (4 & 5 Will.4 c.76). The origins of the old poor law can be traced to enactments passed in 1597 (39 Eliz.1 c.3) and 1601 (43 Eliz.1 c.2). The 1834 Act established a new poor law system. It divided the 15,000 or so parishes of England and Wales into new administrative units called “Poor Law Unions”, each run by a locally elected Board of Guardians. The funding of each Union and its workhouses continued to be provided by the local poor rate within each parish. The workhouse system continued until well into the 20<sup>th</sup> century, with the terminology changing so that workhouses became known as “poor law institutions”. It was only on 1 April 1930 when the Local Government Act 1929 (19 & 20 Geo.5 c.17) came into force, that Boards of Guardians and Poor Law Unions were abolished, their functions being transferred to local government.

<sup>2</sup> Although people needing assistance from the parish were generally categorised as “the poor”, poverty was not the only issue. Old age, illness, disability and unemployment were other issues. Moreover, the workhouse was not the only form of relief available from the parish. Assistance often took the form of “out relief” – that is, money, food or medical assistance provided while people continued to live in their own homes. Equally they might have been treated for illness in the workhouse infirmary or in the county lunatic asylum. Children of poor parents were brought up and educated in Poor Law schools and, in due course, apprenticed or placed in service.

<sup>3</sup> The finance for providing the income and other support previously provided by the parish is today drawn either from central funds provided by central government or raised by local government from local taxation. The funding by local government of “poor-law type” assistance (for example, the provision of social services functions such as accommodation for elderly or disabled persons) derives not from parish rates but from the modern system of non-domestic rating and council tax established under the Local Government Finance Acts 1988 and 1992.

## **GROUP 1 – GENERAL REPEALS**

### **Crediton Workhouse Act of 1697**

- 8.3 According to the long title of the *Crediton Workhouse Act of 1697*<sup>4</sup> the poor of the parish of Crediton in Devon were “very numerous” and “doe dayly multiply and idlenesse and debauchery increase for want of workhouses to sett them at work”. The 1697 Act accordingly established a corporation of church governors and other Crediton residents with powers to build a workhouse, compel the idle poor to take up employment and to levy taxes on the local parish population to cover the expenditure.
- 8.4 Two workhouses were built by 1700 pursuant to the 1697 Act, one in the town of Crediton and one in the hamlet of Sandford. The establishment, however, of the Crediton Poor Law Union in 1836 resulted in a new workhouse on a site to the west of Crediton. This new workhouse superseded the 1697 Act workhouses which ceased to operate. The closure of these workhouses and the abolition of parish-run poor relief by the Local Government Act 1929 means that the 1697 Act has long been unnecessary.

### **Tiverton Workhouse Act of 1697**

- 8.5 The *Tiverton Workhouse Act of 1697*<sup>5</sup> established a corporation comprising local officials and other inhabitants within the town and parish of Tiverton, Devon. The corporation was empowered to build a workhouse and take the necessary steps to compel the idle poor to work. The costs were to be met by taxes levied on the local inhabitants.
- 8.6 A workhouse at Tiverton was indeed built pursuant to the 1697 Act. It was opened in 1704 and a Parliamentary report of 1777<sup>6</sup> recorded that it accommodated up to 400 residents. However, Tiverton Poor Law Union came into existence in November 1835 and a new union workhouse was built in 1836-38 on the site of the old workhouse building in Belmont Road. The closure of the old workhouse and the abolition of parish-run poor relief by the Local Government Act 1929 mean that the 1697 Act has long been unnecessary. Subsequently the workhouse buildings were used as a hospital<sup>7</sup> for the care of elderly people.

### **Exeter Workhouse Act of 1697**

- 8.7 The *Exeter Workhouse Act of 1697*<sup>8</sup> was passed to provide relief for the poor living in the city of Exeter. The 1697 Act established a corporation comprising local officials and other inhabitants of Exeter with power to make bye-laws for the better employment of the poor of the city. The corporation was also empowered to build a workhouse and collect taxes to pay for its upkeep.

<sup>4</sup> 9 Will.3 c.17.

<sup>5</sup> 9 Will.3 c.18.

<sup>6</sup> Report from the Committee appointed to inspect and consider the returns made by the Overseers of the Poor, 15 May 1777.

<sup>7</sup> Belmont Hospital (now closed).

<sup>8</sup> 9 Will.3 c.33.

- 8.8 The Corporation purchased a site at Heavitree (near Exeter) pursuant to the 1697 Act and the workhouse opened in 1701.<sup>9</sup> It accommodated 400 residents. The workhouse buildings continued to be used after 1834 by the Exeter Poor Law Union. By 1889 the workhouse buildings included a large hospital, schools, workshops and mental wards. Further additions of an infirmary and children's home were made in the early 1900s. The children's home was used as a military hospital during the First World War. The workhouse became a Public Assistance Institution before becoming the City Hospital in 1939, and later the Royal Devon and Exeter Hospital. Bombing during the Second World War severely damaged the original workhouse and only the 20<sup>th</sup> century structures remain. The Royal Devon and Exeter Hospital was rebuilt and still operates on this site. So far as the 1697 Act is concerned, this has been unnecessary since the abolition of parish-run poor relief by the Local Government Act 1929.

#### **Hereford Workhouse Act of 1697**

- 8.9 The *Hereford Workhouse Act of 1697*<sup>10</sup> established a corporation known as "The Governor, Deputy Governor, Assistants and Guardians of the Poor in the city of Hereford". The corporation was authorised to buy a hospital, workhouse or house of correction and to compel the idle poor to take up employment. The expenses of the corporation were to be met by taxes levied on every resident of Hereford.
- 8.10 It is not clear whether the 1697 Act powers were ever used to build a workhouse. The fact that, by the 1770s, five of the city's parishes were operating their own small workhouses<sup>11</sup> may indicate that the 1697 Act powers remained unused. In any event the 1697 Act became unnecessary with the abolition of parish-run poor relief by the Local Government Act 1929.

#### **Colchester Workhouse Act of 1697**

- 8.11 The *Colchester Workhouse Act of 1697*<sup>12</sup> established a corporation known as "The Governor, Deputy Governor, Assistants and Guardians of the poor in the town of Colchester". The corporation was authorised to build and fit out a hospital or workhouse to maintain the poor. The initial capital cost was not to exceed £5000. All expenditure arising under the 1697 Act was to be met by taxes levied on every resident of Colchester.

<sup>9</sup> An earlier workhouse had been built in the 1670s in Summerland Street, Exeter following a bequest of Canon John Bury.

<sup>10</sup> 9 Will.3 c.34.

<sup>11</sup> These parishes were All Saints, St John Baptist, St Martin, St Nicholas and St Peter. In 1783 the city's six parishes agreed to maintain a single joint workhouse.

<sup>12</sup> 9 Will.3 c.37.

- 8.12 The workhouse at Colchester was duly constructed pursuant to the 1697 Act in or around 1700 in the old Crutched Friars building in Crouch Street. By 1711, however, the workhouse moved away to East Street. A report by the Society for Promoting Christian Knowledge in 1725 confirmed that the workhouse residents included 40-50 children at work carding and spinning wool. By 1745, however, it seems that the workhouse had ceased to operate because of the collapse of the corporation in that year.<sup>13</sup> The closure of the workhouse and the abolition of parish-run poor relief by the Local Government Act 1929 mean that the 1697 Act has long been unnecessary.

### **Shaftesbury Workhouse Act of 1697**

- 8.13 The *Shaftesbury Workhouse Act of 1697*<sup>14</sup> established a corporation with powers to build a workhouse and set to work the poor of the borough of Shaftesbury, Dorset. The corporation was also empowered to apprentice poor children once they reached 16. The corporation's costs were to be met out of taxes levied on the local inhabitants.
- 8.14 Although the 1697 Act authorised the construction of a workhouse in Shaftesbury, there is no evidence that any such building was ever constructed pursuant to these powers. Historical records indicate that at least one workhouse was subsequently built in Shaftesbury and was functioning by the early 19<sup>th</sup> century.<sup>15</sup> The Shaftesbury Poor Law Union was formed in 1836 following which a new workhouse in Shaftesbury was opened. However it does not appear that any of these later workhouses derived in any way from the 1697 Act. In any event the abolition of parish-run poor relief by the Local Government Act 1929 means that the 1697 Act has long been unnecessary.

### **St Botolph Aldgate Poor Relief Acts of 1742 and 1766**

- 8.15 Two 18<sup>th</sup> century Acts were passed to raise money in connection with the relief of the poor living in the parish of St Botolph without Aldgate in the City of London.<sup>16</sup>
- 8.16 The preamble to the *St Botolph, Aldgate Poor Relief Act of 1742*<sup>17</sup> recorded that the money raised in recent years for the relief of the poor had not been sufficient for the purpose. Moreover the parish had incurred debts from loans raised to meet the shortfall. Accordingly the Act authorised trustees to levy rates on the inhabitants of the parish to raise a sum not exceeding £2400 to pay the outstanding debts.

<sup>13</sup> The failure of the 1697 Act workhouse obliged adjacent parishes to provide their own workhouse in Colchester.

<sup>14</sup> 9 Will.3 c.48.

<sup>15</sup> Workhouses had been established in the neighbouring areas of Alcester and Gillingham by the 1770s.

<sup>16</sup> At that time the parish of St Botolph without Aldgate was partly in the City of London and partly in the County of Middlesex. Today it extends from Aldgate High Street to the junction of Fenchurch Street and Leadenhall Street. "Aldgate" derives from one of the eight gates (ie *old* gate) to the walled City of London. The present church of St Botolph without Aldgate was completed in 1744. It replaced earlier churches on the site.

<sup>17</sup> 16 Geo.2 c.9.



- 8.17 The preamble to the *St Botolph, Aldgate Poor Relief Act of 1766*<sup>18</sup> recorded that the poor of the parish of St Botolph “are very numerous, and are maintained and supported at a very great expence by the said parish”. The Act authorised the churchwardens and overseers of the poor to raise money for the purchase and furnishing of a workhouse to house the poor and provide work for the unemployed. To pay for this, the Act also authorised the levying of an annual poor rate on all parish inhabitants.
- 8.18 It is not clear whether any of the 18<sup>th</sup> century workhouses in the vicinity of Aldgate were constructed using the powers of the 1766 Act. However the abolition of parish-run poor relief by the Local Government Act 1929 means that all the poor-rate raising powers in both the 1742 and the 1766 Acts have long been obsolete. Accordingly both Acts are now unnecessary.

#### **Bethnal Green, Church Completion and Poor Relief Act of 1745**

- 8.19 The *Bethnal Green, Church Completion and Poor Relief Act of 1745*<sup>19</sup> was passed to raise money to complete the building of St Matthew’s Church, Bethnal Green and to provide relief for the poor in the locality. The Act authorised the money to be raised by means of rates levied on the parish inhabitants and by the granting of annuities. The power to raise money in this way ended once these annuities had ceased to be payable. Accordingly the 1745 Act would have become spent by around 1800.

#### **Loddon and Clavering (Norfolk) Poor Relief Act of 1764**

- 8.20 According to its long title the purpose of the *Loddon and Clavering (Norfolk) Poor Relief Act of 1764*<sup>20</sup> was “the better relief of the poor in the hundreds of Loddon and Clavering in the County of Norfolk”.<sup>21</sup> The 1764 Act established a corporation with authority to build and run a workhouse and to raise the necessary funds by levying a poor rate on the parish inhabitants.
- 8.21 A workhouse was duly opened at Heckingham in 1765 in accordance with the 1764 Act. It was adopted as the workhouse for the Loddon and Clavering Union in 1836 before finally closing in 1927.<sup>22</sup> The closure of the workhouse and the abolition of parish-run poor relief by the Local Government Act 1929 mean that the 1764 Act has long been unnecessary.

<sup>18</sup> 6 Geo.3 c.64.

<sup>19</sup> 19 Geo.2 c.15. The 1745 Act amended an earlier Act passed in 1742 (16 Geo.2 c.28) to complete the building of St Matthew’s church. The building was completed in 1746.

<sup>20</sup> 4 Geo.3 c.90.

<sup>21</sup> The “hundred” is an ancient description of groups of townships in English counties.

<sup>22</sup> Subsequently the workhouse buildings were converted to use as a hospital (Hales Hospital) which closed in 1997.

### **Queensborough Poor Relief Act of 1767**

- 8.22 The purpose of the *Queensborough Poor Relief Act of 1767*<sup>23</sup> was to raise money for the relief of the poor living in the parish of Queensborough on the Isle of Sheppey in Kent. The Act authorised the local churchwardens and overseers of the poor to levy rates on every inhabitant of that parish to provide for the needs of the local poor. The abolition of parish-run poor relief by the Local Government Act 1929 means that the 1767 Act has long been unnecessary.

### **East and West Flegg Poor Relief Act of 1775**

- 8.23 The *East and West Flegg Poor Relief Act of 1775*<sup>24</sup> was passed to provide relief for the poor living in the hundreds of East and West Flegg. This was an area on the eastern side of Norfolk near Rollesby. The 1775 Act appointed guardians of the poor with power to build and run a workhouse and levy poor rates to cover the expenditure.
- 8.24 The workhouse was duly built in 1776 near Rollesby. It was enlarged in 1818 and 1834 by which time it could accommodate 400 persons. The workhouse closed in the late 19<sup>th</sup> century.<sup>25</sup> The closure of the workhouse and the abolition of parish-run poor relief by the Local Government Act 1929 mean that the 1775 Act has long been unnecessary.

### **Mitford and Launditch (Norfolk) Poor Relief Acts of 1775 and 1801**

- 8.25 The *Mitford and Launditch (Norfolk) Poor Relief Acts of 1775*<sup>26</sup> and *1801*<sup>27</sup> were passed to provide relief for the poor living in an area comprising 50 Norfolk parishes between Swaffham and Dereham including Gressenhall. The 1775 Act appointed guardians of the poor with power to build and run a workhouse to accommodate poor people and to raise the necessary finance by means of loans and levy of poor rates. The 1801 Act amended the 1775 Act to ensure that the rates burden was borne fairly amongst the various parishes.
- 8.26 The authorised workhouse was built at Chapel Farm, Gressenhall in 1777 at a cost of £16,242. The workhouse buildings were altered in the mid-1830s to meet the demands of the new poor law. Today the workhouse is used as a museum.
- 8.27 The abolition of parish-run poor relief by the Local Government Act 1929 means that the 1775 and 1801 Acts have both long been unnecessary.

### **Forehoe Poor Relief Acts of 1776, 1814 and 1833**

- 8.28 No fewer than three Acts were passed to provide relief for the poor living within the hundred of Forehoe in Norfolk (near Wymondham).

<sup>23</sup> 7 Geo.3 c.72.

<sup>24</sup> 15 Geo.3 c.13.

<sup>25</sup> The building was later used as a court house and as a hotel before becoming used as a private residence.

<sup>26</sup> 15 Geo.3 c.59.

<sup>27</sup> 41 Geo.3 c.lxiii.

- 8.29 The preamble to the *Forehoe Poor Relief Act of 1776*<sup>28</sup> recorded that the poor of Forehoe “might be better and more comfortably maintained and supported, and at a less Expence than they are at present, if a convenient Place was provided for their Reception, and proper Materials and Utensils furnished for employing such of them as are able to work”.
- 8.30 Accordingly the 1776 Act empowered local guardians of the poor to purchase land on which to build a workhouse, to provide for the poor within that workhouse and to levy local rates to pay for this. The arrangements in the 1776 Act for raising the necessary finance were amended by the *Forehoe Poor Relief Act of 1814*<sup>29</sup> and the *Forehoe Poor Relief Act of 1833*.<sup>30</sup> The workhouse was duly built in 1777 in Wicklewood, near Wymondham. It was used as an institution for the poor until 1948 when it became an NHS hospital.<sup>31</sup>
- 8.31 The abolition of parish-run poor relief by the Local Government Act 1929 means that all three Acts have long been unnecessary and may now be repealed.

#### **Hartsmere etc (Suffolk) Poor Relief Act of 1779**

- 8.32 The *Hartsmere etc (Suffolk) Poor Relief Act of 1779*<sup>32</sup> was passed to provide relief for the poor living in the hundreds of Hartsmere, Hoxne and Thredling in the county of Suffolk. The Act authorised local guardians of the poor to build, furnish and run a workhouse and to raise money to cover the costs.
- 8.33 In the event the workhouse authorised by the 1779 Act was never built. The £16,000 required to erect the workhouse proved impossible to raise. Accordingly the powers given by the 1779 Act were never exercised with the result that the Act has been unnecessary for over 200 years.

#### **Romford Poor Relief Act of 1786**

- 8.34 The purpose of the *Romford Poor Relief Act of 1786*<sup>33</sup> was to build a new workhouse for the poor living in the parish of Romford in Essex.<sup>34</sup> The existing workhouse was considered “not sufficiently large and convenient for the Reception and Employment of the Poor of the said Parish.”<sup>35</sup>
- 8.35 The workhouse was duly built pursuant to the 1786 Act. It opened in 1787 upon land in Collier Row Lane. The foundation of the Romford Poor Law Union, however, led to its closure in 1836 and its demolition in 1840. The closure of the workhouse and the abolition of parish-run poor relief by the Local Government Act 1929 mean that the 1786 Act has long ceased to serve any useful purpose.

<sup>28</sup> 16 Geo.3 c.9.

<sup>29</sup> 54 Geo.3 c.xliv.

<sup>30</sup> 3 & 4 Will.4 c.cvii.

<sup>31</sup> The hospital closed in 1974 and the site was subsequently redeveloped for residential accommodation.

<sup>32</sup> 19 Geo.3 c.13.

<sup>33</sup> 26 Geo.3 c.28.

<sup>34</sup> Romford today lies within the London Borough of Havering.

<sup>35</sup> The 1786 Act, preamble.

### **Manchester Poor Relief Act of 1790**

- 8.36 According to its long title, the purpose of the *Manchester Poor Relief Act of 1790*<sup>36</sup> was “for providing a new Poor-house for, and for the better Relief and Government of the Poor of, the Township of Manchester, in the County of Lancaster”.
- 8.37 The 1790 Act authorised the local churchwardens and overseers of the poor in Manchester to sell the existing poor house and build and operate a new poor house. They were also authorised to raise the necessary finance to provide for this. The new poor house was built in New Bridge Street, Manchester and opened in 1793. It continued to house the aged and infirm until 1875 when the premises were sold to the Lancashire and Yorkshire Railway.<sup>37</sup> The closure of the poor house and the abolition of parish-run poor relief by the Local Government Act 1929 mean that the 1790 Act has long been unnecessary.

### **Oswestry Poor Relief Act of 1791**

- 8.38 The *Oswestry Poor Relief Act of 1791*<sup>38</sup> was passed to provide relief for the poor living in the area of Oswestry (Shropshire) and Llanfyllin (Powys). The 1791 Act appointed guardians of the poor to buy land on which to build a workhouse to house the poor. They were also authorised to borrow up to £12,000 and to levy rates to cover their expenditure.
- 8.39 The workhouse built pursuant to the 1791 Act was situated at Morda and opened in 1792. Holding up to 300 residents it continued to be used as a workhouse until 1930 when the Local Government Act 1929 came into force and abolished parish-run poor relief.<sup>39</sup> The 1791 Act thereupon became unnecessary.

### **Ellesmere Poor Relief Act of 1791**

- 8.40 The *Ellesmere Poor Relief Act of 1791*<sup>40</sup> was passed to provide relief for the poor living in Ellesmere (Shropshire) and surrounding areas. The 1791 Act appointed guardians of the poor who were authorised to construct and run a workhouse, provide for workhouse children to be apprenticed and to levy rates to cover their expenditure.
- 8.41 The workhouse built pursuant to the 1791 Act was situated at Haughton and opened in 1795. It was subsequently taken over by the Ellesmere Poor Law Union and continued in use until it was demolished in the 1930s. The closure of the workhouse and the abolition of parish-run poor relief by the Local Government Act 1929 mean that the 1791 Act has long been unnecessary.

<sup>36</sup> 30 Geo.3 c.81.

<sup>37</sup> The site is today occupied by Manchester Victoria railway station.

<sup>38</sup> 31 Geo.3 c.24.

<sup>39</sup> The workhouse site was subsequently converted to residential accommodation.

<sup>40</sup> 31 Geo.3 c.78.

### **Stone Poor Relief Act of 1792**

- 8.42 The preamble to the *Stone Poor Relief Act of 1792*<sup>41</sup> recorded that it would tend to the better relief and employment of the poor of the Staffordshire parish of Stone “if a commodious Workhouse was provided therein.” The 1792 Act appointed directors and guardians of the parish and empowered them to purchase land for the construction and operation of a workhouse. They were also empowered to levy rates and to employ staff to assist them in maintaining the parish poor.
- 8.43 The workhouse built pursuant to the 1792 Act was opened in Stafford Road in 1793. It was taken over by the Stone Poor Law Union in 1839 and enlarged to accommodate 300 residents. The buildings were eventually used as an NHS hospital.<sup>42</sup> The abolition of parish-run poor relief by the Local Government Act 1929 means that the 1792 Act has long been unnecessary.

### **Tewkesbury Poor Relief Act of 1792**

- 8.44 The *Tewkesbury Poor Relief Act of 1792*<sup>43</sup> was passed to relieve the poor living in the parish of Tewkesbury, Gloucestershire. The preamble to the 1792 Act recorded that the parish poor were “exceedingly numerous, [and] are maintained and supported at a great and burdensome Expence by the inhabitants of the said Parish.”
- 8.45 The 1792 Act established guardians of the poor to purchase land or buildings for use as a workhouse, to levy a poor rate and to borrow money to meet their expenses under the Act. The workhouse was duly built in the mid-1790s south of Gloucester Road before being taken over by the Tewkesbury Poor Law Union in 1838. The abolition of parish-run poor relief by the Local Government Act 1929 means that the 1792 Act has long been unnecessary.<sup>44</sup>

### **Whitchurch (Salop) Poor Relief Act of 1792**

- 8.46 The *Whitchurch (Salop) Poor Relief Act of 1792*<sup>45</sup> established a corporation of guardians of the poor to provide for the needs of the poor living in the parish of Whitchurch, Shropshire. The guardians were empowered to purchase land or buildings for use as a workhouse, and to raise money by means of rates and loans to cover their expenditure.
- 8.47 A workhouse was duly built in 1794 in Claypit Street. It was enlarged in the 1850s and continues in use today as a home for elderly persons.<sup>46</sup> However the 1792 Act has long ceased to serve any useful purpose following the abolition of parish-run poor relief by the Local Government Act 1929.

<sup>41</sup> 32 Geo.3 c.20.

<sup>42</sup> Trent Hospital closed in the 1990s and the site has since been redeveloped.

<sup>43</sup> 32 Geo.3 c.70.

<sup>44</sup> The workhouse buildings were later used as a hospital (Holm Hospital) before becoming a retirement home in the 1990s.

<sup>45</sup> 32 Geo.3 c.85.

<sup>46</sup> The surviving buildings now form part of Whitchurch Hospital, which provides geriatric care.

### **Salop Poor Relief Act of 1792**

- 8.48 The *Salop Poor Relief Act of 1792*<sup>47</sup> was passed to provide relief for the poor in a group of parishes in Shropshire.<sup>48</sup> A corporation was established, to be known as “The Guardians of the Poor of the united Parishes of Atcham and others, in the County of Salop.” This corporation was empowered to purchase land or buildings for use as a workhouse, and to raise the necessary funds by means of loans or levying rates.
- 8.49 A workhouse was built at Cross Houses in Atcham pursuant to the 1792 Act. It was taken over by the Atcham Poor Law Union in 1836 and subsequently ceased to be used as a workhouse. During the First World War the buildings were converted to hospital use (becoming known as the Berrington War Hospital).<sup>49</sup> The abolition of parish-run poor relief by the Local Government Act 1929 means that the 1792 Act has long been unnecessary.

### **Bishopsgate Poor Relief Act of 1795**

- 8.50 The purpose of the *Bishopsgate Poor Relief Act of 1795*<sup>50</sup> was to repeal and replace an Act of 1772<sup>51</sup> that had proved inadequate to provide relief for the poor living in the parish of St Botolph Bishopsgate in the City of London. The 1795 Act appointed trustees with power to build a workhouse on land recently purchased and to levy rates to cover the cost of running the workhouse and providing for the poor.
- 8.51 There is no clear evidence to show that any new workhouse was built pursuant to the 1795 Act.<sup>52</sup> In any event the abolition of parish-run poor relief by the Local Government Act 1929 has meant that the powers in the 1795 Act have long been unnecessary.

### **Lincoln Poor Relief Act of 1796**

- 8.52 The *Lincoln Poor Relief Act of 1796*<sup>53</sup> was passed to provide relief for the poor living in the various parishes of the City of Lincoln. The 1796 Act appointed directors, drawn from the ranks of the local guardians of the poor, to purchase land or buildings for use as a workhouse and to levy rates to meet their responsibilities under that Act.

<sup>47</sup> 32 Geo.3 c.95.

<sup>48</sup> These parishes were Atcham, Wroxeter, Berrington, Cund, Eaton Constantine, Kenley, Leighton, Ussington, Upton Magna and the Chapelry of Cressage.

<sup>49</sup> Later the Cross Houses Hospital was established using the same buildings. In 2004 the site was redeveloped albeit retaining part of the original structure.

<sup>50</sup> 35 Geo.3 c.61.

<sup>51</sup> 12 Geo.2 c.79.

<sup>52</sup> However there was an existing workhouse in Rose Alley (Bishopsgate) so it is possible that this workhouse (which closed in 1847 with the construction of Liverpool Street railway station) was enlarged to meet the needs of the local poor.

<sup>53</sup> 36 Geo.3 c.102.

- 8.53 In the event the directors used the 1796 Act not to build a new workhouse but to purchase an existing workhouse. This in turn was exchanged for a new workhouse in 1838 following the formation of the Lincoln Poor Law Union in 1836. The original workhouse was sold and the buildings demolished in 1839. The 1796 Act became unnecessary in 1930 at the latest when the Local Government Act 1929, abolishing parish-run poor relief, came into force.

#### **Samford Poor Relief Act of 1799**

- 8.54 The *Samford Poor Relief Act of 1799*<sup>54</sup> was passed to provide relief for the poor living in the ancient hundred of Samford, Suffolk.<sup>55</sup> The 1799 Act appointed guardians of the poor and directors with power to enlarge the existing workhouse, set the local poor to work in any trade or occupation and to levy rates to meet the costs arising under the Act.
- 8.55 The existing workhouse in Samford, built in 1766, continued in use into the 20<sup>th</sup> century, by which time it had become known as the Samford Poor Law Institution. The abolition of parish-run poor relief by the Local Government Act 1929 resulted in the Institution being converted to use as a hospital in 1930.<sup>56</sup> At that point the 1799 Act ceased to serve any useful purpose.

#### **Aldbourne Workhouse and Overseers Act of 1800**

- 8.56 According to its long title, the purpose of the *Aldbourne Workhouse and Overseers Act of 1800*<sup>57</sup> was to provide a workhouse for the parish of Aldbourn in Wiltshire and to appoint an additional overseer to supervise the poor of that parish.<sup>58</sup> The 1800 Act accordingly appointed trustees to purchase land and build a workhouse, with powers to levy rates to meet their expenses under the Act. The Act also authorised the appointment of an additional overseer at an annual salary not exceeding £100.
- 8.57 A workhouse was duly opened in accordance with the 1800 Act, situated at the junction of Oxford Street and South Street. Its useful life was limited, however, for it burned down in 1819 and was not replaced. The useful life of the 1800 Act itself has also ended, following the abolition of parish-run poor relief by the Local Government Act 1929.

<sup>54</sup> 39 Geo.3 c.xlii.

<sup>55</sup> The “hundred” is an ancient description of groups of townships in English counties. The hundred of Samford was an area comprising 28 parishes between modern-day Ipswich and Manningtree.

<sup>56</sup> The buildings were developed for residential use in 2001.

<sup>57</sup> 39 & 40 Geo.3 c.xlviii.

<sup>58</sup> An overseer was a parish official whose function it was to collect poor-rates from the inhabitants of the parish. Outside London, overseers were abolished by the Rating and Valuation Act 1925, ss 1(2), 68(1).

### **Norfolk Poor Relief Act of 1806**

- 8.58 The *Norfolk Poor Relief Act of 1806*<sup>59</sup> was passed to authorise an extension of the use of an existing workhouse built in Buxton (Norfolk) around 1800. The workhouse proved to be much larger than was necessary for the parishes of Buxton, Hevingham and Marsham. Accordingly the 1806 Act authorised the use of this workhouse by other neighbouring parishes.<sup>60</sup> The Act also authorised local guardians of the poor to levy and collect rates to pay for the cost of running the workhouse and maintaining the poor of the various parishes.
- 8.59 The Buxton workhouse continued in use until 1849 when it was closed down by the Aylsham Poor Law Union. The 1806 Act itself ceased to serve any useful purpose following the abolition of parish-run poor relief by the Local Government Act 1929.

### **Cosford and Polstead Poor Relief Act of 1807**

- 8.60 The *Cosford and Polstead Poor Relief Act of 1807*<sup>61</sup> was passed to provide relief for the poor living in the hundred of Cosford and the parish of Polstead, both in Suffolk. In particular the 1807 Act amended the provisions of an earlier (1779) Act<sup>62</sup> under which the local guardians of the poor built a workhouse at Semer.
- 8.61 The Cosford Poor Law Union took over the running of the Semer workhouse in 1836. The building continued to be used as a workhouse until 1930 when parish-run poor relief was abolished by the Local Government Act 1929. The 1807 Act thereupon ceased to serve any useful purpose.

### **Wangford (Suffolk) Poor Relief Acts of 1812 and 1833**

- 8.62 The purpose of the *Wangford (Suffolk) Poor Relief Act of 1812*<sup>63</sup> was to amend an Act of 1764<sup>64</sup> relating to the relief and employment of the poor living in the hundred of Wangford in east Suffolk near Beccles. A workhouse at Shipmeadow near Beccles had been built in 1767 pursuant to the 1764 Act. The provisions of the 1764 Act had proved insufficient to cover the cost of maintaining and supporting the local poor.

<sup>59</sup> 46 Geo.3 c.xliv.

<sup>60</sup> These parishes were Stratton Strawless, Swanton Abbott, Burgh next Alysham, Skeyton, Brampton and Oxmead.

<sup>61</sup> 47 Geo.3 Sess.2 c.lxxiii.

<sup>62</sup> 19 Geo.3 c.30.

<sup>63</sup> 52 Geo.3 c.xii.

<sup>64</sup> 4 Geo.3 c.91.



- 8.63 The amendments made by the 1812 Act were supplemented by the *Wangford (Suffolk) Poor Relief Act of 1833*<sup>65</sup> which recorded that the purposes of the 1764 and 1812 Acts could be “attended with still greater Utility if the same were further extended and enlarged”.<sup>66</sup> The main changes brought about by the 1833 Act concerned the calculation of the poor rates and the uses to which the rate moneys were to be put.
- 8.64 The workhouse at Shipmeadow was taken over by the newly-formed Wangford Poor Law Union in 1835 and continued to be used as a workhouse until the early 1900s. Both the 1812 and the 1833 Acts became unnecessary following the abolition of parish-run poor relief by the Local Government Act 1929.<sup>67</sup>

#### **Westfirle, Beddingham and Glynde Poor Relief Act of 1812**

- 8.65 According to its long title, the purpose of the *Westfirle, Beddingham and Glynde Poor Relief Act of 1812*<sup>68</sup> was “for the better Employment and Support of the Poor in the Parishes of Westfirle, Beddingham, and Glynde, in the County of Sussex”. The 1812 Act established a corporation of guardians with power to build and run a workhouse and levy rates to cover all their poor law expenditure.
- 8.66 In the event no workhouse was ever built pursuant to the 1812 Act. Responsibility for poor relief in the area was taken over in 1835 by the West Firle Union.<sup>69</sup> The 1812 Act became unnecessary following the abolition of parish-run poor relief by the Local Government Act 1929.

#### **Colneis and Carlford Poor Relief Act of 1813**

- 8.67 The *Colneis and Carlford Poor Relief Act of 1813*<sup>70</sup> was passed to provide relief for the poor living in the hundreds of Colneis and Carlford, near Ipswich in Suffolk. The 1813 Act amended an Act of 1790<sup>71</sup> which had proved insufficient to provide the local guardians of the poor with authority to run an existing workhouse at Nacton (near Ipswich) which had been built in 1758. The 1813 Act altered the formulae previously used for assessing individual parishes for poor rates.
- 8.68 The Nacton workhouse was taken over in 1836 by the Woodbridge Poor Law Union. It closed, however, in 1900 and its residents were transferred to the Ipswich Union workhouse. The closure of the Nacton workhouse and the abolition of parish-run poor relief by the Local Government Act 1929 mean that the 1813 Act has long ceased to serve any useful purpose.

<sup>65</sup> 3 & 4 Will.4 c.xlviii.

<sup>66</sup> The 1833 Act, preamble.

<sup>67</sup> The premises were later used as a school for evacuees during the Second World War and then as a pig farm. They have now been converted to residential accommodation.

<sup>68</sup> 52 Geo.3 c.xiii. Westfirle is today known as West Firle.

<sup>69</sup> The newly formed West Firle Union did in fact build a workhouse in West Firle, the work being completed in 1836. However, this work was not executed pursuant to the 1812 Act.

<sup>70</sup> 53 Geo.3 c.cxxvii.

<sup>71</sup> 30 Geo.3 c.22.

### **Mitcham Parish Rates Act of 1816**

- 8.69 The *Mitcham Parish Rates Act of 1816*<sup>72</sup> was passed to alter the existing laws for collecting the poor rate in the parish of Mitcham.<sup>73</sup> The churchwardens and the overseers of the poor were authorised to appoint surveyors and rate collectors. The poor rate could in future be collected from landlords as well as tenants.
- 8.70 The 1816 Act has long been unnecessary. Dating back to an age when relief for the poor was provided on a parish basis, the 1816 Act became unnecessary when the Local Government Act 1929 abolished such parish-run poor relief.

### **Shardlow and Wilne Poor Relief Act of 1816**

- 8.71 The *Shardlow and Wilne Poor Relief Act of 1816*<sup>74</sup> was passed to provide relief for the poor living in the township of Shardlow and Wilne (Derbyshire) and in other townships and parishes in Derbyshire, Leicestershire and Nottinghamshire. The 1816 Act authorised the local guardians of the poor to make the existing workhouse at Shardlow (built in or around 1813) available to additional parishes, and to collect poor rates from those additional parishes.
- 8.72 The Shardlow workhouse continued in use after 1837 when the Shardlow Poor Law Union came into existence.<sup>75</sup> The abolition of parish-run poor relief by the Local Government Act 1929 means that the 1816 Act has long ceased to serve any useful purpose.

### **Blything Poor Relief Act of 1820**

- 8.73 The *Blything Poor Relief Act of 1820*<sup>76</sup> was passed to provide relief for the poor living in the hundred of Blything, near Southwold in Suffolk. The 1820 Act gave the local guardians of the poor additional borrowing powers and further powers to assess the poor rate liability for each parish. A workhouse had already been opened at Bulcamp, near Blything.
- 8.74 The Bulcamp workhouse was continued as such when the Blything Poor Law Union took it over in 1836.<sup>77</sup> However, the abolition of parish-run poor relief by the Local Government Act 1929 means that the 1820 Act has long ceased to serve any useful purpose.

<sup>72</sup> 56 Geo.3 .v.

<sup>73</sup> Mitcham in 1816 was in Surrey. Today it forms part of the London Borough of Merton.

<sup>74</sup> 56 Geo.3 c.lxvi.

<sup>75</sup> The premises were subsequently used as an NHS hospital for the elderly (Grove Hospital) before being redeveloped for modern housing in 2007.

<sup>76</sup> 1 Geo.4 c.vi.

<sup>77</sup> The site became used as the Blythburg and District Hospital in 1948. It closed in 1994 and in 2001 the site was redeveloped for residential use.

#### **Hull Poor Relief Act of 1824**

- 8.75 The *Hull Poor Relief Act of 1824*<sup>78</sup> was passed to provide relief for the poor living in the town of Kingston-upon-Hull. In particular the 1824 Act repealed earlier poor relief enactments which had proved unsatisfactory. New powers were given to the local guardians of the poor to run the existing workhouse which had been built at Whitefriargate in 1697. The existing workhouse remained in use until 1852 when it was closed.
- 8.76 The 1824 Act became unnecessary following the abolition of parish-run poor relief by the Local Government Act 1929 and its repeal is proposed on that basis.

#### **Stow Poor Relief Act of 1824**

- 8.77 The *Stow Poor Relief Act of 1824*<sup>79</sup> was passed to provide relief for the poor living in the hundred of Stow (today known as Stowmarket) in Suffolk. The 1824 Act placed all the poor people within the hundred of Stow under the management of local guardians who were authorised to find apprenticeships for poor children, run the existing workhouse and levy rates to cover their costs arising under the Act.
- 8.78 The powers provided by the 1824 Act were used to operate an existing workhouse that had been built at Onehouse (near Stowmarket) in 1781. The Stow Poor Law Union took over the running of the workhouse in 1835.<sup>80</sup> The 1824 Act became unnecessary following the abolition of parish-run poor relief by the Local Government Act 1929 and its repeal is proposed on that basis.

#### **South Lynn Poor Relief Act of 1824**

- 8.79 The *South Lynn Poor Relief Act of 1824*<sup>81</sup> was passed to improve the system for raising the moneys needed to provide relief for the poor living in the Norfolk parish of South Lynn, near King's Lynn. The preamble to the 1824 Act recorded that payment of the poor rate in the parish of South Lynn had been "greatly evaded, by reason that many of the Houses within the said Parish are let out in Lodgings, or in separate apartments".
- 8.80 Accordingly the 1824 Act provided that landlords should be treated as the occupiers of their premises and, as such, liable to pay the poor rate chargeable on the premises. Moreover, the churchwardens and overseers of the poor were authorised to buy land and build a workhouse in the parish and to borrow no more than £3000 to cover their costs.

<sup>78</sup> 5 Geo.4 c.xiii.

<sup>79</sup> 5 Geo.4 c.xviii.

<sup>80</sup> The workhouse was later used as a hospital (the Stow Lodge Hospital) which closed in 1991. The site has since been converted to residential use.

<sup>81</sup> 5 Geo.4 c.xli.

- 8.81 In the event there is no evidence to show that any workhouse was built pursuant to the 1824 Act.<sup>82</sup> The Act itself became unnecessary following the abolition of parish-run poor relief by the Local Government Act 1929.

### **Montgomery and Pool Poor Relief Act of 1825**

- 8.82 The purpose of the *Montgomery and Pool Poor Relief Act of 1825*<sup>83</sup> was to repeal and replace existing legislation<sup>84</sup> providing for the poor living in the Montgomery and Pool (now Welshpool) united district, in the counties of Montgomery (now Powys) and Salop (now Shropshire). The 1825 Act established a corporate body of guardians in whom the existing workhouse<sup>85</sup> would be vested. These guardians were authorised to issue warrants for the collection of poor rates in the Montgomery and Pool area.
- 8.83 The guardians established by the 1825 Act were replaced in 1870 by the Forden Poor Law Union who continued to use the existing workhouse at Forden. The abolition of parish-run poor relief by the Local Government Act 1929 means that the 1825 Act has long ceased to serve any useful purpose.

### **Loes and Wilford Poor Relief Act of 1826**

- 8.84 The *Loes and Wilford Poor Relief Act of 1826*<sup>86</sup> was passed to provide relief for the poor living in the hundreds of Loes and Wilford in the county of Suffolk.<sup>87</sup> A particular purpose of the Act was to repeal and replace existing legislation providing for poor relief in this area of Suffolk.<sup>88</sup>
- 8.85 In addition to repealing the existing legislation, the 1826 Act established new trustees with power to demolish the existing workhouse at Melton and sell the land. The workhouse residents were to be returned to their original home parishes and maintained in part from the sale proceeds of the old workhouse.
- 8.86 The workhouse at Melton was duly closed in 1826 and the buildings became the Suffolk County Asylum for Pauper Lunatics in 1829.<sup>89</sup> The 1826 Act itself became unnecessary following the abolition of parish-run poor relief by the Local Government Act 1929.

<sup>82</sup> However the overseers of the South Lynn and All Saints parishes did purchase an existing workhouse in the late 1820s. This workhouse, in Friar Street, was sold in 1837 after the newly-formed King's Lynn Poor Law Union enlarged the St James' workhouse in the parish of St Margaret.

<sup>83</sup> 6 Geo.4 c.cxxiii.

<sup>84</sup> The existing legislation comprised Acts of 1792 (32 Geo.3 c.96) and 1796 (36 Geo.3 c.38).

<sup>85</sup> This workhouse was described in the 1825 Act as a "house of industry", a commonly-used euphemism for "workhouse". It was opened in 1795. The site is today used as a yoga and meditation centre.

<sup>86</sup> 7 Geo.4 c.i.

<sup>87</sup> Loes and Wilford no longer exist as district areas. The workhouse to which the 1826 Act related was situated at Melton, near Woodbridge.

<sup>88</sup> The existing legislation comprised Acts of 1791 (31 Geo.3 c.72) and 1810 (50 Geo.3 c.cxix).

<sup>89</sup> The buildings are today used as residential accommodation.

### **Shrewsbury Poor Relief Act of 1826**

- 8.87 The purpose of the *Shrewsbury Poor Relief Act of 1826*<sup>90</sup> was to repeal and replace existing legislation<sup>91</sup> providing for the poor living in certain parishes in Shrewsbury. In addition to repealing the existing legislation, the 1826 Act established local officials with authority to run the existing workhouse (situated in the parish of Meole Brace), supervise the provision of relief to the poor of Shrewsbury and levy rates to cover their costs.
- 8.88 The 1826 Act has long been unnecessary. The workhouse was closed in 1871 and the Local Government Act 1929 abolished the system of parish-run poor relief. The workhouse site is today occupied by Shrewsbury School.

### **Bristol Poor Relief Act of 1831**

- 8.89 The *Bristol Poor Relief Act of 1831*<sup>92</sup> was passed to amend the powers contained in existing legislation<sup>93</sup> to provide relief for the poor living in Bristol. In particular the existing poor house in Bristol was old and decayed and unsuitable to house either poor persons generally or “pauper lunatics”<sup>94</sup> in particular. Accordingly the 1831 Act authorised the purchase of a more suitable building in the parish of St Philip and Jacob for use as an asylum for paupers and as a workhouse. The 1831 Act also supplemented the existing powers of the local guardians of the poor.
- 8.90 The 1831 Act powers were duly exercised in the purchase of the Stapleton workhouse at Blackberry Hill. The workhouse continued in use until 1930 when the premises became used as a hospital. The 1831 Act itself became unnecessary in 1930 when the provisions of the Local Government Act 1929, abolishing parish-run poor relief, came into force.

### **Leicester Rates and Poor Relief Act of 1832**

- 8.91 The purpose of the *Leicester Rates and Poor Relief Act of 1832*<sup>95</sup> was to provide relief for the poor living in the parish of St Margaret in Leicester. The 1832 Act provided for the election of thirty persons to be elected annually to a select vestry.<sup>96</sup> The 1832 Act empowered the select vestry to appoint a treasurer, clerk and other officials; to arrange the levy and collection of the poor rate; to run the existing workhouse; and to have general care of the poor.

<sup>90</sup> 7 Geo.4 c.cxli.

<sup>91</sup> 24 Geo.3 Sess.2 c.15 (1784).

<sup>92</sup> 1 Will.4 c.iv.

<sup>93</sup> 3 Geo.4 c.xxiv (1822).

<sup>94</sup> The 1831 Act, preamble.

<sup>95</sup> 2 & 3 Will.4 c.x.

<sup>96</sup> A select vestry was a body of persons elected annually in large and populous English parishes to represent and manage the concerns of the parish.

- 8.92 A workhouse had been built at Humberstone Gate in the parish of St Margaret in 1723, and the select vestry elected under the 1832 Act continued to run it until 1838. That year a new workhouse was built in Sparkenhoe Street by the newly-established Leicester Poor Law Union. The 1832 Act itself became unnecessary when the system of parish-run poor relief was abolished by the Local Government Act 1929.

#### **Bosmere and Claydon Poor Relief Act of 1833**

- 8.93 The *Bosmere and Claydon Poor Relief Act of 1833*<sup>97</sup> was passed to repeal and replace an existing enactment<sup>98</sup> providing relief for the poor living in the hundred of Bosmere and Claydon in Suffolk. The 1833 Act established local guardians of the poor with power to appoint workhouse officials, apprentice poor children, hire out poor persons to bring in the harvest and levy sufficient rates to cover the costs of the Act.
- 8.94 The existing workhouse at Barham was built in 1766. It was taken over by the Bosmere and Claydon Poor Law Union in 1835 before closing in 1920.<sup>99</sup> The 1833 Act as a whole ceased to serve any useful purpose once the system of parish-run poor relief was abolished by the Local Government Act 1929.

#### **Manchester Overseers Act 1858**

- 8.95 The purpose of the *Manchester Overseers Act 1858*<sup>100</sup> was to make new arrangements for the collection of poor and other rates in and around Manchester. The 1858 Act appointed overseers of the poor to collect rates from the townships of Manchester, Ardwick, Chorlton-upon-Medlock and Hulme. Powers were given to rate unoccupied premises and to appoint clerks and other officers.
- 8.96 The 1858 Act has long been unnecessary, dating as it does from an age when relief for the poor, and the money to pay for this, was organised on a parish basis. The abolition of parish-run poor relief by the Local Government Act 1929 and the abolition of the poor law system itself by the National Assistance Act 1948 means that the 1858 Act no longer serves any useful purpose and its repeal is proposed on that basis.

<sup>97</sup> 3 & 4 Will.4 c.ii.

<sup>98</sup> 4 Geo.3 c.57 (1764).

<sup>99</sup> The building was used to accommodate Italian prisoners of war during the Second World War before being demolished in 1963.

<sup>100</sup> 21 & 22 Vict. c.lxii.

## **GROUP 2 – PROVISIONAL ORDER CONFIRMATION REPEALS**

- 8.97 The Acts proposed for repeal in this group were passed to give effect to Orders made by the Poor Law Board<sup>101</sup> or the Local Government Board to change the system of providing relief for the poor in various parts of England.
- 8.98 These Orders, known as Provisional Orders, were made by the Poor Law Board (and later by the Local Government Board) pursuant to the Poor Law Amendment Act 1867.<sup>102</sup> Section 2 of the 1867 Act provided a means whereby a union of parishes (otherwise known as a “poor law union”) or an individual parish could apply to the Board for an Order to repeal or amend any local Act that controlled or regulated the arrangements for poor relief or for levying the poor rate in the area of that union or parish. Section 3 of the 1867 Act provided a means whereby an analogous application could be made to the Board for an Order to adjust the extent of (or to divide) a parish.
- 8.99 Accordingly the guardians of any union or parish would apply to the Board for an Order repealing or amending the local Act (or adjusting or dividing a parish). The Board, if it supported the application, would issue the necessary Provisional Order. Such Provisional Order would have effect only once it had been confirmed by Act of Parliament. Once an Order had served its purpose, the confirming Act would itself become unnecessary. The Acts proposed for repeal in this group have indeed become unnecessary. In some cases this is because the Orders which they confirmed related to the system of parish-run poor relief which was abolished by the Local Government Act 1929. In other cases the Orders are spent or have been revoked. In any case where an Order continues to serve any useful purpose, its effect will be saved by an appropriate saving provision in Schedule 2 to the draft Bill.

### **Salisbury Poor Relief Act 1868**

- 8.100 The *Salisbury Poor Relief Act 1868*<sup>103</sup> was passed to confirm a Provisional Order made by the Poor Law Board pursuant to the Poor Law Amendment Act 1867. This Order provided for the repeal of two Acts<sup>104</sup> providing for the relief of the poor (and for the levy of poor rates) in the Salisbury parishes of St Thomas, St Edmund and St Martin. This Order and, consequently, the 1868 Act became unnecessary with the ending of parish-based poor relief in 1930.

<sup>101</sup> The Poor Law Board was established by the Poor Law Board Act 1847 (10 & 11 Vict. c.109). The Board inherited the role of the Poor Law Commissioners in being responsible for the general management of the poor. The 1847 Act was repealed by the Poor Law Act 1927, s 245, Sch 11. The functions of the Poor Law Board were taken over by the Local Government Board in 1871 pursuant to the Local Government Board Act 1871 (34 & 35 Vict. c.70), s 2. The 1871 Act was repealed by the Statute Law (Repeals) Act 1986, s 1(1), Sch 1, Part 7.

<sup>102</sup> 30 & 31 Vict. c.106. This Act was finally repealed by the Statute Law Revision Act 1950.

<sup>103</sup> 31 & 32 Vict. c.cl.

<sup>104</sup> 10 Geo.3 c.81 (1770); 11 Geo.4 & 1 Will.4 c.lxxvi (1830).

### **Poor Law Board's Provisional Orders Confirmation Act 1869**

- 8.101 The *Poor Law Board's Provisional Orders Confirmation Act 1869*<sup>105</sup> was passed to confirm three Provisional Orders made by the Poor Law Board pursuant to the Poor Law Amendment Act 1867. One of these Orders has already been revoked.<sup>106</sup> The Tunstead and Happing Incorporated Hundreds Order provided for the relief of the poor in the areas of Tunstead and Happing in Norfolk and became unnecessary with the ending of parish-based poor relief in 1930. The Midhurst Union (Parish of Woolavington) Order altered the boundaries of parishes in parts of West Sussex. The effect of this Order, so far as it has any continuing utility, will be preserved by the saving provision in Schedule 2 to the draft Bill.<sup>107</sup>

### **Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, etc) Act 1875**

- 8.102 The *Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, etc) Act 1875*<sup>108</sup> was passed to confirm three Provisional Orders made by the Local Government Board pursuant to the Poor Law Amendment Act 1867. Since all three Orders have already been revoked<sup>109</sup> and the remaining provisions of the 1875 Act are obsolete, the formal repeal of the 1875 Act is now proposed.

<sup>105</sup> 32 & 33 Vict. c.cxxiii.

<sup>106</sup> The Chester Incorporation Order was revoked finally by the Cheshire County Council Act 1980 (c.xiii), s 112(1), Sch 3, Part 1.

<sup>107</sup> Sch 2, paragraph 2.

<sup>108</sup> 38 & 39 Vict. c.clxviii.

<sup>109</sup> The City of Oxford Order was finally revoked by the Oxford Corporation Act 1933 (23 & 24 Geo.5 c.xxi), s 134, Sch 5; the Parish of Stoke-on-Trent Order was revoked by the Staffordshire Act 1983 (c.xviii), s 78, Sch 5, Part 2; the Parish of Sutton Order was revoked by the Statute Law (Repeals) Act 1998, s 1(1), Sch 1, Part 5.



### **Local Government Board's (Poor Law) Provisional Orders Confirmation (Birmingham etc) Act 1878**

- 8.103 The *Local Government Board's (Poor Law) Provisional Orders Confirmation (Birmingham etc) Act 1878*<sup>110</sup> was passed to confirm six Provisional Orders made by the Local Government Board pursuant to the Poor Law Amendment Act 1867 and the Divided Parishes and Poor Law Amendment Act 1876.<sup>111</sup> One of these Orders has already been revoked.<sup>112</sup> One order repealed part of an 1831 Act relating to the poor in Birmingham and became spent when the repeal took effect.<sup>113</sup> The effect of the remaining Orders, which altered parish boundaries, will be preserved (so far as they have any continuing utility) by the saving provision in Schedule 2 to the draft Bill.<sup>114</sup>

### **Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1879**

- 8.104 The *Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1879*<sup>115</sup> was passed to confirm three Orders made by the Local Government Board pursuant to the Poor Law Amendment Act 1867, to change the system of providing relief for the poor in Derbyshire, Manchester and Plymouth. One Order repealed part of a 1707 Act and became spent when the repeal took effect.<sup>116</sup> The effect of the other Orders, which consolidated townships, will be preserved (so far as they have any continuing utility) by the saving provision in Schedule 2 to the draft Bill.<sup>117</sup>

<sup>110</sup> 41 & 42 Vict. c.civ.

<sup>111</sup> The Divided Parishes and Poor Law Amendment Act 1876 (39 & 40 Vict. c.61) was passed to deal with problems that had arisen through individual parishes in England being geographically divided.

<sup>112</sup> The Townships of Old Accrington and New Accrington Order was revoked by the County of Lancashire Act 1984 (c.xxi), s 146(2)(b), Sch 8, Part 1.

<sup>113</sup> The Parish of Birmingham Order repealed part of the Act 39 & 40 Vict. c.61.

<sup>114</sup> Sch 2, paragraph 2. These Orders are the Parish of Boldre Order, the Parishes of Keysoe and Pertenhall Order, the Parishes of Bolnhurst and Pertenhall Order, the Parishes of Minster and Saint Lawrence Order and the Parishes of Little Staughton and Pertenhall Order.

<sup>115</sup> 42 & 43 Vict. c.cvi.

<sup>116</sup> The Town of Plymouth Order repealed part of the Act 6 Ann. c.46.

<sup>117</sup> Sch 2, paragraph 2. These Orders are the Townships of Great Barlow and Little Barlow Order and the Townships of Cheadle Bulkeley and Cheadle Moseley Order.

**Local Government Board's Provisional Order Confirmation (Poor Law) (No.7) Act 1888**

- 8.105 The *Local Government Board's Provisional Order Confirmation (Poor Law) (No.7) Act 1888*<sup>118</sup> was passed to confirm a Provisional Order made by the Local Government Board pursuant to the Poor Law Amendment Act 1867 to change the system of providing relief for the poor in the parish of St Mary Abbots, Kensington. The Order repealed a poor relief Act of 1756<sup>119</sup> and partially repealed poor relief Acts of 1777 and 1826.<sup>120</sup> The fact that these repeals are now spent means that the Order and, in consequence, the 1888 Act is now unnecessary.

**Local Government Board's Provisional Order Confirmation (Poor Law) Act 1889**

- 8.106 The *Local Government Board's Provisional Order Confirmation (Poor Law) Act 1889*<sup>121</sup> was passed to confirm a Provisional Order made by the Local Government Board pursuant to the Poor Law Amendment Act 1867 to change the system of providing relief for the poor in the parish of St James, Westminster. The Order provided for the partial repeal of poor relief Acts of 1762 and 1816.<sup>122</sup> The fact that these repeals are now spent means that the Order and, in consequence, the 1889 Act is now unnecessary.

<sup>118</sup> 51 & 52 Vict. c.xciv.

<sup>119</sup> 29 Geo.2 c.63.

<sup>120</sup> 17 Geo.3 c.64; 7 Geo.4 c.cxiii. Both Acts were finally repealed by SR & O 1901/271(L), art 6, Schedule to the Borough of Kensington Scheme.

<sup>121</sup> 52 & 53 Vict. c.cxviii.

<sup>122</sup> 2 Geo.3 c.58; 56 Geo.3 c.liv. Both Acts were finally repealed by the City of Westminster (St James) Scheme 1901, SR & O 1901/278(L), Schedule 1,

# **PART 9**

## **RAILWAYS**

### **INTRODUCTION**

- 9.1 A significant proportion of the statute book of the United Kingdom comprises enactments relating to the railways. The great majority of these enactments were passed in the mid to late 19<sup>th</sup> century, the period that coincided with the spread of the railway network across the United Kingdom.
- 9.2 Parliamentary sanction was necessary to provide the requisite powers to override private and public rights, in particular to facilitate the compulsory purchase of the land required by each railway. Legislation was also required to authorise the raising of the necessary capital to finance individual railway projects. There being no statutory procedure for incorporating new companies along the lines of the modern Companies Act 1985, an Act of Parliament was needed to incorporate each railway company.<sup>1</sup>
- 9.3 Some 295 railway Acts are proposed for repeal in this part of the report. 220 of them authorised railway projects that were subsequently abandoned. 41 contain obsolete freight charging provisions. The remaining Acts are classified as miscellaneous and include enactments passed to finance the construction of the railway between Athlone and Galway in what is now the Republic of Ireland. In some instances, under subsequent legislative powers, railway lines were constructed on the same routes as the former abandoned projects. Our repeal proposals do not affect the later powers.
- 9.4 The individuals and organisations consulted about these proposals are set out in Appendix 3.

### **GROUP 1 – ABORTIVE RAILWAYS PROJECTS**

#### **Overview**

- 9.5 These Acts are obsolete because the railway projects that they authorised failed to materialise. In some cases the Acts authorised the commencement or extension of a railway project that was subsequently abandoned. In other cases the Acts authorised the formal abandonment of the project. The usual reason for the abandonment was lack of finance. Large numbers of railway projects collapsed in the banking crisis of 1866, a crisis partly brought about by ambitious speculative investment in railway building.

<sup>1</sup> Construction of a railway was also sometimes possible by means of a certificate granted by the Board of Trade under the Railways Construction Facilities Act 1864 (27 & 28 Vict. c.121) or under the Railway Companies' Powers Act 1864 (27 & 28 Vict. c.120).

- 9.6 Most of the Acts now proposed for repeal were enacted in the period 1860 to 1895. By 1860 the principal arteries of the railway network in England and Wales had been completed but there was a need to link outlying rural areas with the network. Branch lines and extension railways were commonly planned to meet this need. Many such railway projects proved uneconomic. Each of the Acts now proposed for repeal in this Group has been examined to ensure that none supports (a) any operating railway or (b) any disused railway that could be restored to use.
- 9.7 It is clear that none of the railway projects envisaged by these Acts resulted in the completion of any railway. Indeed many were abandoned without any land being purchased or track laid. Accordingly the Acts now proposed for repeal in this Group have been obsolete for more than a century.
- 9.8 The railway system grew during a period of intense competition between different railway promoters. Many railway projects failed. Indeed the passage of the special Act authorising a railway construction was often the only permanent reminder that any such project had ever been envisaged. Until 1850 the only way a railway company could legally abandon its construction project, escape its contractual obligations, secure the release of its Parliamentary deposit and secure its own dissolution was to promote another Act of Parliament sanctioning this. Many such Acts were passed during the 19<sup>th</sup> and early 20<sup>th</sup> centuries for this very purpose. Their sole objectives in each case were to authorise the abandonment of the railway construction proposals, provide for payment of compensation and recovery of Parliamentary deposit moneys, and to secure the dissolution of the railway company. Having achieved this objective the Acts became obsolete. Many are now proposed for repeal in this present repeals exercise.
- 9.9 The *Abandonment of Railways Act 1850* ("the 1850 Act")<sup>2</sup> provided an alternative and cheaper abandonment procedure. The 1850 Act enabled a railway company wishing to abandon its project to apply to the Railway Commissioners (later the Board of Trade<sup>3</sup>) for the issue of a warrant authorising the abandonment of the project and, in cases where the whole railway was to be abandoned, the dissolution of the company itself.<sup>4</sup> The 1850 Act originally applied only to projects authorised before 1850. It was later extended to any railway project sanctioned by Act passed before 1867.<sup>5</sup>
- 9.10 This alternative method for abandoning a railway project did not result in the repeal of the legislation passed to authorise the project in the first place. So the original special Act (together with any subsequent amending legislation) remained on the statute book. Many of these special Acts, though long obsolete, are still sitting on the statute book. These too are now proposed for repeal in the present repeals exercise.

<sup>2</sup> 13 & 14 Vict. c.83.

<sup>3</sup> Railway Regulation Act 1851 s 1. Later still, abandonment applications were handled by the Minister of Transport (whose office and Ministry was established by the Ministry of Transport Act 1919).

<sup>4</sup> A company could apply for a warrant authorising abandonment only with the consent of three-fifths of the shareholders: *Abandonment of Railways Act 1850*, s 1.

<sup>5</sup> *Railway Companies Act 1867*, s 31.

- 9.11 The effect of a warrant of abandonment covering the entire railway undertaking of a company was to terminate all the powers of the company. The company would thereupon cease to exist except so far as was necessary to enable it to wind up its affairs.<sup>6</sup> A petition for winding up the affairs of the company could be presented by the company or by any creditor. Once the company's affairs had been wound up completely, the court was empowered to order its dissolution.<sup>7</sup>
- 9.12 Where appropriate, these abandonment Acts are grouped in alphabetical order according to the particular railway company concerned. Where there is only one Act relating to a railway company, the Act appears in date order under "general repeals". The paragraphs at the end of Group 1 describe the abandonment Acts that relate to Scottish railway projects. Each Act is described in greater detail, including the route proposed for each railway, in the consultation paper issued with this project.<sup>8</sup>

### **(1) Afon Valley Railway Company**

- 9.13 The *Afon Valley Railway Act 1865*<sup>9</sup> was passed authorising the Afon Valley Railway Company to construct a railway between the parishes of Margam and Llangynwyd in south Wales. The powers given by the 1865 Act were extended by the *Afon Valley Railway Act 1866*.<sup>10</sup>
- 9.14 In the event, the railway project was abandoned. On 13 July 1870 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>11</sup> The railway company itself was wound up in January 1871.<sup>12</sup> Accordingly both the 1865 and 1866 Acts have become obsolete.

### **(2) Alexandra Park Railway Company**

- 9.15 The *Alexandra Park Railway Act 1871*<sup>13</sup> was passed authorising the Alexandra Park Railway Company to construct a railway between Tottenham and Hornsey in north London. The purpose of the *Alexandra Park Railway Abandonment Act 1874*<sup>14</sup> was to authorise the abandonment of the railway construction proposals and the dissolution of the company.

<sup>6</sup> Abandonment of Railways Act 1850, s 29.

<sup>7</sup> Abandonment of Railways Act 1850, s 31 (which engaged the provisions of the Joint Stock Companies Winding-up Act 1848).

<sup>8</sup> See *Railways (abortive projects) – repeal of obsolete laws* on the Law Commission's website. This can be viewed or downloaded at [www.lawcom.gov.uk](http://www.lawcom.gov.uk) via link to Consultations > A-Z of consultations. In the case of Scottish abortive railway projects, these may be viewed or downloaded on the Scottish Law Commission's website at [www.scotlawcom.gov.uk/publications/consultation-papers-and-other-documents/](http://www.scotlawcom.gov.uk/publications/consultation-papers-and-other-documents/).

<sup>9</sup> 28 & 29 Vict. c.ccclxxvi.

<sup>10</sup> 29 & 30 Vict. c.xlv.

<sup>11</sup> The London Gazette, 19 July 1870, p 3436.

<sup>12</sup> The London Gazette, 17 January 1871, p 183.

<sup>13</sup> 34 & 35 Vict. c.cxcix.

<sup>14</sup> 37 & 38 Vict. c.lxxix.

- 9.16 The dissolution of the company in 1874 and the consequential abandonment of the railway project means that both the 1871 and 1874 Acts have become obsolete.

### **(3) Athenry and Tuam Railway**

- 9.17 The *Athenry and Tuam Railway (Claremorris Abandonment) Act 1877*<sup>15</sup> was passed to authorise the abandonment of a project to construct a railway between Tuam and Kilcolman, an area that now falls within the Republic of Ireland. The railway was planned as an extension railway and would have been built by the Athenry and Tuam Railway Company.
- 9.18 In the event, the project was abandoned because the company was unable to raise the necessary capital. The 1877 Act became obsolete once its abandonment provisions had taken effect.
- 9.19 A further ground for repealing the 1877 Act is that, since the establishment of the Irish Free State in 1922, the Act has remained on the statute book of the United Kingdom without having any effect within the United Kingdom. On this basis two other enactments relating to the company may be repealed at the same time. These are the Athenry and Tuam Railway Act 1858<sup>16</sup> and the Athenry and Tuam Railway (Leasing or Sale) Act 1860.<sup>17</sup> Both Acts remain in force within the Republic of Ireland and their status there will not be affected by their repeal within the United Kingdom.

### **(4) Barry Railway Company**

- 9.20 The *Barry Railway Act 1865*<sup>18</sup> was passed to authorise the Barry Railway Company to construct a railway in the former county of Glamorgan in south Wales. The powers given by the 1865 Act were extended by the Barry Railway (Alteration) Act 1866,<sup>19</sup> the Barry Railway (Extension) Act 1866<sup>20</sup> and the Barry Railway Act 1868.<sup>21</sup>
- 9.21 In the event, the railway project was abandoned. On 5 August 1874 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>22</sup> The railway company itself was wound up in November 1874.<sup>23</sup> Accordingly all four Acts have become obsolete.<sup>24</sup>

<sup>15</sup> 40 & 41 Vict. c.liii.

<sup>16</sup> 21 & 22 Vict. c.cxii.

<sup>17</sup> 23 & 24 Vict. c.clxxxii.

<sup>18</sup> 28 & 29 Vict. c.ccxiv.

<sup>19</sup> 29 & 30 Vict. c.xcii.

<sup>20</sup> 29 & 30 Vict. c.cccxxxiii.

<sup>21</sup> 31 & 32 Vict. c.xcvii.

<sup>22</sup> The London Gazette, 18 August 1874, p 4076.

<sup>23</sup> The London Gazette, 24 November 1874, p 5723.

<sup>24</sup> Their repeal will not affect the operation of the present day Barry Railway which draws its statutory authority from a series of enactments starting with the Barry Docks and Railway Act 1884: 47 & 48 Vict. c.cclvii.

### **(5) Birmingham and Lichfield Junction Railway Company**

- 9.22 The *Birmingham and Lichfield Junction Railway Act 1872*<sup>25</sup> was passed to authorise the Birmingham and Lichfield Junction Railway Company to construct a railway in the Lichfield and Sutton Coldfield areas. The powers given by the 1872 Act were extended by the Birmingham and Lichfield Junction Railway (Deviation) Act 1874,<sup>26</sup> the Birmingham and Lichfield Junction Railway Act 1875<sup>27</sup> and the Birmingham and Lichfield Junction Railway Act 1877.<sup>28</sup>
- 9.23 In the event, the railway project was abandoned. Although no formal step authorising the abandonment appears to have been taken, notice of the abandonment was published in *The London Gazette* in December 1880.<sup>29</sup> The abandonment of the railway project in or around 1880 means that all four Acts have become obsolete.

### **(6) Bodmin Railway Company**

- 9.24 The *Bodmin Railway Act 1864*<sup>30</sup> was passed to authorise the Bodmin Railway Company to construct a railway between the parishes of St Winnow and Bodmin in Cornwall. The powers given by the 1864 Act were extended by the Bodmin Railway Act 1865.<sup>31</sup> A third enactment, the Bodmin Railway Act 1867,<sup>32</sup> authorised the company to abandon part of the railway authorised by the 1864 Act and to construct a deviation railway to the parish of Cardinham.
- 9.25 In the event, the railway project was abandoned. On 30 March 1876 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>33</sup> The railway company itself was wound up in April 1876.<sup>34</sup> Accordingly all three Acts have become obsolete.

<sup>25</sup> 35 & 36 Vict. c.clxxii.

<sup>26</sup> 37 & 38 Vict. c.xcii.

<sup>27</sup> 38 & 39 Vict. c.lii.

<sup>28</sup> 40 & 41 Vict. c.ccxiii.

<sup>29</sup> 24 December 1880, p 6927.

<sup>30</sup> 27 & 28 Vict. c.clxx.

<sup>31</sup> 28 & 29 Vict. c.liii.

<sup>32</sup> 30 & 31 Vict. c.cxix.

<sup>33</sup> The London Gazette, 25 April 1876, p 2633.

<sup>34</sup> The London Gazette, 9 May 1876, p 2882.

### **(7) Bourton-on-the-Water Railway Company**

- 9.26 The Bourton-on-the-Water Railway (Extension to Cheltenham) Act 1864<sup>35</sup> was passed to authorise The Bourton-on-the-Water Railway Company to construct an extension railway between the parishes of Whittington and Bourton-on-the-Water in Gloucestershire. The purpose of the Bourton-on-the Water Railway (Extension to Cheltenham) Abandonment Act 1867<sup>36</sup> was to authorise the abandonment of these railway construction proposals.<sup>37</sup>
- 9.27 The abandonment of this railway project in 1867 means that both the 1864 and 1867 Acts have become obsolete.

### **(8) Bristol and South Wales Junction Railway Company**

- 9.28 The *Bristol and South Wales Junction Railway Act 1846*<sup>38</sup> was passed to authorise the Bristol and South Wales Junction Railway Company to construct railways between Bristol and South Wales. The powers given by the 1846 Act were extended by the *Bristol and South Wales Junction Railway and Aust Ferry Act 1847*<sup>39</sup> which authorised the company to run the Aust Ferry across the River Severn.
- 9.29 In the event, the railway project was abandoned because of lack of funds. On 6 October 1853 a Board of Trade warrant was issued ordering that the railways and all other undertakings authorised by the two Acts should be abandoned.<sup>40</sup> The abandonment of these railway proposals means that both the 1846 and 1847 Acts have become obsolete.

### **(9) Central Cornwall Railway Company**

- 9.30 The *Launceston, Bodmin, and Wadebridge Junction Railway Act 1864*<sup>41</sup> was passed to authorise the Launceston, Bodmin, and Wadebridge Junction Railway Company to construct a railway between the parishes of St Stephens by Launceston and Simonward in Cornwall. The powers given by the 1864 Act were extended by the *Central Cornwall Railway Act of 1865*<sup>42</sup> and the *Central Cornwall Railway Act 1867*.<sup>43</sup>

<sup>35</sup> 27 & 28 Vict. c.ccx.

<sup>36</sup> 30 & 31 Vict. c.cxciii.

<sup>37</sup> The failure of the East Gloucestershire Railway Company to proceed with the construction of a separate railway had made it expedient to abandon the present construction proposals.

<sup>38</sup> 9 & 10 Vict. c.cv.

<sup>39</sup> 10 & 11 Vict. c.lxxxi.

<sup>40</sup> The London Gazette, 11 October 1853, p 2737. The ferry ceased to operate in 1966 when the first Severn Bridge was built.

<sup>41</sup> 27 & 28 Vict. c.cclxxxix.

<sup>42</sup> 28 & 29 Vict. c.ccclxxiv.

<sup>43</sup> 30 & 31 Vict. c.cxcix.



- 9.31 In the event, the railway project was abandoned. On 16 March 1870 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>44</sup> The railway company itself was wound up in 1875. Accordingly all three Acts have become obsolete.

#### **(10) Clay Cross Railway Company**

- 9.32 The *Clay Cross Railway Act 1902*<sup>45</sup> was passed to authorise the Clay Cross Railway Company to construct a railway in Derbyshire connecting the Clay Cross Collieries and works with the Lancashire, Derbyshire and East Coast Railway near Chesterfield. The purpose of the Clay Cross Railway (Abandonment) Act 1905<sup>46</sup> was to authorise the abandonment of these railway construction proposals<sup>47</sup> and the dissolution of the company.
- 9.33 The dissolution of the company in 1905 and the consequential abandonment of the railway project means that both the 1902 and 1905 Acts have become obsolete.

#### **(11) Columbia Market Railway**

- 9.34 The *Columbia Market Act 1885*<sup>48</sup> was passed to authorise the construction of two short railways and a street near Bethnal Green in the east end of London. The railways and street were intended to benefit Columbia Market<sup>49</sup> by connecting the market with the North London Railway. The powers given by the 1885 Act were extended by the Columbia Market (Extension of Time) Act 1888.<sup>50</sup>
- 9.35 The purpose of the Columbia Market Railways (Abandonment) Act 1890<sup>51</sup> was to authorise the abandonment of the railway and street construction proposals. The preamble to the 1890 Act recorded that it was expedient that these proposals should be abandoned. The failure to implement the proposals means that the 1885, the 1888 and the 1890 Acts have all become obsolete.

#### **(12) Cork and Fermoy and Waterford and Wexford Railway Company**

- 9.36 The *Cork and Fermoy and Waterford and Wexford Railway Act 1890*<sup>52</sup> was passed to authorise the Cork and Fermoy and Waterford and Wexford Railway Company to construct a railway in the counties of Waterford, Kilkenny and Wexford, an area that now falls within the Republic of Ireland.

<sup>44</sup> The London Gazette, 22 March 1870, p 1838.

<sup>45</sup> 2 Edw.7 c.clxxxiii.

<sup>46</sup> 5 Edw.7 c.xxvii.

<sup>47</sup> The decline in trade and the depressed state of the money markets had made it impossible to raise the capital required for the railway construction.

<sup>48</sup> 48 & 49 Vict. c.lxxiv.

<sup>49</sup> Columbia Market was established in 1869 as a covered food market by the philanthropist Angela Burdett-Coutts. The market became unprofitable and closed in 1886 with just a street market remaining. Today the market is used as a Sunday flower market.

<sup>50</sup> 51 & 52 Vict. c.iii.

<sup>51</sup> 53 & 54 Vict. c.iii.

<sup>52</sup> 53 & 54 Vict. c.ccxlii.

- 9.37 Only part of this railway was built. The purpose of the Cork and Fermoy Railway (Waterford and Wexford Section Abandonment) Act 1893<sup>53</sup> was to authorise the abandonment of the Waterford and Wexford section of these railway construction proposals. This 1893 Act became obsolete once its provisions for abandonment had taken effect shortly after enactment.
- 9.38 A further ground for repealing the 1893 Act is that, since the establishment of the Irish Free State in 1922, the Act remains on the statute book of the United Kingdom without having any effect within the United Kingdom. On this basis, two other enactments relating to the company may also be repealed. These are the 1890 Act referred to above and the Cork and Fermoy and Waterford and Wexford Railway (Guarantee) Act 1893<sup>54</sup> which empowered the company to divide its business into three separate undertakings. All three Acts remain in force within the Republic of Ireland and their status there will not be affected by their repeal within the United Kingdom.

### **(13) Fareham and Netley Railway Company**

- 9.39 The *Fareham and Netley Railway Act 1865*<sup>55</sup> was passed to authorise the Fareham and Netley Railway Company to construct railways in Hampshire between Southampton and Fareham. The powers given by the 1865 Act were extended by the *Fareham and Netley Railway Act 1868*.<sup>56</sup>
- 9.40 In the event, the railway project was abandoned. On 19 March 1878 a Board of Trade warrant was issued ordering that the railways should be abandoned.<sup>57</sup> The railway company itself was wound up in 1878.<sup>58</sup> Accordingly both the 1865 Act and the 1868 Act have become obsolete.

### **(14) Guiseley Yeadon and Headingley Railway Company**

- 9.41 The Leeds and Yeadon Railway Act 1891<sup>59</sup> was passed to authorise the Guiseley Yeadon and Rawdon Railway Company<sup>60</sup> to extend its existing railway from Rawdon to Headingley in West Yorkshire. The purpose of the Guiseley Yeadon and Headingley Railway (Abandonment) Act 1893<sup>61</sup> was to authorise the abandonment of the construction of this extension railway and the dissolution of the company.
- 9.42 The dissolution of the company in 1893 and the consequential abandonment of the railway project means that both the 1891 and 1893 Acts have become obsolete.

<sup>53</sup> 56 & 57 Vict. c.xlvi.

<sup>54</sup> 56 & 57 Vict. c.v.

<sup>55</sup> 28 & 29 Vict. c.cliii.

<sup>56</sup> 31 & 32 Vict. c.clix.

<sup>57</sup> The London Gazette, 19 April 1878, p 2646.

<sup>58</sup> The London Gazette, 16 April 1878, p 2598.

<sup>59</sup> 54 & 55 Vict. c.cxcviii.

<sup>60</sup> By section 27 of the 1891 Act, the company's name was changed to "the Guiseley Yeadon and Headingley Railway Company".

<sup>61</sup> 56 & 57 Vict. c.xxiv.

### **(15) Kensington Station and North and South London Junction Railway Company**

- 9.43 The *Kensington Station and North and South London Junction Railway Act 1859*<sup>62</sup> was passed to authorise the Kensington Station and North and South London Junction Railway Company to construct a railway in the Kensington area of London. The powers given by the 1859 Act were extended by the Kensington Station and North and South London Junction Railway Act 1862.<sup>63</sup>
- 9.44 In the event, the railway project was abandoned. On 9 May 1873 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>64</sup> The railway company itself was wound up in July 1873.<sup>65</sup> Accordingly both the 1859 Act and the 1862 Act have become obsolete.

### **(16) Llanfyllin and Llangynog Railway Company**

- 9.45 The *Llanfyllin and Llangynog Railway Act 1873*<sup>66</sup> was passed to authorise the Llanfyllin and Llangynog Railway Company to construct a railway in Powys between the parishes of Llanfyllin and Llangynog.
- 9.46 The railway project was abandoned because of difficulties in raising the necessary capital. Accordingly the Llanfyllin and Llangynog Railway Abandonment Act 1876<sup>67</sup> was passed to authorise this abandonment and the dissolution of the company. The dissolution of the company in 1876 and the consequential abandonment of the railway project means that both the 1873 and 1876 Acts have become obsolete.

### **(17) London Walthamstow and Epping Forest Railway Company**

- 9.47 The *London Walthamstow and Epping Forest Railway Act 1894*<sup>68</sup> was passed to authorise the London Walthamstow and Epping Forest Railway Company to construct a railway from London to Walthamstow and Epping Forest. The powers given by the 1894 Act were amended by the London Walthamstow and Epping Forest Railway Acts of 1895,<sup>69</sup> 1898<sup>70</sup> and 1899.<sup>71</sup>

<sup>62</sup> 22 & 23 Vict. c.cxxviii.

<sup>63</sup> 25 & 26 Vict. c.ccxv.

<sup>64</sup> The London Gazette, 16 May 1873, p 2458.

<sup>65</sup> The London Gazette, 1 August 1873, p 3604.

<sup>66</sup> 36 & 37 Vict. c.lxx.

<sup>67</sup> 39 & 40 Vict. c.lxxviii.

<sup>68</sup> 57 & 58 Vict. c.ccxvi.

<sup>69</sup> 58 & 59 Vict. c.cliii.

<sup>70</sup> 61 & 62 Vict. c.lxii.

<sup>71</sup> 62 & 63 Vict. c.ccxlix.

9.48 In the event, the railway project was abandoned. Accordingly the London Walthamstow and Epping Forest Railway (Abandonment) Act 1900<sup>72</sup> was passed to authorise the abandonment of the project and the dissolution of the railway company. The 1900 Act also repealed the Acts of 1894 and 1895 but not the Acts of 1898, 1899 or 1900. The dissolution of the company in 1900 and the consequential abandonment of the railway project means that these remaining Acts of 1898, 1899 and 1900 have become obsolete and may now be repealed.

#### **(18) London, Worcester, and South Wales Railway Company**

9.49 The *London, Worcester, and South Wales Railway Act 1865*<sup>73</sup> was passed to authorise the London, Worcester, and South Wales Railway Company to construct a railway from Stratford-upon-Avon to Worcester. The powers given by the 1865 Act were varied by the London, Worcester, and South Wales Railway (Deviation) Act 1866.<sup>74</sup>

9.50 In the event, the railway project was abandoned. On 12 July 1872 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>75</sup> The railway company itself was wound up that year.<sup>76</sup> Accordingly both the 1865 Act and the 1866 Act have become obsolete.

#### **(19) Lynton Railway Company**

9.51 The *Lynton Railway Act 1885*<sup>77</sup> was passed to authorise the Lynton Railway Company to construct a railway between the parishes of Filleigh and Kentisbury in Devon. The powers given by the 1885 Act were extended by the Lynton Railway Acts of 1886,<sup>78</sup> 1887<sup>79</sup> and 1890.<sup>80</sup>

9.52 In the event, the railway project was abandoned. Although no formal steps were taken to authorise the abandonment, the statutory authority to build the railway lapsed on 25 September 1894. Accordingly the Acts of 1885, 1886 and 1890 have become obsolete and may now be repealed. The 1887 Act has already been repealed.<sup>81</sup>

<sup>72</sup> 63 & 64 Vict. c.cclii.

<sup>73</sup> 28 & 29 Vict. c.cclxx.

<sup>74</sup> 29 & 30 Vict. c.clxiv.

<sup>75</sup> The London Gazette, 2 August 1872, p 3456.

<sup>76</sup> The London Gazette, 13 August 1872, p 3666.

<sup>77</sup> 48 & 49 Vict. c.cliv.

<sup>78</sup> 50 Vict. c.xxxii.

<sup>79</sup> 50 & 51 Vict. c.cxciv.

<sup>80</sup> 53 & 54 Vict. c.ccxliv.

<sup>81</sup> The 1890 Act, s 10.

## **(20) North East London Railway Company**

- 9.53 The *North East London Railway Act 1905*<sup>82</sup> was passed to authorise the North East London Railway Company to construct a railway from the City of London to the Essex parish of Waltham Holy Cross.<sup>83</sup> The powers given by the 1905 Act were extended by the North East London Railway Acts of 1906,<sup>84</sup> 1907,<sup>85</sup> 1908<sup>86</sup> and 1909.<sup>87</sup>
- 9.54 In the event, the railway project was abandoned. Financial difficulties prevented the start of construction work and in 1910 Parliament refused to sanction a further extension of time to carry out the construction. The project was abandoned in the summer of 1910.<sup>88</sup> Accordingly all five Acts have become obsolete.

## **(21) Rickmansworth, Amersham, and Chesham Railway Company**

- 9.55 The *Rickmansworth, Amersham, and Chesham Railway Act 1862*<sup>89</sup> was passed to authorise the Rickmansworth, Amersham, and Chesham Railway Company to construct railways from Rickmansworth in Hertfordshire to Amersham and Chesham in Buckinghamshire. The powers given by the 1862 Act were extended by the Rickmansworth, Amersham, and Chesham Railway (Level Crossing at Rickmansworth) Act 1864<sup>90</sup> and by the Rickmansworth, Amersham and Chesham Railway Amendment Act 1865.<sup>91</sup>
- 9.56 In the event, the railway project was abandoned. On 23 July 1875 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>92</sup> Accordingly the 1862, 1864 and 1865 Acts have become obsolete.

## **(22) Ruthin and Cerrig-y-druidion Railway Company**

- 9.57 The *Ruthin and Cerrig-y-druidion Railway Act 1876*<sup>93</sup> was passed to authorise the Ruthin and Cerrig-y-druidion Railway Company to construct a railway between Ruthin and Cerrigdrudion in north Wales. The powers given by the 1876 Act were extended by the Ruthin and Cerrig-y-druidion Railway (Amendment) Act 1881.<sup>94</sup>

<sup>82</sup> 5 Edw.7 c.ccviii.

<sup>83</sup> Now within the London Borough of Waltham Forest.

<sup>84</sup> 6 Edw.7 c.lxxxviii.

<sup>85</sup> 7 Edw.7 c.x.

<sup>86</sup> 8 Edw.7 c.xxxv.

<sup>87</sup> 9 Edw.7 c.l.

<sup>88</sup> The London Gazette, 23 August 1910, p 6132 (creditors' notice).

<sup>89</sup> 25 & 26 Vict. c.clxxi.

<sup>90</sup> 27 & 28 Vict. c.cclxxvi.

<sup>91</sup> 28 & 29 Vict. c.cxlvii.

<sup>92</sup> The London Gazette, 30 July 1875, p 3828.

<sup>93</sup> 39 & 40 Vict. c.lxxxii.

<sup>94</sup> 44 & 45 Vict. c.xlii.

- 9.58 In the event, the railway project was abandoned. It proved impossible to raise the necessary capital. Accordingly the Ruthin and Cerrig-y-druidion Railway (Amendment) Act 1884<sup>95</sup> was passed to authorise the abandonment of the project and the dissolution of the company.<sup>96</sup> The dissolution of the company and the consequential abandonment of the railway project means that the 1876, 1881 and 1884 Acts have become obsolete.

#### **(23) Saint Ives and West Cornwall Junction Railway Company (1)**

- 9.59 The *Saint Ives and West Cornwall Junction Railway Act 1853*<sup>97</sup> was passed to authorise the Saint Ives and West Cornwall Junction Railway Company to construct a railway in Cornwall, between St Ives and St Erth.<sup>98</sup> The powers given by the 1853 Act were extended by the Saint Ives and West Cornwall Junction Railway Act 1856.<sup>99</sup>
- 9.60 In the event, the railway project was abandoned. On 5 March 1870 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>100</sup> Accordingly both the 1853 and 1856 Acts have become obsolete.<sup>101</sup>

#### **(24) Saint Ives and West Cornwall Junction Railway Company (2)**

- 9.61 Another attempt to construct a railway in Cornwall between St Ives and St Erth was made by the Saint Ives and West Cornwall Junction Railway Act 1863.<sup>102</sup> This Act authorised a company, also called the Saint Ives and West Cornwall Junction Railway Company, to construct the railway. The powers given by the 1863 Act were extended by the Saint Ives and West Cornwall Junction Railway Amendment Act 1868.<sup>103</sup>
- 9.62 As with the earlier attempt to construct a railway along this route, the project had to be abandoned. On 16 May 1871 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>104</sup> The company itself was wound up that year.<sup>105</sup> Accordingly both the 1863 and 1868 Acts have become obsolete.

<sup>95</sup> 47 & 48 Vict. c.lxx.

<sup>96</sup> The High Court ordered the winding up of the company on 26 July 1884: The London Gazette, 5 August 1884, p 3536.

<sup>97</sup> 16 & 17 Vict. c.clv.

<sup>98</sup> It was only in June 1877, under separate statutory powers, that the branch line between St Ives and St Erth was completed as part of the West Cornwall railway.

<sup>99</sup> 19 & 20 Vict. c.xli.

<sup>100</sup> The London Gazette, 15 March 1872, p 1461.

<sup>101</sup> These repeal proposals are separate from the proposals below to repeal the Saint Ives and West Cornwall Junction Railway Act 1863 and the Saint Ives and West Cornwall Junction Railway Amendment Act 1868.

<sup>102</sup> 26 & 27 Vict. c.ccxxx.

<sup>103</sup> 31 & 32 Vict. c.cxxi.

<sup>104</sup> The London Gazette, 19 May 1871, p 2432.

<sup>105</sup> The London Gazette, 26 December 1871, p 5838.

### **(25) Sandbach and Winsford Junction Railway Company**

- 9.63 The *Sandbach and Winsford Junction Railway Act 1872*<sup>106</sup> was passed to authorise the Sandbach and Winsford Junction Railway Company to construct a railway between the parishes of Sandbach and Whitegate in Cheshire.
- 9.64 The railway project was abandoned for lack of funds. Accordingly the *Sandbach and Winsford Junction Railway Abandonment Act 1875*<sup>107</sup> was passed to authorise the abandonment of the project and the dissolution of the company. The dissolution of the company and the consequential abandonment of the railway project means that both the 1872 and 1875 Acts have become obsolete.

### **(26) Selby and Mid-Yorkshire Union Railway Company**

- 9.65 The Church Fenton, Cawood, and Wistow Railway Company was authorised by enactments of 1879<sup>108</sup> and 1882<sup>109</sup> to construct two railways in North Yorkshire. The route authorised by the 1879 Act ran from Church Fenton to Wistow. The route authorised by the 1882 Act ran from Wistow to Drax. The powers given by these two Acts were amended by an enactment of 1883,<sup>110</sup> which also changed the company's name to The Selby and Mid-Yorkshire Union Railway Company.
- 9.66 In the event, these railways were never built. The purpose of the *Selby and Mid-Yorkshire Union Railway (Wistow to Drax) Abandonment Act 1889*<sup>111</sup> was to authorise the abandonment of the railway construction proposals contained in the 1882 Act. The purpose of the *Selby and Mid-Yorkshire Union Railway (Abandonment) Act 1890*<sup>112</sup> was to authorise the abandonment of the railway construction proposals contained in the 1879 and 1883 Acts and the dissolution of the company. The dissolution of the company and the consequential abandonment of the railway projects means that both the 1889 and 1890 Acts have become obsolete.

### **(27) Severn Bridge and Forest of Dean Central Railway Company**

- 9.67 The Severn Bridge and Forest of Dean Central Railway Company was authorised by enactments of 1873<sup>113</sup> and 1876<sup>114</sup> to construct railways in Gloucestershire. The route authorised by the 1873 Act ran between the parishes of Lydney and Awre. The route authorised by the 1876 Act ran for 1.5 miles in East Dean. The powers given by these two Acts were extended by the *Severn Bridge and Forest of Dean Central Railway Acts of 1879*<sup>115</sup> and 1882.<sup>116</sup>

<sup>106</sup> 35 & 36 Vict. c.lxxvi.

<sup>107</sup> 38 & 39 Vict. c.lxv.

<sup>108</sup> 42 & 43 Vict. c.cxxviii.

<sup>109</sup> 45 & 46 Vict. c.ccxxiii.

<sup>110</sup> 46 & 47 Vict. c.cxvi.

<sup>111</sup> 52 & 53 Vict. c.lxxiii.

<sup>112</sup> 53 & 54 Vict. c.xii.

<sup>113</sup> 36 & 37 Vict. c.cxcii.

<sup>114</sup> 39 & 40 Vict. c.ccxix.

<sup>115</sup> 42 & 43 Vict. c.xxxii.

9.68 In the event, all these railway projects were abandoned. Accordingly the Severn Bridge and Forest of Dean Central Railway (Abandonment) Act 1884<sup>117</sup> was passed to authorise the abandonment of the projects and the dissolution of the company. The dissolution of the company and the consequential abandonment of the railway projects means that the 1879, 1882 and 1884 Acts have become obsolete.<sup>118</sup>

#### **(28) Sidmouth Railway and Harbour Company**

9.69 The *Sidmouth Railway and Harbour Act 1862*<sup>119</sup> was passed to authorise the Sidmouth Railway and Harbour Company to construct a railway and harbour at Sidmouth in Devon. The powers given by the 1862 Act were extended by the Sidmouth Railway and Harbour Acts of 1865<sup>120</sup> and 1867.<sup>121</sup>

9.70 In the event, the railway and harbour projects were abandoned. Although no formal steps authorising the abandonment appear to have been taken, no railway or harbour was constructed using the powers provided by the 1862, 1865 and 1867 Acts. Since the statutory authority to construct these works lapsed in 1870,<sup>122</sup> it is clear that all three Acts have long been obsolete.<sup>123</sup>

#### **(29) Southern Railway Company (Ireland)**

9.71 The *Southern Railway (Extension and Further Powers) Act 1873*<sup>124</sup> was passed to authorise the Southern Railway Company to construct the Cashel Extension Railway between Cashel and Farranaleen in the county of Tipperary, an area now falling within the Republic of Ireland. The powers given by the 1873 Act were extended by the Southern Railway Acts of 1876<sup>125</sup> and 1878.<sup>126</sup>

9.72 In the event, the railway project was abandoned for lack of funds. Accordingly the Southern Railway (Cashel Extension Abandonment) Act 1880<sup>127</sup> was passed to authorise the abandonment of the project. The 1880 Act became obsolete once its provisions for abandonment had taken effect shortly after enactment.

<sup>116</sup> 45 & 46 Vict. c.ccvii.

<sup>117</sup> 47 & 48 Vict. c.xxxiv.

<sup>118</sup> The 1873 and 1876 Acts were repealed by the 1884 Act, s 7.

<sup>119</sup> 25 & 26 Vict. c.ccxxvii.

<sup>120</sup> 28 & 29 Vict. c.ccxxxvii.

<sup>121</sup> 30 & 31 Vict. c.cv.

<sup>122</sup> The 1867 Act, s 27.

<sup>123</sup> A separate railway to Sidmouth opened in July 1874 pursuant to different statutory powers.

<sup>124</sup> 36 & 37 Vict. c.ccxlviii.

<sup>125</sup> 39 & 40 Vict. c.ccxlii.

<sup>126</sup> 41 & 42 Vict. c.cxxiii.

<sup>127</sup> 43 & 44 Vict. c.lvi.



9.73 A further ground for repealing the 1880 Act is that, since the establishment of the Irish Free State in 1922, the Act remains on the statute book of the United Kingdom without having any effect within the United Kingdom. On this basis, seven other enactments relating to the company may also be repealed. These are the 1876 and 1878 Acts referred to above, the Southern Railway Act 1865,<sup>128</sup> the Southern Railway (Deviation and Branches) Act 1866,<sup>129</sup> the Southern Railway (Additional Powers) Act 1871,<sup>130</sup> the Southern Railway (Extension and Further Powers) Act 1873 (referred to above) and the Southern Railway (Further Powers) Act 1874.<sup>131</sup> All these Acts remain in force within the Republic of Ireland and their status there will not be affected by their repeal within the United Kingdom.

### **(30) South Essex Railway Company**

9.74 The *South Essex Railway Act 1865*<sup>132</sup> was passed to authorise the South Essex Railway Company to construct railways in the Shenfield area of Essex. The powers given by the 1865 Act were extended by the South Essex Railway Act 1866.<sup>133</sup>

9.75 In the event, the railway project was abandoned. On 8 May 1874 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>134</sup> The company itself was wound up later in 1874.<sup>135</sup> Accordingly both the 1865 and 1866 Acts have become obsolete.

### **(31) Sunningdale and Cambridge Town Railway Company**

9.76 The *Sunningdale and Cambridge Town Railway Act 1864*<sup>136</sup> was passed to authorise the Sunningdale and Cambridge Town Railway Company to construct a railway in and around the Surrey area. The powers given by the 1864 Act were extended by the Sunningdale and Cambridge Town Railway (Extensions) Act 1865<sup>137</sup> and the Sunningdale and Cambridge Town Railway (Alterations) Act 1866.<sup>138</sup>

<sup>128</sup> 28 & 29 Vict. c.cclliii.

<sup>129</sup> 29 & 30 Vict. c.cclxxi.

<sup>130</sup> 34 & 35 Vict. c.ccvii.

<sup>131</sup> 37 & 38 Vict. c.cxcvi.

<sup>132</sup> 28 & 29 Vict. c.cccxliv.

<sup>133</sup> 29 & 30 Vict. c.cccxi.

<sup>134</sup> The London Gazette, 2 June 1874, p 2874.

<sup>135</sup> The London Gazette, 10 July 1874, p 3492.

<sup>136</sup> 27 & 28 Vict. c.ccvii. The town formerly known as Cambridge Town is today known as Camberley (Surrey). The change of name took effect in 1877.

<sup>137</sup> 28 & 29 Vict. c.cxcvii.

<sup>138</sup> 29 & 30 Vict. c.clxi.

9.77 In the event, the railway project was abandoned. Although no formal steps authorising the abandonment appear to have been taken, no railway was built pursuant to the powers provided by the 1864, 1865 and 1866 Acts. Moreover the statutory authority for the construction work expired in July 1869.<sup>139</sup> Accordingly all three Acts have long been obsolete.

### **(32) Usk and Towy Railway Company**

9.78 The *Usk and Towy Railway Act 1871*<sup>140</sup> was passed to authorise the Usk and Towy Railway Company to construct a railway in the county of Brecon in South Wales. The powers given by the 1871 Act were extended by the *Usk and Towy Railway Act 1874*<sup>141</sup> and the *Usk and Towy Railway Act 1877*.<sup>142</sup>

9.79 In the event, the railway project was abandoned. On 13 November 1878 the company gave notice of its intention to apply for leave to introduce a Bill authorising the abandonment of the project.<sup>143</sup> In the event no such Bill was introduced. However, since the company's statutory powers to construct the railway ceased in June 1879,<sup>144</sup> it is clear that the 1871, 1874 and 1877 Acts have long been obsolete.

### **(33) Uxbridge and Rickmansworth Railway Company (1)**

9.80 The *Uxbridge and Rickmansworth Railway Act 1861*<sup>145</sup> was passed to authorise the Uxbridge and Rickmansworth Railway Company to construct a railway from Hillingdon to Rickmansworth (Hertfordshire). The powers given by the 1861 Act were extended by the *Uxbridge and Rickmansworth Railway Act 1862*,<sup>146</sup> the *Uxbridge and Rickmansworth Railway Amendment Act 1863*,<sup>147</sup> the *Uxbridge and Rickmansworth Railway Act 1866*<sup>148</sup> and the *Uxbridge and Rickmansworth Railway (Further Time) Act 1868*.<sup>149</sup>

9.81 In the event, the railway project was abandoned. On 25 November 1870 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>150</sup> The company itself was wound up in 1872.<sup>151</sup> Clearly the abandonment of the railway project and the winding up of the company mean that all five Acts have long been obsolete.

<sup>139</sup> The 1864 Act, s 24; the 1865 Act, s 24; the 1866 Act, s 20.

<sup>140</sup> 34 & 35 Vict. c.clxxiii.

<sup>141</sup> 37 & 38 Vict. c.lxxx.

<sup>142</sup> 40 & 41 Vict. c.cxliv.

<sup>143</sup> The London Gazette, 29 November 1878, p 6792.

<sup>144</sup> The 1877 Act, s 4.

<sup>145</sup> 24 & 25 Vict. c.lxxiii.

<sup>146</sup> 25 & 26 Vict. c.xxxvi.

<sup>147</sup> 26 & 27 Vict. c.clxxiii.

<sup>148</sup> 29 & 30 Vict. c.cxli.

<sup>149</sup> 31 & 32 Vict. c.li.

<sup>150</sup> The London Gazette, 9 December 1870, p 5708.

<sup>151</sup> The London Gazette, 19 March 1872, p 1517.

### **(34) Uxbridge and Rickmansworth Railway Company (2)**

- 9.82 The *Uxbridge and Rickmansworth Railway Act 1881*<sup>152</sup> was passed to authorise the Uxbridge and Rickmansworth Railway Company to construct a railway from Hillingdon to Rickmansworth (Hertfordshire). The powers given by the 1881 Act were extended by the Uxbridge and Rickmansworth Railway Act 1884<sup>153</sup> and by the Uxbridge and Rickmansworth Railway Act 1886.<sup>154</sup>
- 9.83 As with the earlier attempt to construct a railway along this route, the project had to be abandoned. The purpose of the Uxbridge and Rickmansworth Railway (Abandonment) Act 1888<sup>155</sup> was to authorise the abandonment of the railway project and the dissolution of the company. The dissolution of the company and the abandonment of the railway project means that the 1884 and 1888 Acts have become obsolete.<sup>156</sup>

### **(35) Waterloo and Whitehall Railway Company**

- 9.84 The *Waterloo and Whitehall Railway Act 1865*<sup>157</sup> was passed to authorise the Waterloo and Whitehall Railway Company to construct a railway in central London, between Great Scotland Yard (in the parish of St Martins-in-the-Fields) and Waterloo station.<sup>158</sup> The powers given by the 1865 Act were extended by the Waterloo and Whitehall Railway (Amendment) Act 1867<sup>159</sup> and by the Waterloo and Whitehall Railway Act 1868.<sup>160</sup>
- 9.85 In the event, the railway project was abandoned. On 2 September 1870 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>161</sup> The company itself was wound up in 1871.<sup>162</sup> The abandonment of the project and the dissolution of the company means that the 1865, 1867 and 1868 Acts have become obsolete.

<sup>152</sup> 44 & 45 Vict. c.clxxv.

<sup>153</sup> 47 & 48 Vict. c.cxciii.

<sup>154</sup> 49 & 50 Vict. c.xcii.

<sup>155</sup> 51 & 52 Vict. c.x.

<sup>156</sup> The 1881 and 1886 Acts were repealed by the 1888 Act, s 7.

<sup>157</sup> 28 & 29 Vict. c.cclviii.

<sup>158</sup> The railway would have been a pneumatic railway. In other words, the trains would have been propelled through a tunnel by air pressure.

<sup>159</sup> 30 & 31 Vict. c.cxcvii.

<sup>160</sup> 31 & 32 Vict. c.clxix.

<sup>161</sup> The London Gazette, 13 September 1870, p 4141.

<sup>162</sup> The London Gazette, 12 May 1871, p 2296.

### **(36) Weald of Kent Railway Company**

- 9.86 The *Weald of Kent Railway Act 1864*<sup>163</sup> was passed to authorise the Weald of Kent Railway Company to construct a railway in Kent between Cranbrook and Tenterden /Benenden. The powers given by the 1864 Act were extended by the Weald of Kent Railway Act 1865.<sup>164</sup>
- 9.87 In the event, the railway project was abandoned. On 30 May 1872 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>165</sup> The company itself was wound up the following year.<sup>166</sup> The abandonment of the project and the winding up of the company means that the 1864 and 1865 Acts have become obsolete.

### **(37) Wensum Valley Railway Company**

- 9.88 The Wensum Valley Railway Act 1864<sup>167</sup> was passed to authorise the Wensum Valley Railway Company to construct a railway in Norfolk between Dereham and Norwich. However, lack of financial support from the Great Eastern Railway Company led to the failure of this enterprise.
- 9.89 Accordingly the Wensum Valley Railway Abandonment Act 1867<sup>168</sup> was passed to authorise the abandonment of the railway project and the dissolution of the company. The project abandonment and the company dissolution means that the 1864 and 1867 Acts have become obsolete.

### **(38) West Metropolitan Railway Company**

- 9.90 The West Metropolitan Railway Act 1899<sup>169</sup> was passed to authorise the West Metropolitan Railway Company to construct a railway in West London from Hammersmith to Acton. Unfortunately it proved impossible to raise the capital necessary to fund the project.
- 9.91 Accordingly the West Metropolitan Railway (Abandonment) Act 1904<sup>170</sup> was passed to authorise the abandonment of the railway and the dissolution of the company. The project abandonment and the company dissolution means that the 1899 and 1904 Acts have become obsolete.

### **(39) Westminster Terminus Railway Company**

- 9.92 Several inter-related enactments were passed between 1854 and 1858 in connection with the construction of railways between Westminster and Norwood via Clapham.

<sup>163</sup> 27 & 28 Vict. c.ccxxxiii.

<sup>164</sup> 28 & 29 Vict. c.clxxxii.

<sup>165</sup> The London Gazette, 11 June 1872, p 2722.

<sup>166</sup> The London Gazette, 1 July 1873, p 3163.

<sup>167</sup> 27 & 28 Vict. c.clxxxii.

<sup>168</sup> 30 & 31 Vict. c.cxxiv.

<sup>169</sup> 62 & 63 Vict. c.ccl.

<sup>170</sup> 4 Edw.7 c.xxi.

- 9.93 The *Westminster Terminus Railway Act 1854*<sup>171</sup> was passed to authorise the Westminster Terminus Railway Company to construct a railway between Westminster and Clapham, with a branch railway in Battersea. The Westminster Terminus Railway Extension Act, Clapham to Norwood, 1855<sup>172</sup> authorised the Westminster Terminus Railway Extension Company to construct an extension railway from the Clapham terminus of the Westminster Terminus Railway through to Norwood.<sup>173</sup>
- 9.94 In the event, these railway projects had to be abandoned. The *West End of London and Clapham and Norwood Junction Railway Act 1856*<sup>174</sup> authorised the abandonment of part of the proposed railway projects. The abandonment of the remainder of the projects, together with the dissolution of both companies, was authorised by the Westminster Terminus Railway Extension, Clapham to Norwood, Abandonment Act 1857<sup>175</sup> and by the West End of London and Clapham and Norwood Junction Railway Abandonment Act 1858.<sup>176</sup> The abandonment of these projects and the dissolution of both railway companies means that the 1855, 1856, 1857 and 1858 Acts have all become obsolete.

#### **(40) West Sussex Junction Railway Company**

- 9.95 The *West Sussex Junction Railway Act 1864*<sup>177</sup> was passed to authorise the West Sussex Junction Railway Company to construct a railway in the parishes of Hardham and Steyning in West Sussex. The powers given by the 1864 Act were extended by the *West Sussex Junction Railway Deviation Act 1865*<sup>178</sup> and by the *West Sussex Junction Railway Act 1867*.<sup>179</sup>
- 9.96 In the event, the railway project was abandoned. On 14 June 1869 an application was made for a Board of Trade warrant authorising abandonment of the project. Although the outcome of this application is not known, the statutory authority to construct the railway lapsed on 26 July 1870 by virtue of the 1867 Act.<sup>180</sup> Accordingly all three Acts of 1864, 1865 and 1867 have now become obsolete.

<sup>171</sup> 17 & 18 Vict. c.ccv.

<sup>172</sup> 18 & 19 Vict. c.cxcviii.

<sup>173</sup> This extension, together with the Westminster Terminus Railway, was intended to provide a continuous line of railway between Westminster and Norwood.

<sup>174</sup> 19 & 20 Vict. c.cxxx. This Act also repealed the 1854 Act.

<sup>175</sup> 20 & 21 Vict. c.c.

<sup>176</sup> 21 & 22 Vict. c.cxliv.

<sup>177</sup> 27 & 28 Vict. c.cclxxviii.

<sup>178</sup> 28 & 29 Vict. c.cxxvii.

<sup>179</sup> 30 & 31 Vict. c.cliv.

<sup>180</sup> The 1867 Act, s 5.

#### **(41) Wilts and Gloucestershire Railway Company**

- 9.97 The *Wilts and Gloucestershire Railway Act 1864*<sup>181</sup> was passed to authorise the Wilts and Gloucestershire Railway Company to construct a railway between Christian Malford (Wiltshire) and Nailsworth (Gloucestershire). The powers given by the 1864 Act were extended by the *Wilts and Gloucestershire Railway Act 1867*.<sup>182</sup>
- 9.98 In the event, the railway project was abandoned. On 27 August 1870 a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>183</sup> The company itself was wound up the following year. The abandonment of the project and the dissolution of the company means that both the 1864 and 1867 Acts have become obsolete.<sup>184</sup>

#### **(42) Worcester, Dean Forest and Monmouth Railway Company**

- 9.99 The *Worcester, Dean Forest, and Monmouth Railway Act 1863*<sup>185</sup> was passed to authorise the Worcester, Dean Forest, and Monmouth Railway Company to construct a series of railways in Worcestershire. The powers given by the 1863 Act were extended by the *Worcester, Dean Forest, and Monmouth Railway (Extension to Gloucester) Act 1864*<sup>186</sup> and by the *Worcester, Dean Forest and Monmouth Railway Act 1865*.<sup>187</sup>
- 9.100 In the event, the railway project was abandoned. On 8 December 1868 and 24 June 1880<sup>188</sup> two Board of Trade warrants were issued ordering, between them, the abandonment of the entire railway project. The company itself was wound up in 1880.<sup>189</sup> The abandonment of the project and the dissolution of the company means that the 1863, 1864 and 1865 Acts have become obsolete.

#### **(43) General repeals**

- 9.101 The Acts listed in the following paragraphs relate to abandoned railway projects where each relevant company or project has left behind only one enactment that has become obsolete. The Acts are listed in chronological order from 1863 to 1907.

<sup>181</sup> 27 & 28 Vict. c.ccxii.

<sup>182</sup> 30 & 31 Vict. c.lvii.

<sup>183</sup> The London Gazette, 13 September 1870, p 4142.

<sup>184</sup> The London Gazette, 21 March 1871, p 1513.

<sup>185</sup> 26 & 27 Vict. c.clxxxv.

<sup>186</sup> 27 & 28 Vict. c.ccxcv.

<sup>187</sup> 28 & 29 Vict. c.cccxix.

<sup>188</sup> The London Gazette, 12 January 1869, p 169; the London Gazette, 13 July 1880, p 3932.

<sup>189</sup> The London Gazette, 13 August 1880, p 4471.

### **Hadlow Railway Act 1863**

- 9.102 The *Hadlow Railway Act 1863*<sup>190</sup> was passed to authorise the Hadlow Railway Company to construct a railway in Kent, between Hadlow and Ightham. On 28 April 1876, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>191</sup> The railway company itself was wound up in September 1879. Accordingly the 1863 Act has become obsolete.

### **Ribblesdale Railway Act 1864**

- 9.103 The *Ribblesdale Railway Act 1864*<sup>192</sup> was passed to authorise the Ribblesdale Railway Company to construct a railway between Whalley in Lancashire and Giggleswick in North Yorkshire. On 10 October 1868, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>193</sup> Accordingly the 1864 Act has become obsolete.

### **Helston and Penryn Junction Railway Act 1864**

- 9.104 The *Helston and Penryn Junction Railway Act 1864*<sup>194</sup> was passed to authorise the Helston and Penryn Junction Railway Company to construct a railway in Cornwall, between the parishes of Helston and St Gluvias. On 2 April 1868, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>195</sup> The company itself was wound up the following year.<sup>196</sup> Accordingly the 1864 Act has become obsolete.

### **West Grinstead, Cuckfield, and Hayward's Heath Junction Railway Act 1864**

- 9.105 The *West Grinstead, Cuckfield, and Hayward's Heath Junction Railway Act 1864*<sup>197</sup> was passed to authorise the West Grinstead, Cuckfield, and Hayward's Heath Junction Railway Company to construct a railway in West Sussex. On 28 June 1872, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>198</sup> The company itself was wound up later that year.<sup>199</sup> Accordingly the 1864 Act has become obsolete.

<sup>190</sup> 26 & 27 Vict. c.ccxvi.

<sup>191</sup> The London Gazette, 19 May 1876, p 3048.

<sup>192</sup> 27 & 28 Vict. c.lxxx.

<sup>193</sup> The London Gazette, 27 October 1868, p 5603.

<sup>194</sup> 27 & 28 Vict. c.cxcvii.

<sup>195</sup> The London Gazette, 21 April 1868, p 2309.

<sup>196</sup> The London Gazette, 29 June 1869, p 3698.

<sup>197</sup> 27 & 28 Vict. c.ccli.

<sup>198</sup> The London Gazette, 12 July 1872, p 3152.

<sup>199</sup> The London Gazette, 26 July 1872, p 3372.

#### **Petersfield and Bishop's Waltham Railway Act 1864**

- 9.106 The *Petersfield and Bishop's Waltham Railway Act 1864*<sup>200</sup> was passed to authorise the Petersfield and Bishop's Waltham Railway Company to construct a railway in Hampshire, between Bishop's Waltham and Buriton. On 28 July 1868, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>201</sup> Accordingly the 1864 Act has become obsolete.

#### **Luddenden Valley Railway Act 1865**

- 9.107 The *Luddenden Valley Railway Act 1865*<sup>202</sup> was passed to authorise the Luddenden Valley Railway Company to construct a railway in the parish of Halifax in West Yorkshire. On 26 September 1870, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>203</sup> Accordingly the 1865 Act has become obsolete.

#### **Skipton and Wharfedale Railway Act 1865**

- 9.108 The *Skipton and Wharfedale Railway Act 1865*<sup>204</sup> was passed to authorise the Skipton and Wharfedale Railway Company to construct a railway in North Yorkshire, between Broughton and Linton. On 17 December 1868, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>205</sup> The company itself was wound up the following year. Accordingly the 1865 Act has become obsolete.

#### **Coventry and Great Western Junction Railway Act 1865**

- 9.109 The *Coventry and Great Western Junction Railway Act 1865*<sup>206</sup> was passed to authorise the Coventry and Great Western Junction Railway Company to construct a railway in and around Coventry. On 2 September 1870, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>207</sup> Accordingly the 1865 Act has become obsolete.

#### **Deal and Dover Railway Act 1865**

- 9.110 The *Deal and Dover Railway Act 1865*<sup>208</sup> was passed to authorise the Deal and Dover Railway Company to construct a railway in Kent, between Deal and Dover. On 2 March 1871, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>209</sup> Accordingly the 1865 Act has become obsolete.

<sup>200</sup> 27 & 28 Vict. c.cccx.

<sup>201</sup> The London Gazette, 31 July 1868, p 4248.

<sup>202</sup> 28 & 29 Vict. c.xxiii.

<sup>203</sup> The London Gazette, 24 October 1870, p 4346.

<sup>204</sup> 28 & 29 Vict. c.cciii.

<sup>205</sup> The London Gazette, 5 January 1869, p 52.

<sup>206</sup> 28 & 29 Vict. c.ccxciii.

<sup>207</sup> The London Gazette, 13 September 1870, p 4142.

<sup>208</sup> 28 & 29 Vict. c.ccxcvi.

<sup>209</sup> The London Gazette, 7 March 1871, p 1291.



### **Bude Canal and Launceston Junction Railway Act 1865**

- 9.111 The *Bude Canal and Launceston Junction Railway Act 1865*<sup>210</sup> was passed to authorise the Bude Canal and Launceston Junction Railway Company to construct a railway in Cornwall from Werrington to Lawhitton. On 28 January 1870, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>211</sup> Accordingly the 1865 Act has become obsolete.

### **Wiltshire Railway Act 1865**

- 9.112 The *Wiltshire Railway Act 1865*<sup>212</sup> was passed to authorise the Wiltshire Railway Company to construct a railway in Wiltshire between the parishes of Idmiston and Pewsey. On 12 July 1872, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>213</sup> The company itself was wound up later the same year.<sup>214</sup> Accordingly the 1865 Act has become obsolete.

### **North and South Wiltshire Junction Railway Act 1865**

- 9.113 The *North and South Wiltshire Junction Railway Act 1865*<sup>215</sup> was passed to authorise the North and South Wiltshire Junction Railway Company to construct a railway in Wiltshire between the parishes of Christian Malford and Beechingstoke. On 23 July 1870, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>216</sup> Accordingly the 1865 Act has become obsolete.

### **Waterford, Lismore, and Fermoy Railway Act 1865**

- 9.114 The *Waterford, Lismore, and Fermoy Railway Act 1865*<sup>217</sup> was passed to authorise the Waterford, Lismore, and Fermoy Railway Company to construct a railway in County Waterford and County Cork in an area now falling within the Republic of Ireland. On 3 December 1869, however, a Board of Trade warrant was issued ordering that the railway should be abandoned. A liquidator was appointed on 1 August 1870.<sup>218</sup> Accordingly the 1865 Act has become obsolete.

<sup>210</sup> 28 & 29 Vict. c.cclxiii.

<sup>211</sup> The London Gazette, 18 February 1870, p 915.

<sup>212</sup> 28 & 29 Vict. c.cccxviii.

<sup>213</sup> The London Gazette, 23 July 1872, p 3306.

<sup>214</sup> The London Gazette, 6 August 1872, p 3493.

<sup>215</sup> 28 & 29 Vict. c.cccxxxviii.

<sup>216</sup> The London Gazette, 19 August 1870, p 3883.

<sup>217</sup> 28 & 29 Vict. c.ccli.

<sup>218</sup> The London Gazette, 2 December 1870, p 5630.

### **Limerick and North Kerry Junction Railway Act 1865**

- 9.115 The *Limerick and North Kerry Junction Railway Act 1865*<sup>219</sup> was passed to authorise the Limerick and North Kerry Junction Railway Company to construct a railway in County Limerick and County Kerry in an area now falling within the Republic of Ireland. However, the railway was abandoned in 1879 and the company itself was wound up on 14 June 1879.<sup>220</sup> Accordingly the 1865 Act has become obsolete.

### **Saltash and Callington Railway Act 1865**

- 9.116 The *Saltash and Callington Railway Act 1865*<sup>221</sup> was passed to authorise the Saltash and Callington Railway Company to construct a railway in south Cornwall. On 7 September 1869, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>222</sup> Accordingly the 1865 Act has become obsolete.

### **North Kent Railway Extension Railway Act 1865**

- 9.117 The *North Kent Railway Extension Railway Act 1865*<sup>223</sup> was passed to authorise the North Kent Railway Extension Railway Company to construct a railway in Kent, between Gravesend and the west bank of the Medway opposite Sheerness. On 16 April 1869, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>224</sup> The railway company itself was wound up later that year.<sup>225</sup> Accordingly the 1865 Act has become obsolete.

### **Berks and Hants Extension Railway (Extension) Act 1866**

- 9.118 The *Berks and Hants Extension Railway (Extension) Act 1866*<sup>226</sup> was passed to authorise the Berks and Hants Extension Railway Company to construct a railway between Urchfont and Westbury in Wiltshire. On 9 October 1869, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>227</sup> Accordingly the 1866 Act has become obsolete.

<sup>219</sup> 28 & 29 Vict. c.cclxix.

<sup>220</sup> The London Gazette, 24 June 1879, p 4102.

<sup>221</sup> 28 & 29 Vict. c.cclxxiii.

<sup>222</sup> The London Gazette, 14 September 1869, p 5066.

<sup>223</sup> 28 & 29 Vict. c.cclxxv.

<sup>224</sup> The London Gazette, 30 April 1869, p 2560.

<sup>225</sup> The London Gazette, 25 January 1870, p 495.

<sup>226</sup> 29 & 30 Vict. c.cliv.

<sup>227</sup> The London Gazette, 22 October 1869, p 5681.

### **Great Northern Railway (Barnet Branch Abandonment) Act 1866**

- 9.119 The *Great Northern Railway (Barnet Branch Abandonment) Act 1866*<sup>228</sup> was passed to authorise the Great Northern Railway Company to abandon a railway in the Barnet area of south Hertfordshire. The railway had been authorised by the Great Northern Railway Act (No.1) 1864.<sup>229</sup> Plans by a rival railway company, however, to extend its own railway to Barnet had made the 1866 Act project unattractive. The abandonment of the railway project authorised by the 1866 Act means that the 1866 Act has become obsolete.

### **West Bromwich and Walsall Railway Act 1866**

- 9.120 The *West Bromwich and Walsall Railway Act 1866*<sup>230</sup> was passed to authorise the West Bromwich and Walsall Railway Company to construct a railway in West Bromwich. On 10 March 1871, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>231</sup> The railway company itself was wound up later that year.<sup>232</sup> Accordingly the 1866 Act has become obsolete.

### **Laugharne Railway Act 1866**

- 9.121 The *Laugharne Railway Act 1866*<sup>233</sup> was passed to authorise the Laugharne Railway Company to construct a railway between St Clears and Laugharne in south Wales. On 11 May 1870, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>234</sup> The railway company itself was wound up by the court later that year.<sup>235</sup> Accordingly the 1866 Act has become obsolete.

### **Aberdare and Central Wales Junction Railway Act 1866**

- 9.122 The *Aberdare and Central Wales Junction Railway Act 1866*<sup>236</sup> was passed to authorise the Aberdare and Central Wales Junction Company to construct a railway in south Wales. On 2 November 1871, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>237</sup> The company itself was wound up the following year.<sup>238</sup> Accordingly the 1866 Act has become obsolete.

<sup>228</sup> 29 & 30 Vict. c.clxvi.

<sup>229</sup> 27 & 28 Vict. c.cci.

<sup>230</sup> 29 & 30 Vict. c.ccxxviii.

<sup>231</sup> The London Gazette, 14 March 1871, p 1383.

<sup>232</sup> The London Gazette, 9 June 1871, p 2709.

<sup>233</sup> 29 & 30 Vict. c.cclxxix.

<sup>234</sup> The London Gazette, 20 May 1870, p 2660.

<sup>235</sup> The London Gazette, 5 July 1870, p 3281.

<sup>236</sup> 29 & 30 Vict. c.ccciv.

<sup>237</sup> The London Gazette, 21 November 1871, p 4875.

<sup>238</sup> The London Gazette, 18 June 1872, p 2820.

### **Elham Valley Railway Act 1866**

- 9.123 The *Elham Valley Railway Act 1866*<sup>239</sup> was passed to authorise the Elham Valley Railway Company to construct a railway in Kent between Canterbury and Hythe. On 30 August 1873, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>240</sup> The company itself was wound up the following year.<sup>241</sup> Accordingly the 1866 Act has become obsolete.

### **Teme Valley Railway Act 1866**

- 9.124 The *Teme Valley Railway Act 1866*<sup>242</sup> was passed to authorise the Teme Valley Railway Company to construct a railway between Worcester and Lindridge (Worcestershire) and Burford (Shropshire). On 9 April 1874, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>243</sup> The railway company itself was wound up in 1877. Accordingly the 1866 Act has become obsolete.

### **Brampton and Longtown Railway Act 1866**

- 9.125 The *Brampton and Longtown Railway Act 1866*<sup>244</sup> was passed to authorise the Brampton and Longtown Railway Company to construct a railway between Longtown and Brampton in Cumbria. On 12 October 1869, however, a Board of Trade warrant was issued ordering that the railway should be abandoned.<sup>245</sup> The company itself was wound up later that year. Accordingly the 1866 Act has become obsolete.

### **West Riding and Grimsby Railway (Abandonment) Act 1868**

- 9.126 The *West Riding and Grimsby Railway (Abandonment) Act 1868*<sup>246</sup> was passed to authorise the West Riding and Grimsby Railway Company to abandon a railway in Lincolnshire, between Keadby and Lincoln. The railway had been authorised by the West Riding and Grimsby Railway (Extension) Act 1865.<sup>247</sup> By 1868, however, the lack of capital had made it impracticable to construct the railway. The abandonment of the railway project authorised by the 1868 Act means that the 1868 Act itself is now obsolete.

<sup>239</sup> 29 & 30 Vict. c.cccxvi.

<sup>240</sup> The London Gazette, 5 September 1873, p 4106.

<sup>241</sup> The London Gazette, 11 August 1874, p 3985.

<sup>242</sup> 29 & 30 Vict. c.cccxiv.

<sup>243</sup> The London Gazette, 17 April 1874, p 2152.

<sup>244</sup> 29 & 30 Vict. c.cccxlix.

<sup>245</sup> The London Gazette, 2 November 1869, p 5861.

<sup>246</sup> 31 & 32 Vict. c.lv.

<sup>247</sup> 28 & 29 Vict. c.cccxxi.

### **Ilfracombe Railway (Abandonment) Act 1868**

- 9.127 The *Ilfracombe Railway (Abandonment) Act 1868*<sup>248</sup> was passed to authorise the Ilfracombe Railway Company to abandon a proposed railway in Devon between Bishop's Tawton and Ilfracombe. The railway had been authorised by the Ilfracombe Railway Act 1864.<sup>249</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company authorised by the 1868 Act, means that the 1868 Act itself has now become obsolete.

### **London, Lewes, and Brighton Railways Abandonment Act 1868**

- 9.128 The *London, Lewes, and Brighton Railways Abandonment Act 1868*<sup>250</sup> was passed to authorise the South-eastern Railway Company and the London Chatham and Dover Railway Company to abandon railways proposed for south London, Surrey and East Sussex. The railways had been authorised by the South-eastern and London, Chatham and Dover (London, Lewes and Brighton) Railways Act 1866.<sup>251</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project means that the 1868 Act itself has now become obsolete.

### **Southsea Railway (Abandonment) Act 1869**

- 9.129 The *Southsea Railway (Abandonment) Act 1869*<sup>252</sup> was passed to authorise the Southsea Railway Company to abandon a proposed railway in and around Southsea in Hampshire. The railway had been authorised by the Southsea Railway Act 1867.<sup>253</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1869 Act, means that the 1869 Act itself has now become obsolete.

### **Harrow, Edgware, and London Railway (Abandonment) Act 1874**

- 9.130 The *Harrow, Edgware, and London Railway (Abandonment) Act 1874*<sup>254</sup> was passed to authorise the Harrow, Edgware, and London Railway Company to abandon a proposed railway in North London. The railway had been authorised by the Harrow, Edgware, and London Railway Act 1869.<sup>255</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1874 Act, means that the 1874 Act itself has now become obsolete.

<sup>248</sup> 31 & 32 Vict. c.lxxi.

<sup>249</sup> 27 & 28 Vict. c.cclxxii.

<sup>250</sup> 31 & 32 Vict. c.cxxiii.

<sup>251</sup> 29 & 30 Vict. c.cccxviii.

<sup>252</sup> 32 & 33 Vict. c.xciii.

<sup>253</sup> 30 & 31 Vict. c.cxciv.

<sup>254</sup> 37 & 38 Vict. c.cvi.

<sup>255</sup> 32 & 33 Vict. c.lxix.

### **Truro and Perran Mineral Railway (Abandonment) Act 1875**

- 9.131 The *Truro and Perran Mineral Railway (Abandonment) Act 1875*<sup>256</sup> was passed to authorise the Truro and Perran Mineral Railway Company to abandon a proposed railway in Cornwall between Truro and Perranzabuloe. The railway had been authorised by the Truro and Perran Mineral Railway Act 1872.<sup>257</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1875 Act, means that the 1875 Act itself has now become obsolete.

### **London Central Railway (Abandonment) Act 1875**

- 9.132 The *London Central Railway (Abandonment) Act 1875*<sup>258</sup> was passed to authorise the London Central Railway Company to abandon a proposed railway in London between St Pancras and St Martins in the Fields. The railway had been authorised by the London Central Railway Act 1871.<sup>259</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1875 Act, means that the 1875 Act itself has now become obsolete.

### **Leeds, Roundhay Park, and Osmondthorpe Junction Railway (Abandonment) Act 1877**

- 9.133 The *Leeds, Roundhay Park, and Osmondthorpe Junction Railway (Abandonment) Act 1877*<sup>260</sup> was passed to authorise the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Company to abandon a proposed railway in the Leeds area of West Yorkshire. The railway had been authorised by the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Act 1874.<sup>261</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1877 Act, means that the 1877 Act itself has now become obsolete.

<sup>256</sup> 38 & 39 Vict. c.xlv.

<sup>257</sup> 35 & 36 Vict. c.cxxxiii.

<sup>258</sup> 38 & 39 Vict. c.cxiv.

<sup>259</sup> 34 & 35 Vict. c.cci.

<sup>260</sup> 40 & 41 Vict. c.xi.

<sup>261</sup> 37 & 38 Vict. c.xv.

### **Fareham Railway Abandonment Act 1877**

- 9.134 The *Fareham Railway Abandonment Act 1877*<sup>262</sup> was passed to authorise the Fareham Railway Company to abandon a proposed railway in Hampshire between Fareham and Hill Head harbour. The railway had been authorised by the Fareham Railway Act 1874.<sup>263</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1877 Act, means that the 1877 Act itself has now become obsolete.

### **Sheffield and Midland Railway Companies Committee Abandonment Act 1877**

- 9.135 The *Sheffield and Midland Railway Companies Committee Abandonment Act 1877*<sup>264</sup> was passed to authorise the Sheffield and Midland Railway Companies Committee to abandon a proposed railway project in Cheshire. The railway project had been authorised by the Sheffield and Midland Railway Companies Committee Act 1873.<sup>265</sup> The abandonment of the railway project means that the 1877 Act has now become obsolete.

### **Temple Mineral Railway (Abandonment) Act 1877**

- 9.136 The *Temple Mineral Railway (Abandonment) Act 1877*<sup>266</sup> was passed to authorise the Temple Mineral Railway Company to abandon a proposed railway in Cornwall, between Blisland and Temple. The railway had been authorised by the Temple Mineral Railway Act 1874.<sup>267</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1877 Act, means that the 1877 Act itself has now become obsolete.

### **Freshwater, Yarmouth, and Newport Railway (Abandonment) Act 1877**

- 9.137 The *Freshwater, Yarmouth, and Newport Railway (Abandonment) Act 1877*<sup>268</sup> was passed to authorise the Freshwater, Yarmouth, and Newport Railway Company to abandon a proposed railway on the Isle of Wight between Freshwater, Yarmouth and Newport. The railway had been authorised by the Freshwater, Yarmouth, and Newport Railway Act 1873.<sup>269</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1877 Act, means that the 1877 Act itself has now become obsolete.

<sup>262</sup> 40 & 41 Vict. c.xli.

<sup>263</sup> 37 & 38 Vict. c.cxcvii.

<sup>264</sup> 40 & 41 Vict. c.xlii.

<sup>265</sup> 36 & 37 Vict. c.liv.

<sup>266</sup> 40 & 41 Vict. c.lv.

<sup>267</sup> 37 & 38 Vict. c.clxxxix.

<sup>268</sup> 40 & 41 Vict. c.cv.

<sup>269</sup> 36 & 37 Vict. c.cxxvi.

#### **Harrow and Rickmansworth Railway (Abandonment) Act 1877**

- 9.138 The *Harrow and Rickmansworth Railway (Abandonment) Act 1877*<sup>270</sup> was passed to authorise the Harrow and Rickmansworth Railway Company to abandon a proposed railway from Rickmansworth (Hertfordshire) to Harrow on the Hill (Middlesex). The railway had been authorised by the Harrow and Rickmansworth Railway Act 1874.<sup>271</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1877 Act, means that the 1877 Act itself has now become obsolete.

#### **London, Essex, and Kent Coast Junction Railway (Abandonment) Act 1877**

- 9.139 The *London, Essex, and Kent Coast Junction Railway (Abandonment) Act 1877*<sup>272</sup> was passed to authorise the London, Essex, and Kent Coast Junction Railway Company to abandon a proposed railway in the areas of Wennington<sup>273</sup> and Dartford. The railway had been authorised by the London, Essex, and Kent Coast Junction Railway Act 1876.<sup>274</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1877 Act, means that the 1877 Act itself has now become obsolete.

#### **Birkenhead, Chester, and North Wales Railway (Abandonment) Act 1878**

- 9.140 The *Birkenhead, Chester, and North Wales Railway (Abandonment) Act 1878*<sup>275</sup> was passed to authorise the Birkenhead, Chester, and North Wales Railway Company to abandon a proposed railway project in the Birkenhead, Flintshire and Wrexham areas. The railway had been authorised by the Birkenhead, Chester, and North Wales Railway Act 1873.<sup>276</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1878 Act, means that the 1878 Act itself has now become obsolete.

<sup>270</sup> 40 & 41 Vict. c.ccxvii.

<sup>271</sup> 37 & 38 Vict. c.clxxxvii.

<sup>272</sup> 40 & 41 Vict. c.ccxviii.

<sup>273</sup> Wennington in 1877 formed part of Essex. It today forms part of the London Borough of Havering.

<sup>274</sup> 39 & 40 Vict. c.ccxviii.

<sup>275</sup> 41 & 42 Vict. c.v.

<sup>276</sup> 36 & 37 Vict. c.ccxli.



### **Bodmin and Wadebridge and Delabole Railway (Abandonment) Act 1878**

- 9.141 The *Bodmin and Wadebridge and Delabole Railway (Abandonment) Act 1878*<sup>277</sup> was passed to authorise the Bodmin and Wadebridge and Delabole Railway Company to abandon a proposed railway in north Cornwall. The railway had been authorised by the Bodmin and Wadebridge and Delabole Railway Act 1873.<sup>278</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1878 Act, means that the 1878 Act itself has now become obsolete.

### **Cornwall Mineral and Bodmin and Wadebridge Junction Railway (Abandonment) Act 1878**

- 9.142 The *Cornwall Mineral and Bodmin and Wadebridge Junction Railway (Abandonment) Act 1878*<sup>279</sup> was passed to authorise the Cornwall Mineral and Bodmin and Wadebridge Junction Railway Company to abandon a proposed railway in north Cornwall between Roche and Ruthern Bridge. The railway had been authorised by the Cornwall Mineral and Bodmin and Wadebridge Junction Railway Act 1873.<sup>280</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1878 Act, means that the 1878 Act itself has now become obsolete.

### **Somerset and Dorset Railway (Nettlebridge Branch Railway Abandonment) Act 1878**

- 9.143 The *Somerset and Dorset Railway (Nettlebridge Branch Railway Abandonment) Act 1878*<sup>281</sup> was passed to authorise the Somerset and Dorset Railway Company to abandon a proposed railway in the Somerset parishes of Binegar and Midsomer Norton. The railway had been authorised by the Somerset and Dorset Railway Act 1873.<sup>282</sup> Lack of available land, however, had made it impossible to construct the railway. The abandonment of the railway project means that the 1878 Act has now become obsolete.

<sup>277</sup> 41 & 42 Vict. c.vi.

<sup>278</sup> 36 & 37 Vict. c.ccxlix.

<sup>279</sup> 41 & 42 Vict. c.vii.

<sup>280</sup> 36 & 37 Vict. c.ccl.

<sup>281</sup> 41 & 42 Vict. c.xxv.

<sup>282</sup> 36 & 37 Vict. c.ccli.

### **Nettlebridge Valley Railway (Abandonment) Act 1878**

- 9.144 The *Nettlebridge Valley Railway (Abandonment) Act 1878*<sup>283</sup> was passed to authorise the Nettlebridge Valley Railway Company to abandon a proposed railway in the parishes of Mells and Chilcompton in Somerset.<sup>284</sup> The railway had been authorised by the Nettlebridge Valley Railway Act 1874.<sup>285</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1878 Act, means that the 1878 Act itself has now become obsolete.

### **Brewood and Wolverhampton Railway (Abandonment) Act 1879**

- 9.145 The *Brewood and Wolverhampton Railway (Abandonment) Act 1879*<sup>286</sup> was passed to authorise the Brewood and Wolverhampton Railway Company to abandon a proposed railway in the parish of Brewood in Staffordshire. The railway had been authorised by the Brewood and Wolverhampton Railway Act 1874.<sup>287</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1879 Act, means that the 1879 Act itself has now become obsolete.

### **Worcester and Aberystwith Junction Railway (Abandonment) Act 1880**

- 9.146 The *Worcester and Aberystwith Junction Railway (Abandonment) Act 1880*<sup>288</sup> was passed to authorise the Worcester and Aberystwith Junction Railway Company to abandon a proposed railway in Powys between New Radnor and Llanelwedd. The railway had been authorised by the Worcester and Aberystwith Junction Railway (Deviation) Act 1877.<sup>289</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1880 Act, means that the 1880 Act itself has now become obsolete.

<sup>283</sup> 41 & 42 Vict. c.lxxxv.

<sup>284</sup> Mells is near Frome. Chilcompton is near Radstock.

<sup>285</sup> 37 & 38 Vict. c.clxxi.

<sup>286</sup> 42 & 43 Vict. c.xv.

<sup>287</sup> 37 & 38 Vict. c.xciii.

<sup>288</sup> 43 & 44 Vict. c.xii. The Act spells as Aberystwith the town that is today known as Aberystwyth.

<sup>289</sup> 40 & 41 Vict. c.cxiv.

### **Wednesfield and Wyrley Bank Railway (Abandonment) Act 1880**

- 9.147 The *Wednesfield and Wyrley Bank Railway (Abandonment) Act 1880*<sup>290</sup> was passed to authorise the Wednesfield and Wyrley Bank Railway Company to abandon a proposed railway between Wednesfield (West Midlands) and Great Wyrley (Staffordshire). The railway had been authorised by the Wednesfield and Wyrley Bank Railway Act 1875.<sup>291</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1880 Act, means that the 1880 Act itself has now become obsolete.

### **Ely and Bury Saint Edmunds Railway (Abandonment) Act 1880**

- 9.148 The *Ely and Bury Saint Edmunds Railway (Abandonment) Act 1880*<sup>292</sup> was passed to authorise the Ely and Bury Saint Edmunds Railway Company to abandon a proposed railway between Ely (Cambridgeshire) and Bury St Edmunds (Suffolk). The railway had been authorised by the Ely and Bury Saint Edmunds (Light) Railway Act 1875.<sup>293</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1880 Act, means that the 1880 Act itself has now become obsolete.

### **Manchester and Milford Railway (Devil's Bridge Branch Abandonment) Act 1880**

- 9.149 The *Manchester and Milford Railway (Devil's Bridge Branch Abandonment) Act 1880*<sup>294</sup> was passed to authorise the Manchester and Milford Railway Company to abandon a proposed railway in the area of Llanfihangel-y-Creuddyn in Wales. The railway had been authorised by the Manchester and Milford Railway (Devil's Bridge Branch) Act 1873.<sup>295</sup> The abandonment of the railway project means that the 1880 Act has now become obsolete.

### **Welshpool and Llanfair Railway (Abandonment) Act 1882**

- 9.150 The *Welshpool and Llanfair Railway (Abandonment) Act 1882*<sup>296</sup> was passed to authorise the Welshpool and Llanfair Railway Company to abandon a proposed railway in north Wales between Welshpool and Heniarth. The railway had been authorised by the Welshpool and Llanfair Railway Act 1877.<sup>297</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1882 Act, means that the 1882 Act itself has now become obsolete.

<sup>290</sup> 43 & 44 Vict. c.xv.

<sup>291</sup> 38 & 39 Vict. c.cxlili.

<sup>292</sup> 43 & 44 Vict. c.xix.

<sup>293</sup> 38 & 39 Vict. c.cxcvi.

<sup>294</sup> 43 & 44 Vict. c.lxv.

<sup>295</sup> 36 & 37 Vict. c.viii.

<sup>296</sup> 45 & 46 Vict. c.xli.

<sup>297</sup> 40 & 41 Vict. c.ccxxv.

### **Cheadle Railway (Abandonment) Act 1882**

- 9.151 The *Cheadle Railway (Abandonment) Act 1882*<sup>298</sup> was passed to authorise the Cheadle Railway Company to abandon a proposed railway in Staffordshire between Dilhorne and Cheadle. The railway had been authorised by the Cheadle Railway Act 1878.<sup>299</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1882 Act, means that the 1882 Act itself has now become obsolete.

### **Market Deeping Railway (Abandonment) Act 1883**

- 9.152 The *Market Deeping Railway (Abandonment) Act 1883*<sup>300</sup> was passed to authorise the Market Deeping Railway Company to abandon a proposed railway in Lincolnshire running between Helpstone and Market Deeping. The railway had been authorised by the Market Deeping Railway Act 1878.<sup>301</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1883 Act, means that the 1883 Act itself has now become obsolete.

### **Upwell Outwell and Wisbech Railway (Abandonment) Act 1884**

- 9.153 The *Upwell Outwell and Wisbech Railway (Abandonment) Act 1884*<sup>302</sup> was passed to authorise the Upwell Outwell and Wisbech Railway Company to abandon a proposed railway in Cambridgeshire, between Wisbech and Upwell. The railway had been authorised by the Upwell Outwell and Wisbech Railway Act 1873.<sup>303</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1884 Act, means that the 1884 Act itself has now become obsolete.

### **Totnes, Paignton and Torquay Direct Railway (Abandonment) Act 1884**

- 9.154 The *Totnes, Paignton and Torquay Direct Railway (Abandonment) Act 1884*<sup>304</sup> was passed to authorise the Totnes, Paignton and Torquay Direct Railway Company to abandon a proposed railway in Devon between Littlehempston and Paignton. The railway had been authorised by the Totnes, Paignton and Torquay Direct Railway Act 1880.<sup>305</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1884 Act, means that the 1884 Act itself has now become obsolete.

<sup>298</sup> 45 & 46 Vict. c.cxxi.

<sup>299</sup> 41 & 42 Vict. c.clxviii.

<sup>300</sup> 46 & 47 Vict. c.clxx.

<sup>301</sup> 41 & 42 Vict. c.lxxxvii.

<sup>302</sup> 47 & 48 Vict. c.xxxi.

<sup>303</sup> 36 & 37 Vict. c.clxxxiv.

<sup>304</sup> 48 & 48 Vict. c.lv.

<sup>305</sup> 43 & 44 Vict. c.clxi.

#### **Skipton and Kettlewell Railway (Abandonment) Act 1885**

- 9.155 The *Skipton and Kettlewell Railway (Abandonment) Act 1885*<sup>306</sup> was passed to authorise the Skipton and Kettlewell Railway Company to abandon a proposed railway in North Yorkshire, between Skipton and Linton. The railway had been authorised by the Skipton and Kettlewell Railway Act 1880.<sup>307</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1885 Act, means that the 1885 Act itself has now become obsolete.

#### **Tilbury and Gravesend Tunnel Junction Railway (Abandonment) Act 1885**

- 9.156 The *Tilbury and Gravesend Tunnel Junction Railway (Abandonment) Act 1885*<sup>308</sup> was passed to authorise the Tilbury and Gravesend Tunnel Junction Railway Company to abandon a proposed railway between Little Thurrock (Essex) and Gravesend (Kent). The railway had been authorised by the Tilbury and Gravesend Tunnel Junction Railway Act 1882.<sup>309</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1885 Act, means that the 1885 Act itself has now become obsolete.

#### **Charing Cross and Waterloo Electric Railway (Abandonment) Act 1885**

- 9.157 The *Charing Cross and Waterloo Electric Railway (Abandonment) Act 1885*<sup>310</sup> was passed to authorise the Charing Cross and Waterloo Electric Railway Company to abandon a proposed railway in London between Charing Cross and Waterloo Station. The railway had been authorised by the Charing Cross and Waterloo Electric Railway Act 1882.<sup>311</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1885 Act, means that the 1885 Act itself has now become obsolete.

#### **Metropolitan Outer Circle Railway (Abandonment) Act 1885**

- 9.158 The *Metropolitan Outer Circle Railway (Abandonment) Act 1885*<sup>312</sup> was passed to authorise the Metropolitan Outer Circle Railway Company to abandon a proposed railway in the London area from Ealing via Tottenham to Ilford, Barking and West Ham. The railway had been authorised by the Metropolitan Outer Circle Railway Act 1882.<sup>313</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1885 Act, means that the 1885 Act itself has now become obsolete.

<sup>306</sup> 48 & 49 Vict. c.xiv.

<sup>307</sup> 43 & 44 Vict. c.cci.

<sup>308</sup> 48 & 49 Vict. c.xxi.

<sup>309</sup> 45 & 46 Vict. c.ccxx.

<sup>310</sup> 48 & 49 Vict. c.lxxi.

<sup>311</sup> 45 & 46 Vict. c.cclv.

<sup>312</sup> 48 & 49 Vict. c.clxiii.

<sup>313</sup> 45 & 46 Vict. c.cclxiv.

### **Beaconsfield, Uxbridge and Harrow Railway (Abandonment) Act 1886**

- 9.159 The *Beaconsfield, Uxbridge and Harrow Railway (Abandonment) Act 1886*<sup>314</sup> was passed to authorise the Beaconsfield, Uxbridge and Harrow Railway Company to abandon proposed railways from Beaconsfield to Denham (both in Buckinghamshire) and from Harefield (now in the London Borough of Hillingdon) to Harrow-on-the-Hill (Middlesex). The railway had been authorised by the Beaconsfield, Uxbridge and Harrow Railway Act 1882.<sup>315</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1886 Act, means that the 1886 Act itself has now become obsolete.

### **Radstock, Wrington and Congresbury Junction Railway (Abandonment) Act 1886**

- 9.160 The *Radstock, Wrington and Congresbury Junction Railway (Abandonment) Act 1886*<sup>316</sup> was passed to authorise the Radstock, Wrington and Congresbury Junction Railway Company to abandon a proposed railway in north Somerset between Farrington Gurney and Congresbury. The railway had been authorised by the Radstock, Wrington and Congresbury Junction Railway Act 1882.<sup>317</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1886 Act, means that the 1886 Act itself has now become obsolete.

### **Midland and Central Wales Junction Railway (Abandonment) Act 1886**

- 9.161 The *Midland and Central Wales Junction Railway (Abandonment) Act 1886*<sup>318</sup> was passed to authorise the Midland and Central Wales Junction Railway Company to abandon a proposed railway between Stokesay in Shropshire and Willenhall, near Wolverhampton. The railway had been authorised by the Midland and Central Wales Junction Railway Act 1883.<sup>319</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1886 Act, means that the 1886 Act itself has now become obsolete.

### **London, Hendon and Harrow Railway (Abandonment) Act 1887**

- 9.162 The *London, Hendon and Harrow Railway (Abandonment) Act 1887*<sup>320</sup> was passed to authorise the London, Hendon and Harrow Railway Company to abandon a proposed railway in the Harrow, Hendon and Hornsey areas of London. The railway had been authorised by the London, Hendon and Harrow Railway Act 1883.<sup>321</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1887 Act, means that the 1887 Act itself has now become obsolete.

<sup>314</sup> 49 & 50 Vict. c.iii.

<sup>315</sup> 45 & 46 Vict. c.cclxvi.

<sup>316</sup> 49 & 50 Vict. c.xxix.

<sup>317</sup> 45 & 46 Vict. c.cclxv.

<sup>318</sup> 50 Vict. c.li.

<sup>319</sup> 46 & 47 Vict. c.ccix.

<sup>320</sup> 50 & 51 Vict. c.xxxvii.

<sup>321</sup> 46 & 47 Vict. c.ccv.

### **Bishop's Castle and Montgomery Railway (Abandonment) Act 1887**

- 9.163 The *Bishop's Castle and Montgomery Railway (Abandonment) Act 1887*<sup>322</sup> was passed to authorise the Bishop's Castle and Montgomery Railway Company to abandon a proposed railway between Montgomery (Powys) and Lydham (Shropshire). The railway had been authorised by the Bishop's Castle and Montgomery Railway Act 1884.<sup>323</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1887 Act, means that the 1887 Act itself has now become obsolete.

### **Merionethshire Railway (Abandonment) Act 1887**

- 9.164 The *Merionethshire Railway (Abandonment) Act 1887*<sup>324</sup> was passed to authorise the Merionethshire Railway Company to abandon a proposed railway between Ffestiniog and Llandecwyn in Caernarfonshire. The railway had been authorised by the Merionethshire Railway Act 1871.<sup>325</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1887 Act, means that the 1887 Act itself has now become obsolete.

### **Billingham and Metheringham (Light) Railway (Abandonment) Act 1888**

- 9.165 The *Billingham and Metheringham (Light) Railway (Abandonment) Act 1888*<sup>326</sup> was passed to authorise the Billingham and Metheringham (Light) Railway Company to abandon a proposed railway in Lincolnshire. The railway had been authorised by the Billingham and Metheringham Light Railway Act 1883.<sup>327</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1888 Act, means that the 1888 Act itself has now become obsolete.

### **Isle of Axholme Railway (Abandonment) Act 1888**

- 9.166 The *Isle of Axholme Railway (Abandonment) Act 1888*<sup>328</sup> was passed to authorise the Isle of Axholme Railway Company to abandon a proposed railway in Lincolnshire from Haxey to Crowle. The railway had been authorised by the Isle of Axholme Railway Act 1885.<sup>329</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1888 Act, means that the 1888 Act itself has now become obsolete.

<sup>322</sup> 50 & 51 Vict. c.lxviii.

<sup>323</sup> 47 & 48 Vict. c.ccxxi.

<sup>324</sup> 50 & 51 Vict. c.cviii.

<sup>325</sup> 34 & 35 Vict. c.lxxii.

<sup>326</sup> 51 & 52 Vict. c.iv.

<sup>327</sup> 46 & 47 Vict. c.c xvii.

<sup>328</sup> 51 & 52 Vict. c.viii.

<sup>329</sup> 48 & 49 Vict. c.liv.

### **Rotherham and Bawtry Railway (Abandonment) Act 1888**

- 9.167 The *Rotherham and Bawtry Railway (Abandonment) Act 1888*<sup>330</sup> was passed to authorise the Rotherham and Bawtry Railway Company to abandon a proposed railway in South Yorkshire. The railway had been authorised by the Rotherham and Bawtry Railway Act 1881.<sup>331</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1888 Act, means that the 1888 Act itself has now become obsolete.

### **Oswestry and Llangynog Railway (Abandonment) Act 1889**

- 9.168 The *Oswestry and Llangynog Railway (Abandonment) Act 1889*<sup>332</sup> was passed to authorise the Oswestry and Llangynog Railway Company to abandon a proposed railway between Llanyblodwel (Shropshire) and Llangynog (Powys). The railway had been authorised by the Oswestry and Llangynog Railway Act 1882.<sup>333</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1889 Act, means that the 1889 Act itself has now become obsolete.

### **Burry Port and North Western Junction Railway (Abandonment) Act 1889**

- 9.169 The *Burry Port and North Western Junction Railway (Abandonment) Act 1889*<sup>334</sup> was passed to authorise the Burry Port and North Western Junction Railway Company to abandon a proposed railway in Carmarthenshire. The railway had been authorised by the Burry Port and North Western Junction Railway Act 1876.<sup>335</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1889 Act, means that the 1889 Act itself has now become obsolete.

### **Llangammarch and Neath and Brecon Junction Railway (Abandonment) Act 1890**

- 9.170 The *Llangammarch and Neath and Brecon Junction Railway (Abandonment) Act 1890*<sup>336</sup> was passed to authorise the Llangammarch and Neath and Brecon Junction Railway Company to abandon a proposed railway in Powys. The railway had been authorised by the Llangammarch and Neath and Brecon Junction Railway Act 1882.<sup>337</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1890 Act, means that the 1890 Act itself has now become obsolete.

<sup>330</sup> 51 & 52 Vict. c.cc.

<sup>331</sup> 44 & 45 Vict. c.ccx.

<sup>332</sup> 52 & 53 Vict. c.lxxxii.

<sup>333</sup> 45 & 46 Vict. c.cxcviii.

<sup>334</sup> 52 & 53 Vict. c.clxiii.

<sup>335</sup> 39 & 40 Vict. c.lxxiii.

<sup>336</sup> 53 & 54 Vict. c.xxvi.

<sup>337</sup> 45 & 46 Vict. c.cci.



### **Burnley Clitheroe and Sabden Railway (Abandonment) Act 1890**

- 9.171 The *Burnley Clitheroe and Sabden Railway (Abandonment) Act 1890*<sup>338</sup> was passed to authorise the Burnley Clitheroe and Sabden Railway Company to abandon a proposed railway in Lancashire. The railway had been authorised by the Burnley Clitheroe and Sabden Railway Act 1886.<sup>339</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1890 Act, means that the 1890 Act itself has now become obsolete.

### **Kenmare Junction Railway (Abandonment) Act 1890**

- 9.172 The *Kenmare Junction Railway (Abandonment) Act 1890*<sup>340</sup> was passed to authorise the Kenmare Junction Railway Company to abandon a proposed railway from Macroom in County Cork to Kenmare in County Kerry, an area that is today within the Republic of Ireland. The railway had been authorised by the Cork and Kenmare Railway Act 1881.<sup>341</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1890 Act, means that the 1890 Act itself has now become obsolete.

### **Pewsey and Salisbury Railway (Abandonment) Act 1891**

- 9.173 The *Pewsey and Salisbury Railway (Abandonment) Act 1891*<sup>342</sup> was passed to authorise the Pewsey and Salisbury Railway Company to abandon a proposed railway in Wiltshire. The railway had been authorised by the Pewsey and Salisbury Railway Act 1883.<sup>343</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1891 Act, means that the 1891 Act itself has now become obsolete.

### **Ogmore Dock and Railway (Abandonment) Act 1891**

- 9.174 The *Ogmore Dock and Railway (Abandonment) Act 1891*<sup>344</sup> was passed to authorise the Ogmore Dock and Railway Company to abandon a proposed railway in the Bridgend area of south Wales. The railway had been authorised by the Ogmore Dock and Railway Act 1883.<sup>345</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the dock and railway project, together with the dissolution of the company pursuant to the 1891 Act, means that the 1891 Act itself has now become obsolete.

<sup>338</sup> 53 & 54 Vict. c.xxxiv.

<sup>339</sup> 49 & 50 Vict. c.iii.

<sup>340</sup> 53 & 54 Vict. c.xlviii.

<sup>341</sup> 44 & 45 Vict. c.cxciv.

<sup>342</sup> 54 & 55 Vict. c.x.

<sup>343</sup> 46 & 47 Vict. c.cxiii.

<sup>344</sup> 54 & 55 Vict. c.xvii.

<sup>345</sup> 46 & 47 Vict. c.cxcvii.

### **Great Western and Great Northern Junction Railway (Abandonment) Act 1891**

- 9.175 The *Great Western and Great Northern Junction Railway (Abandonment) Act 1891*<sup>346</sup> was passed to authorise the Great Western and Great Northern Junction Railway Company to abandon a proposed railway around the northern and western outskirts of Greater London. The railway had been authorised by the Great Western and Great Northern Junction Railway Act 1888.<sup>347</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1891 Act, means that the 1891 Act itself has now become obsolete.

### **Beverley and East Riding Railway (Abandonment) Act 1891**

- 9.176 The *Beverley and East Riding Railway (Abandonment) Act 1891*<sup>348</sup> was passed to authorise the Beverley and East Riding Railway Company to abandon a proposed railway in East Yorkshire from Beverley to Beeford. The railway had been authorised by the Beverley and East Riding Railway Act 1889.<sup>349</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1891 Act, means that the 1891 Act itself has now become obsolete.

### **Lincoln Horncastle Spilsby and Skegness Railway (Abandonment) Act 1891**

- 9.177 The *Lincoln Horncastle Spilsby and Skegness Railway (Abandonment) Act 1891*<sup>350</sup> was passed to authorise the Lincoln Horncastle Spilsby and Skegness Railway Company to abandon a proposed railway in Lincolnshire. The railway had been authorised by the Lincoln Horncastle Spilsby and Skegness Railway Act 1887.<sup>351</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1891 Act, means that the 1891 Act itself has now become obsolete.

### **Welshpool and Llanfair Railway (Abandonment) Act 1892**

- 9.178 The *Welshpool and Llanfair Railway (Abandonment) Act 1892*<sup>352</sup> was passed to authorise the Welshpool and Llanfair Railway Company to abandon a proposed railway in north Wales between Welshpool and Llanfair-Caereinion. The railway had been authorised by the Welshpool and Llanfair Railway Act 1887.<sup>353</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1892 Act, means that the 1892 Act itself has now become obsolete.

<sup>346</sup> 54 & 55 Vict. c.cxx.

<sup>347</sup> 51 & 52 Vict. c.cci.

<sup>348</sup> 54 & 55 Vict. c.cxxxiii.

<sup>349</sup> 52 & 53 Vict. c. c.ccxiii.

<sup>350</sup> 54 & 55 Vict. c.clxxiv.

<sup>351</sup> 50 & 51 Vict. c.cci.

<sup>352</sup> 55 & 56 Vict. c.ii.

<sup>353</sup> 50 & 51 Vict. c.clxxxv.

### **Felixstowe and Bawdsey Ferry Railway (Abandonment) Act 1892**

- 9.179 The *Felixstowe and Bawdsey Ferry Railway (Abandonment) Act 1892*<sup>354</sup> was passed to authorise the Felixstowe and Bawdsey Ferry Railway Company to abandon a proposed railway in Suffolk, between Felixstowe and Felixstowe Ferry. The railway had been authorised by the Felixstowe and Bawdsey Ferry Railway Act 1887.<sup>355</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1892 Act, means that the 1892 Act itself has now become obsolete.

### **Holsworthy and Bude Railway (Abandonment) Act 1892**

- 9.180 The *Holsworthy and Bude Railway (Abandonment) Act 1892*<sup>356</sup> was passed to authorise the Holsworthy and Bude Railway Company to abandon a proposed railway from Holsworthy (Devon) to Bude (Cornwall). The railway had been authorised by the Holsworthy and Bude Railway Act 1883.<sup>357</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1892 Act, means that the 1892 Act itself has now become obsolete.

### **St. Austell Valleys Railway and Dock (Abandonment) Act 1892**

- 9.181 The *St. Austell Valleys Railway and Dock (Abandonment) Act 1892*<sup>358</sup> was passed to authorise the St. Austell Valleys Railway and Dock Company to abandon a proposed railway in St Austell, Cornwall. The railway had been authorised by the St. Austell Valleys Railway and Dock Act 1887.<sup>359</sup> The abandonment of the dock and railway project, together with the dissolution of the company pursuant to the 1892 Act, means that the 1892 Act itself has now become obsolete.

### **Eastbourne Seaford and Newhaven Railway (Abandonment) Act 1892**

- 9.182 The *Eastbourne Seaford and Newhaven Railway (Abandonment) Act 1892*<sup>360</sup> was passed to authorise the Eastbourne Seaford and Newhaven Railway Company to abandon a proposed railway in East Sussex. The railway had been authorised by the Eastbourne Seaford and Newhaven Railway Act 1886.<sup>361</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1892 Act, means that the 1892 Act itself has now become obsolete.

<sup>354</sup> 55 & 56 Vict. c.xvi.

<sup>355</sup> 50 & 51 Vict. c.xxvi.

<sup>356</sup> 55 & 56 Vict. c.xx.

<sup>357</sup> 46 & 47 Vict. c.cci.

<sup>358</sup> 55 & 56 Vict. c.xxxv.

<sup>359</sup> 50 & 51 Vict. c.cxlii.

<sup>360</sup> 55 & 56 Vict. c.lxxix.

<sup>361</sup> 49 & 50 Vict. c.lxxii.

### **Porthdinlleyn Railway (Abandonment) Act 1892**

- 9.183 The *Porthdinlleyn Railway (Abandonment) Act 1892*<sup>362</sup> was passed to authorise the Porthdinlleyn Railway Company to abandon a proposed railway in Caernarfonshire. The railway had been authorised by the Porthdinlleyn Railway Act 1884.<sup>363</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1892 Act, means that the 1892 Act itself has now become obsolete.

### **Whitland Cronware and Pendine Railway (Abandonment) Act 1892**

- 9.184 The *Whitland Cronware and Pendine Railway (Abandonment) Act 1892*<sup>364</sup> was passed to authorise the Whitland Cronware and Pendine Railway Company to abandon a proposed railway in Carmarthenshire. The railway had been authorised by the Whitland, Cronware and Pendine Railway Act 1877.<sup>365</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1892 Act, means that the 1892 Act itself has now become obsolete.

### **North West Central Railway (Abandonment) Act 1893**

- 9.185 The *North West Central Railway (Abandonment) Act 1893*<sup>366</sup> was passed to authorise the North West Central Railway Company to abandon a proposed railway in Lancashire and West Yorkshire. The railway had been authorised by the North West Central Railway Act 1890.<sup>367</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1893 Act, means that the 1893 Act itself has now become obsolete.

### **Towcester and Buckingham Railway (Abandonment) Act 1893**

- 9.186 The *Towcester and Buckingham Railway (Abandonment) Act 1893*<sup>368</sup> was passed to authorise the Towcester and Buckingham Railway Company to abandon a proposed railway between Buckingham and Towcester. The railway had been authorised by the Buckingham and Towcester Railway Act 1889.<sup>369</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1893 Act, means that the 1893 Act itself has now become obsolete.

<sup>362</sup> 55 & 56 Vict. c.xcvi.

<sup>363</sup> 47 & 48 Vict. c.ccxlviii.

<sup>364</sup> 55 & 56 Vict. c.cxxvi.

<sup>365</sup> 40 & 41 Vict. c.cxcix.

<sup>366</sup> 56 & 57 Vict. c.lxxxviii.

<sup>367</sup> 53 & 54 Vict. c.ccxxviii.

<sup>368</sup> 56 & 57 Vict. c.ccciii.

<sup>369</sup> 52 & 53 Vict. c.cci.

#### **Worcester and Broom Railway (Abandonment) Act 1894**

- 9.187 The *Worcester and Broom Railway (Abandonment) Act 1894*<sup>370</sup> was passed to authorise the Worcester and Broom Railway Company to abandon a proposed railway from Worcester to Broom (Warwickshire). The railway had been authorised by the Worcester and Broom Railway Act 1885.<sup>371</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1894 Act, means that the 1894 Act itself has now become obsolete.

#### **Brighton Rottingdean and Newhaven Direct Railway (Abandonment) Act 1894**

- 9.188 The *Brighton Rottingdean and Newhaven Direct Railway (Abandonment) Act 1894*<sup>372</sup> was passed to authorise the Brighton Rottingdean and Newhaven Direct Railway Company to abandon a proposed railway in East Sussex. The railway had been authorised by the Brighton Rottingdean and Newhaven Direct Railway Act 1886.<sup>373</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1894 Act, means that the 1894 Act itself has now become obsolete.

#### **Metropolitan Outer Circle Railway (Abandonment) Act 1895**

- 9.189 The *Metropolitan Outer Circle Railway (Abandonment) Act 1895*<sup>374</sup> was passed to authorise the Metropolitan Outer Circle Railway Company to abandon a proposed railway in London from Ealing to Tottenham.<sup>375</sup> The railway had been authorised by the Metropolitan Outer Circle Railway Act 1888.<sup>376</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1895 Act, means that the 1895 Act itself has now become obsolete.

<sup>370</sup> 57 & 58 Vict. c.xi.

<sup>371</sup> 48 & 49 Vict. c.cc.

<sup>372</sup> 57 & 58 Vict. c.cxliv.

<sup>373</sup> 49 & 50 Vict. c.c.

<sup>374</sup> 58 & 59 Vict. c.vi.

<sup>375</sup> Although similar in some respects to the abortive plans to build a railway some years earlier (see the repeal proposal above on the Metropolitan Outer Circle Railway (Abandonment) Act 1885), the two projects were run by different promoters and using different statutory powers.

<sup>376</sup> 51 & 52 Vict. c.clxxxiv.

### **Kingstown and Kingsbridge Junction Railway (Abandonment) Act 1898**

- 9.190 The *Kingstown and Kingsbridge Junction Railway (Abandonment) Act 1898*<sup>377</sup> was passed to authorise the Kingstown and Kingsbridge Junction Railway Company to abandon a proposed railway in the Dublin area. The railway had been authorised by the Kingstown and Kingsbridge Junction Railway Act 1887.<sup>378</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1898 Act, means that the 1898 Act itself has now become obsolete.

### **Woodhouse and Conisbrough Railway (Abandonment) Act 1899**

- 9.191 The *Woodhouse and Conisbrough Railway (Abandonment) Act 1899*<sup>379</sup> was passed to authorise the Woodhouse and Conisbrough Railway Company to abandon a proposed railway in South Yorkshire. The railway had been authorised by the Woodhouse and Conisbrough Railway Act 1897.<sup>380</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1899 Act, means that the 1899 Act itself has now become obsolete.

### **Latimer Road and Acton Railway Act 1900**

- 9.192 The *Latimer Road and Acton Railway Act 1900*<sup>381</sup> was passed to authorise the Latimer Road and Acton Railway Company to abandon a proposed railway in the Latimer Road area of west London. The railway had been authorised by the Latimer Road and Acton Railway Act 1882.<sup>382</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1900 Act, means that the 1900 Act itself has now become obsolete.

### **Bideford and Clovelly Railway (Abandonment) Act 1901**

- 9.193 The *Bideford and Clovelly Railway (Abandonment) Act 1901*<sup>383</sup> was passed to authorise the Bideford and Clovelly Railway Company to abandon a proposed railway in north Devon between Abbotsham and Clovelly. The railway had been authorised by the Bideford and Clovelly Railway Act 1898.<sup>384</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1901 Act, means that the 1901 Act itself has now become obsolete.

<sup>377</sup> 61 & 62 Vict. c.ccxlvi.

<sup>378</sup> 50 & 51 Vict. c.clxix.

<sup>379</sup> 62 & 63 Vict. c.xxii.

<sup>380</sup> 60 & 61 Vict. c.ccxxv.

<sup>381</sup> 63 & 64 Vict. c.xcv.

<sup>382</sup> 45 & 46 Vict. c.ccxlvii.

<sup>383</sup> 1 Edw.7 c.cix.

<sup>384</sup> 61 & 62 Vict. c.cxxviii.

### **Lincoln and East Coast Railway and Dock (Abandonment) Act 1902**

- 9.194 The *Lincoln and East Coast Railway and Dock (Abandonment) Act 1902*<sup>385</sup> was passed to authorise the Lincoln and East Coast Railway and Dock Company to abandon a proposed railway and dock works in Lincolnshire. The railway had been authorised by the Lincoln and East Coast Railway and Dock Act 1897.<sup>386</sup> The abandonment of the railway and dock projects, together with the dissolution of the company pursuant to the 1902 Act, means that the 1902 Act itself has now become obsolete.

### **Bexhill and Rotherfield Railway (Abandonment) Act 1902**

- 9.195 The *Bexhill and Rotherfield Railway (Abandonment) Act 1902*<sup>387</sup> was passed to authorise the Bexhill and Rotherfield Railway Company to abandon a proposed railway in East Sussex. The railway had been authorised by the Bexhill and Rotherfield Railway Act 1899.<sup>388</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1902 Act, means that the 1902 Act itself has now become obsolete.

### **Southampton and Winchester Great Western Junction Railway (Abandonment) Act 1905**

- 9.196 The *Southampton and Winchester Great Western Junction Railway (Abandonment) Act 1905*<sup>389</sup> was passed to authorise the Southampton and Winchester Great Western Junction Railway Company to abandon a proposed railway in Hampshire, between Southampton and Winchester. The railway had been authorised by the Southampton and Winchester Great Western Junction Railway Act 1901.<sup>390</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1905 Act, means that the 1905 Act itself has now become obsolete.

### **Hastings Harbour District Railway (Abandonment) Act 1905**

- 9.197 The *Hastings Harbour District Railway (Abandonment) Act 1905*<sup>391</sup> was passed to authorise the Hastings Harbour District Railway Company to abandon a proposed railway in and near the town of Hastings in Sussex. The railway had been authorised by the Hastings Harbour District Railway Act 1897.<sup>392</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1905 Act, means that the 1905 Act itself has now become obsolete.

<sup>385</sup> 2 Edw.7 c.iii.

<sup>386</sup> 60 & 61 Vict. c.ccxxxiv.

<sup>387</sup> 2 Edw.7 c.cclx.

<sup>388</sup> 62 & 63 Vict. c.ccli.

<sup>389</sup> 5 Edw.7 c.iv.

<sup>390</sup> 1 Edw.7 c.cclxxiv.

<sup>391</sup> 5 Edw.7 c.xxiv.

<sup>392</sup> 60 & 61 Vict. c.cci.

### **Plymouth and North Devon Direct Railway (Abandonment) Act 1907**

- 9.198 The *Plymouth and North Devon Direct Railway (Abandonment) Act 1907*<sup>393</sup> was passed to authorise the Plymouth and North Devon Direct Railway Company to abandon a proposed railway in Devon between Great Torrington and Okehampton. The railway had been authorised by the Torrington and Okehampton Railway Act 1898.<sup>394</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1907 Act, means that the 1907 Act itself has now become obsolete.

### **(44) Scottish Repeals**

- 9.199 The Acts listed in the following paragraphs relate to Scottish abandoned railway projects.

### **Glencairn Railway (Abandonment) Act 1881**

- 9.200 The *Glencairn Railway (Abandonment) Act 1881*<sup>395</sup> was passed to authorise the Glencairn Railway Company to abandon a proposed railway between the parishes of Glencairn and Kirkmahoe in Dumfriesshire. The railway had been authorised by the Glencairn Railway Act 1872.<sup>396</sup> Lack of available finance, however, had made it impossible to construct the railway. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1881 Act, means that the 1881 Act itself has now become obsolete.

### **Rhins of Galloway Railway (Abandonment) Act 1883**

- 9.201 The *Rhins of Galloway Railway (Abandonment) Act 1883*<sup>397</sup> was passed to authorise the Rhins of Galloway Railway Company to abandon proposed railways in the county of Wigtown. The railways had been authorised by the Rhins of Galloway Railway Act 1878.<sup>398</sup> Lack of available finance, however, had made it impossible to construct the railways. The abandonment of the railway project, together with the dissolution of the company pursuant to the 1883 Act, means that the 1883 Act itself has now become obsolete.

<sup>393</sup> 7 Edw.7 c.xii.

<sup>394</sup> 58 & 59 Vict. c.cxxxix.

<sup>395</sup> 44 & 45 Vict. c.lxxix.

<sup>396</sup> 35 & 36 Vict. c.clxxvi. The powers given by this Act were amended by the Glencairn Railway (Revival of Powers) Act 1877 (40 & 41 Vict. c.ccxv).

<sup>397</sup> 46 & 47 Vict. c.iii.

<sup>398</sup> 41 & 42 Vict. c.lxxxix.



### **Clyde Ardrishaig and Crinan Railway (Abandonment) Act 1892**

- 9.202 The *Clyde Ardrishaig and Crinan Railway (Abandonment) Act 1892*<sup>399</sup> was passed to authorise the Clyde Ardrishaig and Crinan Railway Company to abandon proposed railways in Argyll. The railways had been authorised by the Clyde Ardrishaig and Crinan Railway Act 1887.<sup>400</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1892 Act, means that the 1892 Act itself has now become obsolete.

### **Muirkirk Mauchline and Dalmellington Railways (Abandonment) Act 1900**

- 9.203 The *Muirkirk Mauchline and Dalmellington Railways (Abandonment) Act 1900*<sup>401</sup> was passed to authorise the Muirkirk Mauchline and Dalmellington Railways Company to abandon proposed railways in the county of Ayr. The railways had been authorised by the Muirkirk Mauchline and Dalmellington Railways Act 1896.<sup>402</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1900 Act, means that the 1900 Act itself has now become obsolete.

### **Motherwell and Bellshill Railway (Abandonment) Order Confirmation Act 1904**

- 9.204 The *Motherwell and Bellshill Railway (Abandonment) Order Confirmation Act 1904*<sup>403</sup> was passed to authorise the Motherwell and Bellshill Railway Company to abandon proposed railways in the county of Lanark. The railways had been authorised by the Motherwell and Bellshill Railway Act 1900.<sup>404</sup> The abandonment of the railway project, together with the dissolution of the company pursuant to the 1904 Act, means that the 1904 Act itself has now become obsolete.

<sup>399</sup> 55 & 56 Vict. c.xii.

<sup>400</sup> 50 & 51 Vict. c.clxxiii.

<sup>401</sup> 63 & 64 Vict. c.ccliii.

<sup>402</sup> 59 & 60 Vict. c.xxxvii.

<sup>403</sup> 4 Edw.7 c.cxxxiii.

<sup>404</sup> 63 & 64 Vict. c.cli.

## GROUP 2 – RATES AND CHARGES

### INTRODUCTION

- 9.205 Prior to the grouping of railway operators in 1923 (which standardised the regulation of railways across Great Britain)<sup>405</sup> railway companies were autonomous private bodies. They operated within a legislative framework overseen by the Board of Trade which, amongst other things, established a regime classifying and prescribing maximum charges for merchandise traffic.
- 9.206 The Railway and Canal Traffic Act 1888<sup>406</sup> overrode existing statutory provisions and enacted in their place a new procedure whereby railway companies were obliged to submit to the Board of Trade revised traffic classifications and schedules of rates and charges for approval and for preparation of provisional orders for parliamentary confirmation (via a special Bill procedure). The arrangement allowed for the lodging of objections by interested parties.
- 9.207 Although the various provisional order confirmation Acts have long been superseded by events (not least wholesale nationalisation in 1948 and reversal by privatisation in 1993) they do not appear to have been repealed. Indeed one of the Order Confirmation Acts was held in 1931 still to be effective.<sup>407</sup> Today, however, the various statutes described in this Part are obsolete and have no useful purpose.<sup>408</sup>
- 9.208 This Part provides an overview of the various rates and charges Acts passed from 1891 to 1909,<sup>409</sup> but starts with one Act (from 1853) which predates the 1888 framework.<sup>410</sup>

<sup>405</sup> See the Railways Act 1921 (11 & 12 Geo.5 c.55) (now almost entirely repealed), which effected the grouping change from January 1923 and established a new Railway Rates Tribunal. Once the 1921 Act and subordinate legislation were fully in force the previous charging arrangements became obsolete, except in Ireland (where the railway companies were to operate under existing legislation pending alternative provision being made by the proposed Council of Ireland: see section 84). Five sets of SR & Os made in 1927 for the 'Big Four' grouped railway companies provided standard terms and conditions of carriage, superseding the earlier arrangements.

<sup>406</sup> 51 & 52 Vict. c.25 (1888). This 1888 Act was to be read and construed with the Regulation of Railways Act 1873 (c.48). Small portions of each Act are still live (mainly in conjunction with canal operations).

<sup>407</sup> See *LNER v Brahams* (1931) 21 Ry & Can Tr Cases 1 which dealt with a consignment note made in accordance with the Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891 (c.ccxv) (see further below).

<sup>408</sup> The Transport Act 1962 (c.46) created the British Railways Board in place of the British Transport Commission. It may have disapplied the earlier Rates and Charges Order Confirmation Acts, but did not formally repeal them.

<sup>409</sup> For ease of reference the provisional order confirmation Acts are dealt with here sequentially by year, rather than by railway company name, because their legislative passage involved coralling a batch of unrelated companies within a particular parliamentary session.

<sup>410</sup> The detailed background to this topic, and to the specific statutes mentioned in it, is set out in the Law Commission's consultation paper *Railways: Rates and Charges - Proposed Repeals* (SLR 02/09) published in May 2009 and available on the Law Commission's website at [www.lawcom.gov.uk](http://www.lawcom.gov.uk).

### **1853: Liverpool, Crosby and Southport Railway**

- 9.209 The Liverpool, Crosby and Southport Railway opened its first stretch of line (commencing from Liverpool) in July 1848, and by August 1851 the line had reached Southport.<sup>411</sup>
- 9.210 Three local Acts straddling the period 1847 to 1850 were already in place to facilitate the railway's operation. By 1853 legislation was required to regulate the tolls and charges for traffic on the different sections of railway line. The *Liverpool, Crosby, and Southport Railway Amendment Act 1853*<sup>412</sup> restricted passenger fares by class of travel and destination, required the Southport Railway to run daily passenger services between Liverpool and Southport (at a frequency to be determined ultimately by the Board of Trade), and required the railway company to pay a proportion of its gross receipts to its two partner railway companies<sup>413</sup> when using the joint line between Liverpool and Hightown and beyond. The company had also to apply the statutory charging provisions to its new branch line between Ainsdale and Halsall.<sup>414</sup>

### **1891: Provisional Order Confirmation Acts**

- 9.211 The following provisional order confirmation Acts were passed in 1891:
- ◆ *Great Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891*<sup>415</sup>
  - ◆ *Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891*<sup>416</sup>
  - ◆ *London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891*<sup>417</sup>
  - ◆ *London, Brighton, and South Coast Railway Company (Rates and Charges) Order Confirmation Act 1891*<sup>418</sup>

<sup>411</sup> The Lancashire and Yorkshire Railway (which had adjoining lines) took over running the route under statutory powers in June 1855. Until then joint running arrangements were in place.

<sup>412</sup> 16 & 17 Vict. c.ccxii (1853).

<sup>413</sup> The Lancashire and Yorkshire and the East Lancashire Railways.

<sup>414</sup> The Act contained various supplemental provisions including the sanctioning - by sections 14 to 16 - of a level crossing already in place at North Meols (which crossing today no longer exists).

<sup>415</sup> 54 & 55 Vict. c.ccxiv (1891). The GER was formed in August 1862 and operated until it was grouped under the London and North Eastern Railway (LNER) in 1923.

<sup>416</sup> 54 & 55 Vict. c.ccxv (1891). The GNR was formed in June 1846 and became fully operational between London King's Cross and York in October 1852. It was grouped under the LNER in 1923.

<sup>417</sup> 54 & 55 Vict. c.ccxvi (1891). The LSWR was formed in 1839 from the old London and Southampton Railway Company. The London Waterloo to Southampton line opened in May 1840. On grouping in 1923 the LSWR became part of the Southern Railway (SR).

- ◆ *London, Chatham, and Dover Railway Company (Rates and Charges) Order Confirmation Act 1891*<sup>419</sup>
- ◆ *Midland Railway Company (Rates and Charges) Order Confirmation Act 1891*<sup>420</sup>
- ◆ *South-Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891*<sup>421</sup>
- ◆ *London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891*<sup>422</sup>
- ◆ *Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891.*<sup>423</sup>

9.212 The various Acts were designed to confirm a series of provisional orders made under the 1888 Act. The orders were annexed to the confirmation Acts in schedules, and - in broad terms - they set down scales of maximum rates and charges for handling different forms of merchandise (classified by weight and description, and charged by the ton and the nature of the service provided eg unloading). They also provided mechanisms for fixing the appropriate rates and charges by reference to travel distance, weight and so forth, and applied the charges to other specific railway companies which were listed in appendices.<sup>424</sup>

### **1892: Provisional Order Confirmation Acts**

9.213 The following provisional order confirmation Acts were passed in 1892:

<sup>418</sup> 54 & 55 Vict. c.ccxvii (1891). The LBSCR was formed in 1846 by amalgamation of a number of smaller railway companies. By September 1841 London was linked to Brighton and later to Chichester and Hastings. The LBSCR existed until grouping under the SR in 1923.

<sup>419</sup> 54 & 55 Vict. c.ccxviii (1891). The LCDR was formed in 1859 from the former East Kent Railway. The LCDR and the South Eastern Railway (SER) operated jointly as the South Eastern and Chatham Railway (SECR) from 1899 until grouping (under the SR) in 1923.

<sup>420</sup> 54 & 55 Vict. c.ccxix (1891). The Midland Railway (MR) was formed by amalgamation in May 1844. London St Pancras was opened in October 1868. The MR was grouped into the London, Midland and Scottish Railway (LMS) in 1923.

<sup>421</sup> 54 & 55 Vict. c.ccx (1891). The SER was incorporated in 1836 and grew swiftly. It was grouped under the SR in 1923.

<sup>422</sup> 54 & 55 Vict. c.ccxix (1891). The LNWR was formed in 1846 from three smaller railway companies. It survived until grouping in 1923 under the LMS.

<sup>423</sup> 54 & 55 Vict. c.ccxii (1891). The GWR came into being in 1835 and opened its London Paddington terminus in June 1838. In the 1923 grouping the GWR retained its name, and some 50 separate companies were brought under its umbrella.

<sup>424</sup> In all, some 79 companies were regulated by the nine 1891 Order Confirmation Acts.

- ◆ *Railway Rates and Charges, No.1 (Abbotsbury Railway, &c.), Order Confirmation Act 1892*<sup>425</sup>
- ◆ *Railway Rates and Charges, No.2 (Brecon and Merthyr Tydfil Junction Railway, &c.), Order Confirmation Act 1892*<sup>426</sup>
- ◆ *Railway Rates and Charges, No.3 (Cambrian Railway, &c.), Order Confirmation Act 1892*<sup>427</sup>
- ◆ *Railway Rates and Charges, No.4 (Cleator and Workington Junction Railway, &c.), Order Confirmation Act 1892*<sup>428</sup>
- ◆ *Railway Rates and Charges, No.5 (East London Railway, &c.), Order Confirmation Act 1892*<sup>429</sup>
- ◆ *Railway Rates and Charges, No.6 (Festiniog Railway, &c.), Order Confirmation Act 1892*<sup>430</sup>
- ◆ *Railway Rates and Charges, No.7 (Furness Railway, &c.), Order Confirmation Act 1892*<sup>431</sup>
- ◆ *Railway Rates and Charges, No.8 (Hull, Barnsley, and West Riding Junction Railway), Order Confirmation Act 1892*<sup>432</sup>

<sup>425</sup> 55 & 56 Vict. c.xxxix (1892). The Abbotsbury Railway in Dorset was formed in 1877 and opened for operation in 1885. It was taken over by the GWR in 1896 and remained part of the new GWR group in 1923. The 1892 (No.1) Act embraced a total of 41 (unrelated) railway companies.

<sup>426</sup> 55 & 56 Vict. c.xl (1892). The Brecon and Merthyr Tydfil Junction Railway opened in 1863, and the line was extended to Newport in 1868. On grouping in 1923 the railway was absorbed within the GWR as a subsidiary. The line closed in 1964 (although the trackbed today is home to the Brecon Mountain Railway). The 1892 (No.2) Act applied to 7 railway companies.

<sup>427</sup> 55 & 56 Vict. c.xli (1892). The Cambrian Railway was formed in 1864 and operated across South and Mid-Wales. In 1923 it became a part of the GWR. The 1892 (No.3) Act applied in all to some 9 - mostly minor - railway companies.

<sup>428</sup> 55 & 56 Vict. c.xlii (1892). The Cleator and Workington Junction Railway opened fully by 1879 for goods (especially worked minerals) and passenger traffic. It was merged into the LMS in 1923, although the passenger service ceased in 1931. The 1892 (No.4) Act applied to 8 railway companies.

<sup>429</sup> 55 & 56 Vict. c.xliii (1892). The East London Railway formed a rail link under the Thames between the Great Eastern Railway (north side) and the LBSCR and SER (south side). The LBSCR worked the line from 1870 (into London Liverpool Street) until 1892, at which point the line was worked jointly with the GER and the Metropolitan District Railway until 1913, and thereafter solely by the Metropolitan District. The line was acquired by the Southern railway in 1925. In 1948 the line returned to what had become London Underground. The 1892 (No.5) Act applied to 7 railway companies, all London-related.

<sup>430</sup> 55 & 56 Vict. c.xliv (1892). The Festiniog Railway opened in 1836 as a narrow gauge line for slate transportation, and was steam hauled by 1863. Passenger traffic ran from 1865 until 1939, and goods until 1946. The line re-opened as a preserved passenger venture in 1954. The 1892 (No.6) Act applied to 4 Welsh railway companies.

<sup>431</sup> 55 & 56 Vict. c.xlv (1892). The Furness Railway opened in 1846 in today's Cumbria and subsequently worked lines jointly with the LNWR. Both companies were amalgamated into the LMS in 1923. The 1892 (No.7) Act applied to 2 related railway operations.

- ◆ *Railway Rates and Charges, No.9 (Isle of Wight Railway, &c.), Order Confirmation Act 1892*<sup>433</sup>
- ◆ *Railway Rates and Charges, No.10 (Lancashire and Yorkshire Railway, &c.), Order Confirmation Act 1892*<sup>434</sup>
- ◆ *Railway Rates and Charges, No.11 (London, Tilbury, and Southend Railway, &c.), Order Confirmation Act 1892*<sup>435</sup>
- ◆ *Railway Rates and Charges, No.12 (Manchester, Sheffield, and Lincolnshire Railway, &c.), Order Confirmation Act 1892*<sup>436</sup>
- ◆ *Railway Rates and Charges, No.13 (Metropolitan Railway, &c.), Order Confirmation Act 1892*<sup>437</sup>
- ◆ *Railway Rates and Charges, No.14 (Midland and South Western Junction Railway, &c.), Order Confirmation Act 1892*<sup>438</sup>
- ◆ *Railway Rates and Charges, No.15 (North Eastern Railway, &c.), Order Confirmation Act 1892*<sup>439</sup>

<sup>432</sup> 55 & 56 Vict. c.xlvi (1892). The Hull, Barnsley and West Riding Junction Railway was formed in 1880, becoming the Hull and Barnsley Railway in 1905, and in 1923 was grouped under the LNER. Initially the Act applied to the one railway only.

<sup>433</sup> 55 & 56 Vict. c.xlvii (1892). The Isle of Wight Railway (IoWR) opened in 1864, and ran eventually from Ryde to Ventnor (and to Brading Harbour from 1882). The railway company - together with the other companies operating railways on the island - was amalgamated within the SR in 1923. Some 4 IoW companies fell within the 1892 (No.9) Act.

<sup>434</sup> 55 & 56 Vict. c.xlviii (1892). The Lancashire and Yorkshire Railway (LYR) was formed from the amalgamation of several small railway companies in 1847. In 1922 it became part of the existing LNWR and, a year later, it was grouped (with the LNWR) under the LMS. The 1892 (No.10) Act applied to several other railway companies operating in conjunction with the LYR and the LNWR.

<sup>435</sup> 55 & 56 Vict. c.xlix (1892). The London, Tilbury and Southend Railway (LTSR) was fully operational by 1856, and was merged into the Midland Railway in 1912. It became a part of the LMS grouping in 1923. Some 14 small railway companies were governed by the 1892 (No.11) Act as enacted, although they seemed to have no geographic nexus.

<sup>436</sup> 55 & 56 Vict. c.l (1892). The Manchester, Sheffield and Lincolnshire Railway was formed by amalgamation in 1846. After further expansion it became the Great Central Railway (GCR) in 1897 (and subsequently was grouped under the LNER in 1923). The 1892 (No. 12) Act applied to at least 8 related companies.

<sup>437</sup> 55 & 56 Vict. c.li (1892). The Metropolitan Railway was incorporated in 1854 and operated in London in various guises (some in partnership with other railway companies) until amalgamated under the London Passenger Transport Board (LPTB) in 1933. The rates and charges in the 1892 (No.13) Act were only designed to operate until the schedule of charges to be applied by the Railways Act 1921 tribunal came into operation. The Act applied also to two other City-related railways.

<sup>438</sup> 55 & 56 Vict. c.lii (1892). The Midland and South Western Junction Railway was formed in 1884 by amalgamation of two smaller companies, and operated until 1923 when it was itself amalgamated within the GWR. The 1892 (No.14) Act applied to some 10 railway companies - from Cornwall to Cheshire - when first enacted.

- ◆ *Railway Rates and Charges, No.16 (North London Railway), Order Confirmation Act 1892*<sup>440</sup>
- ◆ *Railway Rates and Charges, No.17 (North Staffordshire Railway, &c.), Order Confirmation Act 1892*<sup>441</sup>
- ◆ *Railway Rates and Charges, No.18 (Taff Vale Railway, &c.), Order Confirmation Act 1892*<sup>442</sup>
- ◆ *Railway Rates and Charges, No.19 (Caledonian Railway, &c.), Order Confirmation Act 1892*<sup>443</sup>
- ◆ *Railway Rates and Charges, No.20 (Callander and Oban Railway), Order Confirmation Act 1892*<sup>444</sup>
- ◆ *Railway Rates and Charges, No.21 (City of Glasgow Union Railway), Order Confirmation Act 1892*<sup>445</sup>
- ◆ *Railway Rates and Charges, No.22 (Glasgow and South Western Railway, &c.), Order Confirmation Act 1892*<sup>446</sup>

<sup>439</sup> 55 & 56 Vict. c.liii (1892). The North Eastern Railway (NER) was formed in 1854 from three companies and was grouped in 1923 under the LNER. The 1892 (No.15) Act applied to 7 railway companies in all, all based in the north east of England.

<sup>440</sup> 55 & 56 Vict. c.liv (1892). The North London Railway was formed in 1853 and, by 1861 in conjunction with the LNWR, operated between the India Docks and Broad Street in the City. In 1909 common management with the LNWR was introduced and the operation became part of the LMS grouping in 1923.

<sup>441</sup> 55 & 56 Vict. c.lv (1892). The North Staffordshire Railway was centred on the potteries industry in Stoke-on-Trent. It opened in 1848 and by 1875 - when it had expanded its network - it had agreed mutual running arrangements with the LNWR. In 1923 the railway was incorporated within the LMS grouping. The 1892 (No.17) Act applied to 5 linked railway companies.

<sup>442</sup> 55 & 56 Vict. c.lvi (1892). The Taff Vale Railway opened in the late 1830s, and had created a rail link between Cardiff Docks and Merthyr Tydfil by 1841. By 1902 the railway company had acquired further railway operations in South Wales. The company was absorbed into the GWR on grouping in 1923. The 1892 (No.18) Act applied to some 10 railway companies, all bar one based in South Wales.

<sup>443</sup> 55 & 56 Vict. c.lvii (1892). The Caledonian Railway operated between Carlisle and Glasgow from 1850 onwards. Passenger services between Glasgow and London followed in due course and, by 1918 parts of other railway operations in Scotland fell within its control. The Caledonian Railway became part of the LMS on grouping in 1923. The 1892 (No.19) Act embraced some 12 railway companies with Scottish or Carlisle links.

<sup>444</sup> 55 & 56 Vict. c.lviii (1892). The Callander and Oban Railway opened in 1880 (although the company was formed in 1865), and was operated by the Caledonian Railway. In 1923 it was grouped under the LMS.

<sup>445</sup> 55 & 56 Vict. c.lix (1892). The City of Glasgow Union Railway opened in part in 1870 (completed 1876). In 1896 the railway company was dissolved and its operations were split between the North British Railway (NBR) and the Glasgow and South Western Railway (GSWR). In 1923 the NBR was grouped under the LNER and the GSWR was grouped under the LMS.

- ◆ *Railway Rates and Charges, No.23 (Great North of Scotland Railway), Order Confirmation Act 1892*<sup>447</sup>
- ◆ *Railway Rates and Charges, No.24 (Highland Railway), Order Confirmation Act 1892*<sup>448</sup>
- ◆ *Railway Rates and Charges, No.25 (North British Railway, &c.), Order Confirmation Act 1892*<sup>449</sup>
- ◆ *Railway Rates and Charges, No.26 (Athenry and Ennis Junction Railway, &c.), Order Confirmation Act 1892.*<sup>450</sup>

9.214 The various 1892 Acts had the same purpose as those of 1891: to confirm a series of provisional orders setting down scales of rates and charges for the carriage of merchandise.<sup>451</sup>

<sup>446</sup> 55 & 56 Vict. c.lx (1892). The GSWR was formed in 1850 on the amalgamation of a number of existing lines. The company also ran a fleet of coastal steam ships. In 1923 the GSWR was grouped under the LMS. The 1892 (No.22) Act applied to three connected railway operations.

<sup>447</sup> 55 & 56 Vict. c.lxi (1892). The Great North of Scotland Railway opened its first stretch of line in 1854 and reached Aberdeen in 1856. Up to 1881 various railway companies were acquired and amalgamated. In the 1923 grouping the railway became part of the LNER.

<sup>448</sup> 55 & 56 Vict. c.lxii (1892). The Highland Railway, formed from a railway merger in 1865, centred eventually on Inverness and Aviemore. The railway company became part of the LMS on grouping in 1923.

<sup>449</sup> 55 & 56 Vict. c.lxiii (1892). The North British Railway (NBR) opened in 1846 and ran initially from Berwick to Edinburgh. The company expanded until grouping in 1923 when it became a part of the LNER. The 1892 (No. 25) Act applied to a total of nine railway companies, all connected to the Clyde, Forth and Tay region.

<sup>450</sup> 55 & 56 Vict. c.lxiv (1892). The Athenry and Ennis Junction Railway (in Ireland) opened in 1869. It was amalgamated within the Waterford and Limerick Railway Company in 1893. By 1925 it was part of the Great Southern Railways network which was subsequently nationalised by the Irish government in 1944. The 1892 (No.26) Act covered 62 separate railway companies then operating across the island of Ireland. The Northern Ireland railway network was nationalised for that province in 1948.

<sup>451</sup> In all, at least 240 companies were regulated by the 26 1892 Order Confirmation Acts.



### **1893: Provisional Order Confirmation Act**

- 9.215 The *Railway Rates and Charges (Cranbrook and Paddock Wood Railway, &c.) Order Confirmation Act 1893*<sup>452</sup> listed four railway companies which were deemed to have their maximum rates and charges fixed by previous specific confirmation Acts. The Cranbrook and Paddock Wood Railway<sup>453</sup> was thus deemed to have been included within the South-Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>454</sup> for the purpose of merchandise charging.

### **1894: Provisional Order Confirmation Acts**

- 9.216 The *Railway Rates and Charges (Easingwold Railway, &c.) Order Confirmation Act 1894*<sup>455</sup> adopted a format similar to that employed in the 1893 Act. The 1894 Act applied various previous confirmation Acts to some seven railway company operations, of which none had any apparent connection with any other. The companies ranged from Harrow and Stanmore in England to Crieff and Comrie in Scotland and to South Clare in Ireland. The Easingwold Railway in the title opened in 1891 and was worked eventually by the North Eastern Railway, although it remained an independent operation (avoiding nationalisation) until closure in 1957.
- 9.217 The *Mersey Railway (Rates and Charges) Act 1894*<sup>456</sup> effected a change to the railway company's charging arrangements by removing it from one statutory regime and transplanting it within another. The Mersey Railway, which ran in a tunnel beneath the river and a substantial proportion of urban area, opened in 1886 and converted from steam to electric traction in 1903. In 1894 it needed to increase its merchandise traffic (and its revenues). The Mersey Railway had originally been governed by the 1892 (No. 18) Act (see above) relating to the Taff Vale Railway. By 1894 it was clear that the challenges (and costs) associated with a river tunnel railway - such as water pumping and ventilation - were more akin to those of the East London Railway. Accordingly the No. 18 Act was disapplied (by omission) and the charging regime in the 1892 (No. 5) Act relating to the East London Railway was applied (by insertion). No provisional order as such was attached to the 1894 Act. The Mersey Railway was eventually nationalised in 1948.

<sup>452</sup> 56 & 57 Vict. c.cxxii (1893).

<sup>453</sup> The railway was only fully operational by 1893, and it was run from the outset by the South-Eastern Railway (which absorbed the company in 1900).

<sup>454</sup> 54 & 55 Vict. c.ccxx (1891): see above. The other three companies (which had no geographic nexus) were the Glyn Valley Tramway Company (which referred back to the 1892 (No. 6) Act, above), the Manchester Ship Canal Company (which was linked to the 1891 LNWR Act, above), and the Stratford-upon-Avon, Towcester, and Midland Junction Railway Company (which was deemed named in the 1892 (No.11) Act, above).

<sup>455</sup> 57 & 58 Vict. c.xlviii (1894).

<sup>456</sup> 57 & 58 Vict. c.lxxii (1894).

### **1896: Provisional Order Confirmation Act**

- 9.218 The *Railway Rates and Charges (Lee-on-the-Solent Light Railway, &c.) Order Confirmation Act 1896*<sup>457</sup> covered four unrelated railway undertakings. Again, adopting the deeming provision model, the 1896 Act applied previous charging regimes to the different companies. So, the regime in the LSWR Rates and Charges Act of 1891<sup>458</sup> was applied to the Lee-on-the-Solent Light Railway for the purpose of merchandise traffic charging, and three 1892 confirmation Acts were applied to railways operating in Wrexham, Liverpool and Donoughmore (in Ireland). The eponymous Lee-on-the-Solent Light Railway opened in 1894 and its working was taken over by the LSWR in 1909. Although it was absorbed in 1923 into the Southern Railway, by 1935 it had closed.

### **1909: Provisional Order Confirmation Act**

- 9.219 The *Railway Rates and Charges (Weston Clevedon and Portishead Light Railways) Order Confirmation Act 1909*<sup>459</sup> applied only to the named railway company. The railway started life under 1885 legislation<sup>460</sup> as a tramways undertaking and, in 1899, was redesignated a light railway.<sup>461</sup> The line was extended to Portishead in 1907 but, by 1940, the line had been sold to the GWR and then dismantled. Under the 1909 Act the railway was deemed to be included in the GWR Rates and Charges Act of 1891<sup>462</sup> for the purposes of applying merchandise traffic charges.

### **GROUP 3 – MISCELLANEOUS**

- 9.220 The repeals proposed in this final group of obsolete railway Acts relate to (1) the Midland Great Western Railway of Ireland and (2) the Railway Companies (Accounts and Returns) Act 1911.

#### **(1) Midland Great Western Railway of Ireland**

- 9.221 The Midland Great Western Railway of Ireland Company was incorporated by the Midland Great Western Railway of Ireland Act 1845<sup>463</sup> with power to build and maintain a railway in Ireland from Dublin to Mullingar and Longford.

<sup>457</sup> 59 & 60 Vict. c.clxv (1896).

<sup>458</sup> 54 & 55 Vict. c.ccxvi (1891), described above.

<sup>459</sup> 9 Edw. 7 c.xcii (1909).

<sup>460</sup> Weston-super-Mare, Clevedon and Portishead Tramways Act 1885 (48 & 49 Vict. c.clxxxii). This Act is only partially repealed.

<sup>461</sup> Weston Clevedon and Portishead Light Railways Act 1899 (62 & 63 Vict. c.ccxxi).

<sup>462</sup> 54 & 55 Vict. c.ccxxii (1891), described above.

<sup>463</sup> 8 & 9 Vict. c.cxix.

- 9.222 The Company's construction of a railway between Athlone and Galway was financed by a £0.5m loan by HM Treasury that was authorised by the Advance of Money (Athlone to Galway Railway) Act 1849.<sup>464</sup> This loan, which has long since been repaid, enabled the Company to complete the construction and open the railway to the public on 1 August 1851.<sup>465</sup> The discharge of the loan means that the 1849 Act is now unnecessary and may be repealed.
- 9.223 The Company sponsored many other enactments in connection with the construction, finance and operating of its railways. These enactments were passed at a time when the whole of Ireland formed part of the United Kingdom. The establishment of the Irish Free State in 1922 has meant that these enactments, whilst remaining on the statute book of the United Kingdom, no longer have any effect within the United Kingdom. Accordingly these enactments may now be repealed as unnecessary so far as the United Kingdom is concerned. Their status within the Republic of Ireland, where they remain in force, will not be affected by their repeal for the United Kingdom.

<sup>464</sup> 12 & 13 Vict. c.62.

<sup>465</sup> The Athlone to Galway railway line, operated today by Irish Rail, remains open to passenger traffic.

9.224 These other enactments are as follows-

- ◆ *Midland Great Western Railway of Ireland Act 1845.*<sup>466</sup> This Act incorporated the Company and authorised it to build a railway from Dublin to Mullingar and Longford
- ◆ *Midland Great Western Railway of Ireland (Liffy Branch and Longford Deviation) Act 1846.*<sup>467</sup> This Act authorised the Company to make a deviation and to build a branch railway to the River Liffey<sup>468</sup>
- ◆ *Midland Great Western Railway of Ireland Act (Mullingar to Athlone) 1846.*<sup>469</sup> This Act authorised the Company to build a railway from Mullingar to Athlone
- ◆ *Midland Great Western Railway of Ireland (Newcastle, Anniskinnan, and Baltrasna Deviations) Act 1847.*<sup>470</sup> This Act authorised the Company to make deviations in the authorised line of the railway, and to amend existing enactments
- ◆ *Midland Great Western Railway of Ireland (Athlone to Galway Extension) Act 1847.*<sup>471</sup> This Act authorised the Company to build a railway from Athlone to Galway
- ◆ *Midland Great Western Railway of Ireland (Moate Deviation) Act 1848.*<sup>472</sup> This Act authorised the Company to make a deviation in the authorised line of the railway, and to amend existing enactments
- ◆ *Midland Great Western Railway of Ireland (Deviations and Amendment) Act 1850.*<sup>473</sup> This Act authorised the making of further deviations in the authorised line of railway
- ◆ *Midland Great Western Railway of Ireland (Longford Deviation and Cavan Branch) Act 1852.*<sup>474</sup> This Act authorised the making of a deviation in the authorised line to Longford and the building of a branch railway to Cavan
- ◆ *Midland Great Western Railway of Ireland (Sligo Extension) Act 1857.*<sup>475</sup> This Act authorised the building of an extension railway to Sligo (with branches from there)
- ◆ *Midland Great Western Railway of Ireland (Streamstown and Clara Junction) Act 1857.*<sup>476</sup> This Act authorised the building of a railway from Streamstown to Clara

<sup>466</sup> 8 & 9 Vict. c.cxix.

<sup>467</sup> 9 & 10 Vict. c.ccx.

<sup>468</sup> The title of the Act adopts the older spelling of “Liffy”.

<sup>469</sup> 9 & 10 Vict. c.ccxxiv.

<sup>470</sup> 10 & 11 Vict. c.cxxx.

<sup>471</sup> 10 & 11 Vict. c.clxxvi.

<sup>472</sup> 11 & 12 Vict. c.lxxvi.

<sup>473</sup> 13 & 14 Vict. c.lxxxviii.

<sup>474</sup> 15 & 16 Vict. c.cxxxvii.

<sup>475</sup> 20 & 21 Vict. c.lxxvii.

<sup>476</sup> 20 & 21 Vict. c.cxiii.

- ◆ *Midland Great Western Railway of Ireland (Clara Deviation) Act 1858.*<sup>477</sup> This Act authorised an alteration in the line of the Streamstown and Clara Junction Railway
- ◆ *Midland Great Western Railway of Ireland (Liffey Branch) Act 1859.*<sup>478</sup> This Act authorised the building of a branch railway to the River Liffey
- ◆ *Midland Great Western Railway of Ireland (Sligo Extension) Act 1859.*<sup>479</sup> This Act authorised the abandonment of a portion of the proposed line between Longford and Boyle, and the construction of a substitute line
- ◆ *Midland Great Western Railway of Ireland Act 1865.*<sup>480</sup> This Act defined the capital of the Company and authorised the Company to create preference shares
- ◆ *Midland Great Western Railway of Ireland (No.2) Act 1865.*<sup>481</sup> This Act gave effect to an arrangement concerning the contribution payable by certain baronies in Roscommon and Galway (and by the county of the town of Galway) to the Company
- ◆ *Midland Great Western Railway of Ireland Act 1866.*<sup>482</sup> This Act enabled the Company to acquire additional land
- ◆ *Midland Great Western Railway (of Ireland) Act 1869.*<sup>483</sup> This Act enabled the Company to raise further monies by borrowing
- ◆ *Midland Great Western Railway of Ireland Act 1871.*<sup>484</sup> This Act enabled the Company to build a branch railway in Dublin and to acquire additional land
- ◆ *Midland Great Western Railway of Ireland Act 1874.*<sup>485</sup> This Act enabled the Company to build additional branch railways and to acquire additional land
- ◆ *Midland Great Western, Dublin and Meath, and Navan and Kingscourt Railways Act 1875.*<sup>486</sup> This Act authorised the Company to purchase or lease the Dublin and Meath and Navan and Kingscourt Railways
- ◆ *Midland Great Western Railway of Ireland Act 1877.*<sup>487</sup> This Act conferred further powers on the Company

<sup>477</sup> 21 & 22 Vict. c.xciv.

<sup>478</sup> 22 & 23 Vict. c.liii.

<sup>479</sup> 22 & 23 Vict. c.lxii.

<sup>480</sup> 28 & 29 Vict. c.xl.

<sup>481</sup> 28 & 29 Vict. c.ccx.

<sup>482</sup> 29 & 30 Vict. c.xxxiv.

<sup>483</sup> 32 & 33 Vict. c.lii.

<sup>484</sup> 34 & 35 Vict. c.lxix.

<sup>485</sup> 37 & 38 Vict. c.xxvii.

<sup>486</sup> 38 & 39 Vict. c.cxlviii.

<sup>487</sup> 40 & 41 Vict. c.cxxxix.

- ◆ *Midland Great Western Railway of Ireland Act 1881.*<sup>488</sup> This Act conferred further powers on the Company including the building of new branch railways in the counties of Galway and Cavan
- ◆ *Midland Great Western Railway of Ireland Act 1886.*<sup>489</sup> This Act conferred further powers on the Company
- ◆ *Midland Great Western Railway of Ireland Act 1887.*<sup>490</sup> This Act conferred further powers on the Company including the power to acquire additional land
- ◆ *Midland Great Western, Dublin and Meath, and Navan and Kingscourt Railways (Purchase) Act 1888.*<sup>491</sup> This Act empowered the Company to acquire the undertakings of the Dublin and Meath Railway Company and of the Navan and Kingscourt Railway Company
- ◆ *Midland Great Western and Great Northern and Western of Ireland Railways (Amalgamation) Act 1890.*<sup>492</sup> This Act amalgamated the Midland Great Western Railway of Ireland Company with the Great Northern and Western (of Ireland) Railway Company
- ◆ *Midland Great Western Railway of Ireland Act 1891.*<sup>493</sup> This Act enabled the Company to carry into effect agreements with the Treasury for the making, maintaining and working of certain railways
- ◆ *Midland Great Western Railway of Ireland Act 1892.*<sup>494</sup> This Act conferred further powers on the Company
- ◆ *Midland Great Western Railway of Ireland Act 1894.*<sup>495</sup> This Act conferred further powers on the Company including power to acquire additional land
- ◆ *Midland Great Western Railway of Ireland Act 1900.*<sup>496</sup> This Act empowered the Company to acquire additional land and to raise capital
- ◆ *Midland Great Western Railway of Ireland Act 1903.*<sup>497</sup> This Act enabled the Company to construct a railway from Kingscourt to Castleblayney and to acquire additional land
- ◆ *Midland Great Western Railway of Ireland Act 1909.*<sup>498</sup> This Act authorised the Company to construct a new railway (in the county of Sligo) and to acquire additional land.

<sup>488</sup> 44 & 45 Vict. c.xcvii.

<sup>489</sup> 49 & 50 Vict. c.xxxviii.

<sup>490</sup> 50 & 51 Vict. c.cxlvi.

<sup>491</sup> 51 & 52 Vict. c.lxxi.

<sup>492</sup> 53 & 54 Vict. c.lxxvi.

<sup>493</sup> 54 & 55 Vict. c.xli.

<sup>494</sup> 55 & 56 Vict. c.cxli.

<sup>495</sup> 57 & 58 Vict. c.cl.

<sup>496</sup> 63 & 64 Vict. c.ccli.

<sup>497</sup> 3 Edw.7 c.clxiii.

<sup>498</sup> 9 Edw.7 c.lxxvi.

## **(2) Railway Companies (Accounts and Returns) Act 1911**

- 9.225 The *Railway Companies (Accounts and Returns) Act 1911*<sup>499</sup> was passed at a time when the railway industry was viewed as being in urgent need of control. The railway companies were amongst the largest corporations in Britain and were at the forefront of the development of company law. The 1911 Act was intended to update the existing law<sup>500</sup> concerning the making of returns and accounts by railway companies by imposing a requirement on railway companies not only to provide the Board of Trade with annual accounts and returns but also to keep their accounts relating to railway operations separate from their other commercial undertakings.
- 9.226 Although the 1911 Act remains on the statute book in England, Wales and Scotland,<sup>501</sup> it has long fallen into disuse. The powers in section 1 authorising the Minister of Transport to direct the form and content of the annual accounts and returns have not been exercised for many years. The scope of the 1911 Act originally extended to railway companies generally. It was, however, disapplied for any railway that vested in the British Railways Board under the Transport Act 1962,<sup>502</sup> thereby excluding any railway company that came into public ownership at nationalisation in 1948. Accordingly the 1911 Act is today limited to railway companies that were set up by special Act and escaped nationalisation. Such companies, including many heritage railways, remain subject to the requirements of the general law about the production and filing of accounts which has developed considerably since 1911.<sup>503</sup>
- 9.227 Accordingly the 1911 Act has become obsolete and may now be repealed on that basis. A consequential repeal is section 10 of the Transport Charges etc (Miscellaneous Provisions) Act 1954<sup>504</sup> (which amended the 1911 Act and repealed Railways Act 1921 provisions). Other consequential repeals are of provisions disapplying the 1911 Act.<sup>505</sup>

<sup>499</sup> 1 & 2 Geo.5 c.34.

<sup>500</sup> Regulation of Railways Act 1868 (31 & 32 Vict. c.119), ss 3 to 5.

<sup>501</sup> The 1911 Act was repealed for Northern Ireland by SI 1977/599 (NI 10).

<sup>502</sup> Transport Act 1962, s 24(4). This exclusion originally appeared in section 94(6) of the Transport Act 1947 when the nationalised railway companies were vested in the British Transport Commission.

<sup>503</sup> See, for example, the Companies Act 2006, Pt 15 (Accounts and Reports).

<sup>504</sup> 2 & 3 Eliz.2 c.64.

<sup>505</sup> Channel Tunnel Rail Link Act 1996 (c.61), Sch 9, Pt 2, para 6; Crossrail Act 2008 (c.18), Sch 11, para 5.

# **PART 10**

## **TAXATION AND PENSIONS**

### **INTRODUCTION**

- 10.1 This part of the report proposes the repeal of a series of statutory provisions relating to taxation and pensions law which span the years 1798 to 2010, and which have become obsolete or spent through the passage of time or because of subsequent statutory intervention. In all, we recommend the repeal of 17 Acts in whole and portions of some 36 other Acts.
- 10.2 The repeals recommended in the first group have been referred to the Law Commission by HM Revenue and Customs. They flow in the main from the Tax Law Rewrite project which was prefaced by a requirement in the Finance Act 1995 to report to Treasury Ministers on “tax simplification”. The repeals in the second group are obsolete enactments (known as the Two Pennies Scots Acts) that imposed duty on the sale of ale, beer or porter in Scotland. The repeals in the third group are consequential upon the winding up of the Personal Accounts Delivery Authority.
- 10.3 The individuals and organisations consulted about these proposals are set out in Appendix 3.

### **GROUP 1 - GENERAL TAXATION**

#### **Background**

- 10.4 The repeals recommended in this Part of the report are based on work undertaken by H. M. Revenue and Customs (HMRC). They flow in the main from the Tax Law Rewrite project, which started with a blueprint paper published in 1996,<sup>1</sup> and led to the enactment of seven consolidation and update statutes –
- ◆ Capital Allowances Act 2001 (c.2) (“CAA 2001”)
  - ◆ Income Tax (Earnings and Pensions) Act 2003 (c.1) (“ITEPA 2003”)
  - ◆ Income Tax (Trading and Other Income) Act 2005 (c.5) (“ITTOIA 2005”)
  - ◆ Income Tax Act 2007 (c.3) (“ITA 2007”)
  - ◆ Corporation Tax Act 2009 (c.4) (“CTA 2009”)
  - ◆ Corporation Tax Act 2010 (c.4) (“CTA 2010”)
  - ◆ Taxation (International and Other Provisions) Act 2010 (c.8) (“TIOPA 2010”).

<sup>1</sup> Inland Revenue *Tax Law Rewrite: The Way Forward* (July 1996). The Revenue was obliged by the Finance Act 1995 (c.4), s 160 to report to Treasury Ministers on “tax simplification”.



- 10.5 A large proportion of the repeals described in this Part are consequential upon the consolidation process undertaken within the Rewrite project. Rewrites of subordinate tax legislation also went hand-in-hand with the primary legislative task. Given the enormity of the Rewrite project it was not practicable to identify at the time all the statutory references which were superseded by the various consolidations. The repeals start with provisions in the Income Tax Act 1952 (c.10) and conclude with TIOPA 2010. The detail underpinning the recommendations is to be found in our consultation paper published in July 2011.<sup>2</sup> The Acts identified in this Part extend across the United Kingdom (UK), although in a small number there are savings or modifications for Northern Ireland.<sup>3</sup>

### **Income Tax Act 1952**

- 10.6 The Income Tax Act 1952 (c.10) (“ITA 1952”) was repealed by the Income and Corporation Taxes Act 1970 (c.10) (“ICTA 1970”) , s 538(1) and Sch 16, subject to savings.<sup>4</sup> Section 228 of ITA 1952, which dealt with relief from tax for income accumulated under a trust where the beneficiary would not receive the moneys until a specified age or on marriage, was to remain alive, together with certain limitations set out in sections 400(4) and 406(6).
- 10.7 The saving provision in ICTA 1970 was later repealed by the Income and Corporation Taxes Act 1988 (c.1) (“ICTA 1988”), s 844(4) and Sch 31 for 1988-89 and onwards.<sup>5</sup> But because of the Interpretation Act<sup>6</sup> the saved provisions in ITA 1952 appear to remain unrepealed. Those provisions are now otiose and can be repealed.

### **Provisional Collection of Taxes Act 1968**

- 10.8 Section 1 of the Provisional Collection of Taxes Act 1968 (c.2) (“PCTA 1968”) (a consolidation statute) gave statutory effect to House of Commons’ resolutions affecting income, corporation, value added and other taxes and duties on a temporary basis pending the relevant enabling Bill completing its parliamentary stages. The provision was supplemented by the Finance Act 1985 (c.54) (“FA 1985”), s 97 which inserted a new subsection (1A) into section 1 of PCTA 1968 (thus extending the reach of the 1968 Act to amounts payable as income tax on bank and building society interest).

<sup>2</sup> *Statute Law Repeals: Consultation Paper: Taxation* Law Com SLR 02/11 (July 2011), published and available on the Law Commission’s website.

<sup>3</sup> The affected statutes are: Income Tax Act 1952 (c.10), Provisional Collection of Taxes Act 1968 (c.2), Finance Act 1969 (c.32), Finance Act 1973 (c.51), and National Insurance Surcharge Act 1976 (c.85).

<sup>4</sup> The savings were provided for in ICTA 1970, s 537(1) and Sch 14 para 1.

<sup>5</sup> The whole of ICTA 1970 was then repealed by the Taxation of Chargeable Gains Act 1992 (c.12) (“TCGA 1992”), s 290(3) and Sch 12, effective for the tax year 1992-93 and subsequent years of assessment.

<sup>6</sup> 1978 (c.30), s 16(1).

- 10.9 Both these provisions were later repealed by the Finance Act 1993 (c.34) (“FA 1993”), s 205, but the repeals were expressed to apply only to resolutions passed after July 1993. Up until that time section 1 (as amended) remained alive. Today the provisions are not required and can be repealed, together with two minor repeals in the FA 1993.<sup>7</sup>

#### **Finance Act 1969**

- 10.10 Section 11(5) of the Finance Act 1969 (c.32) (“FA 1969”) limited the operation of ITA 1952, s 228 (see above) (accumulation settlements) by providing that no account was to be taken of tax paid on income or relief entitlement for a year of assessment beginning after 1968-69. Section 11(5) was specifically saved when section 11 was repealed by ICTA 1970, s 538(1) and Sch 16.<sup>8</sup> It is no longer required.
- 10.11 Section 60 of the FA 1969 and Schedule 20 contained statutory amendments which were designed to facilitate consolidation of various tax statutes. Today only paragraph 11 in Schedule 20 remains (amending the Inland Revenue Regulation Act 1890).<sup>9</sup> The whole of the 1890 Act was repealed by the Commissioners for Revenue and Customs Act 2005 (c.11), but the 2005 Act left in place the amending section 60 and Schedule 20 paragraph 11. Those provisions are now unnecessary and can be repealed.

#### **Taxes Management Act 1970**

- 10.12 Section 43A of the Taxes Management Act 1970 (c.9) (“TMA 1970”) relates to claims for relief and extends the statutory time limits for claims or elections where tax assessments have been made after closure of the self-assessment ‘enquiry window’ (provided for in section 9A). Section 43A(2A) was inserted by the Finance (No. 2) Act 1992 (c.48) (“F(No.2)A 1992”), s 20 and Sch 5 paras 9, 10 for the tax year 1993-94 and subsequent years of assessment. The new section 43A(2A) prevented time limits being extended for making an election to transfer married couple’s allowance.
- 10.13 Section 43(2A)(b) of TMA 1970 (which had been amended by the Finance Act 2003 (c.14) (“FA 2003”), s 207 and extended the types of excluded election) referred to Schedule 13B to ICTA 1988, which related to the rules on children’s tax credit. That provision was further amended by ITA 2007, ss 1027, 1034 and Sch 1 paras 242, 254(c) for the tax year 2007-08 onwards.
- 10.14 Schedule 13B was later repealed by the Tax Credits Act 2002 (c.21) (“TCA 2002”), s 60 and Sch 6, with effect from the beginning of the tax year 2003-04. As a consequence, section 43A(2A)(b) became obsolete once the 6 years’ time limit for assessment to tax (plus one year for claim or election) had expired. Section 43A(2A)(b) is now spent, along with amending provisions in FA 2003, s 207(2)(b) and ITA 2007, Sch 1 para 254(c).

<sup>7</sup> Section 205(3) and words in Schedule 23 Part 6.

<sup>8</sup> See ICTA 1970, s 537(1) and Sch 14 para 1.

<sup>9</sup> 53 & 54 Vict. c.21 (1890). New sections 4A and 24(4) were inserted.

### **Finance Act 1973**

- 10.15 Schedule 16A to the Finance Act 1973 (c.51) ("FA 1973"), providing for the assessment and collection of tax in respect of insurance underwriters, was inserted by the Finance Act 1988 (c.39) ("FA 1988"), s 58(2), (4)(b), (5) and Sch 5 for the years 1986-87 and 1987-88. Schedule 16A is now spent and can be repealed. As a consequence, the amending provisions in section 58 of the FA 1988 and Schedule 5 are redundant and can also be repealed.

### **National Insurance Surcharge Act 1976 (and Finance Act 1984)**

- 10.16 The National Insurance Surcharge Act 1976 (c.85) ("NISA 1976") was enacted to impose a 2% surcharge on secondary Class 1 national insurance (NI) contributions from April 1977. NISA 1976 was repealed by the Finance Act 1984 (c.43) ("FA 1984"), s 128(6) and Sch 23 Pt 11, but the repeal only took effect for earnings on or after 6 April 1985.
- 10.17 Section 117 of FA 1984 formally abolished the NI surcharge in two stages: for earnings paid on or after 1 October 1984 and (for contributions payable by certain bodies) for earnings paid on or after 6 April 1985. Both the 1976 Act and section 117 are now spent and can be repealed without qualification.

### **Finance Act 1985**

- 10.18 In addition to the repeal of section 97 of the FA 1985 (recommended above), for different reasons Schedule 22 paragraph 6 requires full repeal. That provision (with section 76) deals with deemed interest on certain securities held between specific dates in 1985 and 1986 and, more particularly, the power of an inspector to require a taxpayer to furnish details of securities held.
- 10.19 Section 76 and Schedule 22 were repealed as spent by ICTA 1988, s 844, Sch 30 para 15 and Sch 31, with savings for Schedule 22 paragraph 6. The information requisition provisions were to remain in place, albeit only for the year ending in February 1986. Now Schedule 22 paragraph 6 and the saving provision in ICTA 1988, Sch 30 para 15 are both spent and can be repealed.

### **Income and Corporation Taxes Act 1988**

- 10.20 Section 774 of the Income and Corporation Taxes Act 1988 (c.1) ("ICTA 1988") is a long-standing provision<sup>10</sup> designed to counter tax avoidance devices which were based on the difference in tax treatment of a company carrying on trade dealing in investments and one whose business involved holding investments. Prior to 1960 the former would be liable to tax on profits arising from buying and selling whereas the latter was exempt from tax on such transactions (thus making an associated investment company a useful tax avoidance vehicle). Shares standing below cost in the dealing company's accounts could be sold to the investment company at a loss (attracting tax relief and mitigating the dealing company's overall tax liability); and once the shares appreciated in value they could be sold off producing a tax-free capital gain.

<sup>10</sup> Found originally in the Finance Act 1960 (c.44), s 25 and then superseded by ICTA 1970, s 486, before being re-enacted in ICTA 1988, s 774. Both ICTA 1970 and ICTA 1988 were consolidation statutes, although minor adjustments were made to the text at each stage of consolidation.

- 10.21 Section 774 addressed two situations. Where a dealing company paid an associated investment company for an option which it subsequently abandoned before the option expiry date, the investment company was deemed to have received an amount of taxable income equal to the amount of the dealing company's deduction. Secondly, where a dealing company sought to waive repayment of a loan to the investment company (producing tax relief for itself and no tax liability on the part of the investment company), again the investment company was deemed to have received a taxable receipt.
- 10.22 Portions of section 774 were amended by ITTOIA 2005, Sch 1 para 310, the Corporation Tax Act 2009 (c.4) ("CTA 2009"), Sch 1 para 225, and the Corporation Tax Act 2010 (c.4) ("CTA 2010"), Sch 1 para 103.
- 10.23 Section 774 as a whole has been superseded by other legislation by stages: by the Taxation of Chargeable Gains Act 1992 (c.12) ("TCGA 1992"), ss 161 and 173, and then by CTA 2009, Parts 5 to 7 (which rewrote the loan relationships legislation introduced by the Finance Act 1996 (c.8)). On that basis section 774 is no longer required and the amending provisions can also be repealed.
- 10.24 Sections 812 to 814 of ICTA 1988 continued the withdrawal of tax credit for certain non-resident companies connected with unitary states (being companies with a qualifying presence in a province, state or territory outside the UK and denied tax credit on qualifying distributions made by UK-based companies).<sup>11</sup> The sections, and their predecessor provisions, were designed to provide a mechanism for the Treasury to override provisions in the United States Double Taxation Convention 1975 and to withdraw the right of certain US corporations which invested in UK companies to recover tax credit on dividends received from them.
- 10.25 The sections are extant, but have never been brought into force. The Finance (No.2) Act 1997 (c.58), s 30 reduced to a negligible amount (from April 1999) the amount of tax credit entitlement for a non-resident person under a double taxation relief agreement. Accordingly, sections 812 to 814 have been rendered superfluous. As a consequence of their repeal, various amending provisions (in the Finance Act 1996 (c.8), Finance Act 1998 (c.36), Finance Act 2002 (c.23), Finance Act 2003 (c.14), ITTOIA 2005, ITA 2007, CTA 2010, and TIOPA 2010) will also require repeal, as will various cross-references to the sections elsewhere in ICTA 1988. The detail is set out in our consultation paper<sup>12</sup> and in the Schedule to the draft Bill.

<sup>11</sup> Withdrawal was initiated by the Finance Act 1985 (c.54) which enabled the UK to take counter-measures against states (such as those in the USA) that sought to impose world-wide unitary taxation. Certain US states apportioned (and taxed) the world-wide income of multi-jurisdictional companies who were operating a unitary business. The UK's view was that this was contrary to the internationally-accepted principle that tax in such circumstances would be charged on the basis of actual profits arising within the particular state, calculated on an arm's length basis.

<sup>12</sup> At paragraphs 60-63.

- 10.26 Schedule 30 to ICTA 1988 (with section 844) set out transitional provisions and savings. Schedule 30 paragraph 9 dealt with social security benefits, including arrangements relating to taxation of supplementary allowance before the coming into force of social security legislation in 1986 creating income-related benefits schemes. Paragraph 9 deactivated certain provisions relating to the taxation of income support<sup>13</sup> and activated substitutions within ICTA 1988 before the coming into force of the 1987 Income Support and the Family Credit Regulations<sup>14</sup> in April 1988. Once in force Schedule 30 paragraph 9 then became spent, and it can now be repealed.
- 10.27 Section 16 of the Finance (No. 2) Act 1979 (c.47) (“F(No.2)A 1979”) made provision for implementation of the United States Double Taxation Convention 1975 (see above) via an Order in Council under ICTA 1970, s 497 (later ICTA 1988, s 788).<sup>15</sup> Section 16 was repealed by ICTA 1988, s 844 and Sch 31, but Schedule 30 paragraph 14 provided that the repeal was not to prejudice any Order which gave effect to the 1975 Convention.
- 10.28 The 1975 Convention and the 1980 implementing Order were superseded by the 2001 Convention<sup>16</sup> and its related 2002 Order.<sup>17</sup> Because section 16 related only to the 1980 Order (implementing the 1975 Convention) need for the saving provision in ICTA 1988, Sch 30 para 14 ceased. The provision can now be repealed as spent.<sup>18</sup>
- 10.29 Schedule 30 paragraph 15 provided a saving when Schedule 31 to ICTA 1988 repealed FA 1985, s 76 and Sch 22. The FA 1985 provisions dealt with interest on certain chargeable securities held between 28 February 1985 to 27 February 1986. Interest was deemed to have been received on such securities even if it had not been received as such, and the taxpayer could be obliged under Schedule 22 paragraph 6 (by notice served by an inspector) to provide particulars of the securities held in the specified period.

<sup>13</sup> ICTA 1988, ss 151, 152.

<sup>14</sup> Income Support (General) Regulations 1987 (SI 1987 No 1967) and Family Credit (General) Regulations 1987 (SI 1987 No 1973).

<sup>15</sup> The 1975 Convention was implemented by the Double Taxation Relief (Taxes on Income) (The United States of America) Order 1980 (SI 1980 No 568).

<sup>16</sup> The 2001 Convention was amended by a 2002 Protocol. That protocol made adjustments to the arrangements for teachers, students and trainees entitled to certain 1975 Convention benefits.

<sup>17</sup> The Double Taxation Relief (Taxes on Income) (The United States of America) Order 2002 (SI 2002 No 2848).

<sup>18</sup> Repeal of Schedule 30 paragraph 14 will not adversely affect the protected benefits for students and trainees. This is discussed in more detail in our Consultation Paper at paragraphs 78 and 79.

- 10.30 The saving in Schedule 30 paragraph 15 provided that the repeal of Schedule 22 to the FA 1985 should not affect the continued operation of the information requisition provision for the year in question. Today, however, Schedule 22 paragraph 6 is no longer required (cross-references to it in the Taxes Management Act 1970 (c.9), s 98 have already been repealed),<sup>19</sup> and the saving in Schedule 30 paragraph 15 to ICTA 1988 can also be repealed.
- 10.31 Schedule 30 paragraph 19 provided a saving when Schedule 31 to ICTA 1988 repealed Finance Act 1974 (c.30) ("FA 1974"), s 21. Section 21 dealt with taxation of emoluments arising from office and employment and adjusted, amongst other things, Cases I and II in Schedule E governing chargeability to tax, subject to deductions or exceptions spelt out in Schedule 2 to the FA 1974. Schedule 30 paragraph 19 provided that the repeal was not to affect the taxation of emoluments which, had section 21 been in force before 1973-74, would have been chargeable under Case I or II (and were thus not chargeable under Case III). Given the intervening lapse of time the exemption from charge under Case III afforded by Schedule 30 paragraph 19 is now spent, and the provision can be repealed.<sup>20</sup>

### **Finance Act 1988**

- 10.32 Section 31 of the Finance Act 1988 (c.39) ("FA 1988") amended - and to an extent repealed - provisions relating to the denial of personal reliefs to individuals not resident in the UK as set out in ICTA 1988, s 278, although the adjustments were only to take effect for the years of assessment commencing in 1990-91. Subsections (2), (3) of section 31 have already been repealed,<sup>21</sup> leaving subsection (1), which provided a time limitation on the section taking effect (now of no value), and subsection (4) which simply omitted parts of section 278 (now spent). On that basis the whole of section 31 can go.
- 10.33 Sections 58 to 61 of the FA 1988 and Schedule 5 amended ICTA 1988, ss 450 to 452. Those sections in ICTA dealt with the assessment and collection of tax arising from the businesses of Lloyd's underwriting members (including special reserve funds vested in trustees). The FA 1988 either substituted text or made insertions.

<sup>19</sup> By the Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (SI 2009 No 2035), art 2 and Sch para 8(3)(g).

<sup>20</sup> HMRC are of the view that, even if a loss of tax were discovered for the years prior to 1973-74, assessment and recovery would now be time-barred under TMA 1970, ss 29, 36(1A).

<sup>21</sup> Section 31(2) was repealed by the Tax and Civil Partnership Regulations 2005 (SI 2005 No 3229), regs 47, 60(2). Section 31(3) was impliedly repealed, as a consequence of another repeal within section 278 of ICTA 1988, by Finance Act 1999 (c.16), s 139 and Sch 20 Pt 3(3).

- 10.34 Sections 450 to 452 and a new Schedule 19A to ICTA 1988 (inserted by Schedule 5 to FA 1988) were subsequently repealed by FA 1993, s 213 and Sch 23 Pt 3(12), with a saving for certain regulations made under ICTA 1988. The provisions were replaced by a new scheme for the taxation of underwriters in Part 2 Chapter 3. The amending provisions in FA 1988 were not repealed, however, except for part of section 61.<sup>22</sup> Portions of sections 58 and 61 may now be repealed as a consequence, leaving sections 59 and 60 untouched because they amended other legislation which is still operational.
- 10.35 Section 75 of FA 1988, together with section 148 and Sch 14 Pt 4, repealed sections 39(3) and 780(5) of, and Schedule 2 to, ICTA 1988, but only for the year 1988-89 and subsequent years of assessment. Sections 34 to 39, and Schedule 2, dealt with the treatment of premiums payable under a lease (or agreement for lease) of 50 years or less, granted before 1963-64 (deemed to be rent or gains chargeable to tax under Schedule D Case VI). Section 39(3) and Schedule 2 gave special relief to individuals, so that the amounts were treated as receipts for a single year of assessment, and provided a computation mechanism.
- 10.36 Section 780 dealt with the taxation of sale and leaseback arrangements, and limited tax reliefs. Section 780(5) provided, in much the same way as section 39(3), that Schedule 2 should take effect so as to give special relief to individuals.
- 10.37 Section 75 of FA 1988 is now spent and may itself be repealed.
- 10.38 Sections 119 to 122 of the FA 1988 amended TMA 1970, ss 7, 12 and 29, and inserted a new section 11A. Each of the provisions related to an aspect of taxes management. FA 1988, s 119 amended section 29 of the 1970 Act, which section dealt with the procedure for assessment to tax by the inspectorate and the Board of Inland Revenue, by inserting two new subsections empowering an inspector to make a current year assessment based on actual or estimated income, and then to adjust the tax charge at the year end.
- 10.39 Section 29 was replaced by Finance Act 1994 (c.9) ("FA 1994"), ss 191, 199 which substituted text with effect from 1996-97 and subsequent years of assessment. However, FA 1994 did not repeal section 119 of FA 1988, which is now superseded.
- 10.40 Section 120 of FA 1988 amended (by substitution) section 7 of TMA 1970 (relating to the giving of notice of liability to tax). The substitution was to take effect for notices given in the year 1988-89 or in subsequent years of assessment. Section 7 was later amended (by further substitution) by the FA 1994, s 196 and Sch 19 para 1 with effect from 1995-96 and subsequent years. But the 1994 Act did not repeal section 120 of FA 1988, which is superseded.
- 10.41 Section 121 of FA 1988, relating to corporation tax, has been repealed already.<sup>23</sup>

<sup>22</sup> Section 61(1)(a) was repealed by ITTOIA 2005, s 884 and Sch 3.

<sup>23</sup> Repealed by Finance Act 1998 (c.36), ss 117, 165 and Sch 27 Pt 3(28) for accounting periods ending after 30 June 1999.

- 10.42 Section 122(1) of FA 1988 inserted into the TMA 1970 a new section 11A (relating to capital gains tax). That section was later repealed by FA 1994, ss 199(2), 258 and Sch 26 Pt 5(23) with effect from 1996-97 onwards, and by the Finance Act 1995 (c.4) ("FA 1995"), ss 115(3), (13), 162 and Sch 29 Pt 8(14) for the year 1995-96 and subsequent years. However, section 122(1) was left unrepealed, although superseded.
- 10.43 Section 122(2) of FA 1988 substituted a new subsection for section 12(1) of TMA 1970. And section 122(3) provided that the changes made by section 122 as a whole were to take effect for statutory notices required to be given for 1988-89 and subsequent years of assessment. Section 12(1) of TMA 1970 was repealed by FA 1994, ss 199(2), 258 and Sch 26 Pt 5(23), effective for the year 1996-97 and subsequent assessment years. However, section 122(2), (3) remained unrepealed. The whole of section 122 of FA 1988 has been superseded.
- 10.44 Accordingly, FA 1988, ss 119, 120 and 122 can all now be repealed.
- 10.45 Section 35 of, and Schedule 3 to, FA 1988 set out minor and consequential provisions relating to married couples' taxation reliefs and, more particularly, the deduction of "qualifying maintenance payments". Schedule 3 paragraph 13 amended section 347B(3) of ICTA 1988 (inserted by FA 1988, s 36(1), (3)), which section had placed a ceiling on the amount which could be deducted in assessing income tax liability, so that the calculation referred instead to an amount specified in section 257A(1) of ICTA 1988.
- 10.46 Section 257A(1) was later repealed by Finance Act 1999 (c.16) ("FA 1999"), ss 31(1), (2), (10), 139 and Sch 20 Pt 3(3) from 2000-01 onwards. FA 1999, s 36(4) also amended section 347B(3), with the result that the Schedule 3 paragraph 13 amendment became superfluous. Schedule 3 paragraph 13 to FA 1988 can now be repealed.

### **Finance Act 1989**

- 10.47 Sections 91 and 92 of the Finance Act 1989 (c.26) ("FA 1989") related to premiums trust funds. Section 91(1) inserted subsections (10) and (11) into section 725 of ICTA 1988 (which section dealt with Lloyd's underwriters and the transfer of securities forming part of a premiums trust fund).
- 10.48 FA 1993, s 213 and Sch 23 Pt 3(12) repealed the whole of section 725 of ICTA 1988 for 1994 and subsequent underwriting years. As a consequence, section 91(1) of FA 1989 has been superseded.
- 10.49 Section 91(2) made amendment to the Capital Gains Tax Act 1979 (c.14) ("CGTA 1979"), s 142A. Both provisions were later repealed by TCGA 1992, s 290 and Sch 12, effective for 1992-93 and subsequent years of assessment.
- 10.50 Section 91(3) provided that the section was to apply where trustees of a premiums fund trust made a transfer after 6 April 1988 or some other date specified in regulations. Because section 91(1) has been superseded the section as a whole can now be repealed.



- 10.51 Section 92(1), (2) of FA 1989 amended section 451 of ICTA 1988 (which had enacted a regulation-making power for the assessment and collection of tax arising from underwriting business) by substituting words relating to years of assessment and limiting the scope of regulations. Sections 450 to 457 of ICTA 1988 were repealed by FA 1993, s 213 and Sch 23 Pt 3(12) with effect from 1992-93 onwards. But the provisions in section 92 of FA 1989 which amended section 451, although superseded, remain in being. Similarly, other amendments made to section 451 by section 61(1)(b),(c) of FA 1988 are also superseded, and the whole of section 61(1) can now be repealed.<sup>24</sup>
- 10.52 Section 96(1), (4) of FA 1989 amended (by partial substitution) section 452(8) of ICTA 1988 (dealing with special reserve funds vested in trustees which could hold a proportion of the annual business profits of underwriters). Section 452 was later repealed - as part of a larger repeal relating to underwriters - by FA 1993, s 213 and Sch 23 Pt 3(12) with effect from 1992-93 and onwards. However, neither section 96(1), nor section 96(4) which applied parts of section 96(1) to certain transactions occurring after 14 March 1989, were repealed, although they had become superfluous. They can now be repealed.
- 10.53 Section 114 of FA 1989 made a first amendment, from April 1989 onwards, to section 401(1) of ICTA 1988 by extending the period of pre-trading expenditure when computing loss relief. A second extension was granted by the FA 1993, s 109(1), (4). The first amendment was rendered superfluous and can now be repealed.
- 10.54 Section 160(3) of FA 1989 amended (by substitution) section 70(3) of the TMA 1970 relating to collection and recovery certification evidence. Section 70(3) was later disapplied by FA 1994, s 196 and Sch 19 para 21(2).<sup>25</sup> Section 160(3), although superseded, remains in being.
- 10.55 Section 162 of FA 1989 amended (by substitution) parts of section 93 of TMA 1970 relating to penalties for failing to make a tax return. The changes applied to failures in the tax year 1989-90 or later. The whole of section 93 was then substituted by FA 1994, ss 196, 199(1), (2)(a) and Sch 19 para 25 with effect from 1996-97 and subsequent years of assessment. However, the original amendment in section 162 was not repealed, although it had become superfluous. It can now be repealed.

<sup>24</sup> As indicated above, section 61(1)(a) has already been repealed.

<sup>25</sup> Paragraph 21(2) provided that "Subsection (3) of that section [70] shall cease to have effect."

## **Finance Act 1991**

- 10.56 Section 27 of the Finance Act 1991 (c.31) ("FA 1991") dealt with abolition of higher rate relief on certain mortgage and loan interest payments. Section 27(6) and Schedule 6 amended provisions on taxation of beneficial loan arrangements in ICTA 1988<sup>26</sup> and rates of capital gains tax in FA 1988.<sup>27</sup> The provisions amended in ICTA 1988 were subsequently repealed by ITEPA 2003, ss 722, 723, 724(1), Sch 6 paras 1, 24 and 111 and Sch 8 Pt 1 for the tax year 2003-04 onwards and accounting periods ending after 5 April 2003. The amending provisions in FA 1991 Sch 6 had been partially repealed,<sup>28</sup> leaving in place the remaining section 27(6) and Schedule 6 paragraph 4. These provisions can also now be repealed.
- 10.57 Section 46 of FA 1991 set out a tax dispensation for UK individuals who were working in Kuwait at the time of its invasion in August 1990 by Iraq (leading to the Anglo-American intervention). Foreign earnings were ordinarily governed by ICTA 1988, s 193 and Sch 12. Earnings attributable to work abroad could be deducted so long as the period an individual was not working abroad did not exceed 62 days in any period of one year. This arrangement was adjusted for workers who were obliged to leave the Gulf through the outbreak of hostilities,<sup>29</sup> and lasted until the end of the tax year 1992-93. The amended Schedule 12 paragraph 3(2A) was repealed by the Finance Act 1998 (c.36) ("FA 1998"), ss 63, 165 and Sch 27 Pt 3(11), and Schedule 12 as a whole was repealed by ITEPA 2003, s 724 and Sch 8 Pt 1 with effect from the tax year 2003-04 onwards, and for accounting periods ending after 5 April 2003. The original amending provision in FA 1991, s 46, which became spent after 1992-93, still stands and can now be repealed.
- 10.58 Section 66 of FA 1991 amended section 497 of ICTA 1988 in connection with the taxation of the oil industry and, more particularly, the restricting of the setting-off of advance corporation tax against liability to corporation tax on profits arising from oil extraction activities. The amendment was to apply to company distributions made after 1 May 1991.
- 10.59 Sections 497 to 499 were repealed by FA 1998, ss 31(5), 165 and Sch 3 para 29 and Sch 27 Pt 3(2) for accounting periods from 6 April 1999 onwards. The amending provision in section 66 was not repealed, however. It is now superfluous and can be repealed.
- 10.60 Section 75 of FA 1991 amended ICTA 1988 by inserting a new section 482A into the statute. This section empowered the Board of Inland Revenue to make regulations excluding certain building societies and deposit-takers from particular audit powers when handling non-UK residents' investments. Section 482A was subsequently repealed by the Finance Act 2000 (c.17) ("FA 2000"), ss 145(10), (11), 156 and Sch 40 Pt 5 from 6 April 2001. The amending provision - section 75 - was not repealed. It has been superseded and it can now go.

<sup>26</sup> The provisions were ICTA 1988, ss 160, 167 and Sch 7.

<sup>27</sup> FA 1988, s 102.

<sup>28</sup> Schedule 6 paragraph 6 had been repealed by TCGA 1992, s 290 and Sch 12. Schedule 6 paragraphs 2 and 5 had been repealed by FA 1994, ss 81(6), 88(5), (6), 258 and Sch 26 Pt 5(2). Schedule 6 paragraphs 1 and 3 were repealed by ITEPA 2003, Sch 8 Pt 1.

<sup>29</sup> The first Gulf War was waged from 2 August 1990 to 28 February 1991.

### **Finance (No. 2) Act 1992**

- 10.61 Sections 47 to 49 of the Finance (No.2) Act 1992 (c.48) (“F (No.2) A 1992”) dealt with transfers of UK and non-UK trades and liability to capital gains tax. They inserted new sections 269A to 269D into ICTA 1970, disapplying tax relief in certain circumstances, and made a series of consequential amendments to ICTA 1970 and Finance Acts 1984, 1985 and 1988. The provisions were to operate retrospectively (from 1 January 1992) until the coming into force of TCGA 1992 on 6 April of that year, and were designed to implement the EC Mergers Directive 1990.
- 10.62 The sections mirrored sections 44 to 46 of F (No.2) A 1992, which inserted new sections 140A-140D into TCGA 1992 from the date that Act took effect.
- 10.63 The inserted sections 269A-269D (along with the remainder of ICTA 1970) were repealed by TCGA 1992, s 290 and Sch 12, but the amending provisions in F (No.2) A 1992, ss 47-49 were not repealed. They are spent and can now be repealed.
- 10.64 Section 63 of, and Schedule 11 to, F (No.2) A 1992 made provision for tax on foreign dividends handled by paying and collecting agents. Paragraphs 3 and 6 in Schedule 11 are the only remaining provisions. Paragraph 3 simply omitted words from TMA 1970, s 86(4), and paragraph 6 gave effect to the Schedule for transactions from 1 October 1992 onwards. Both provisions are spent, so section 63 and Schedule 11 can now be repealed.

### **Finance Act 1993**

- 10.65 Section 67 of the Finance Act 1993 (c.34) (“FA 1993”) dealt with donations to charities from companies and individuals, and substituted in ICTA 1988, s 339(3A) and Finance Act 1990 (c.29) (“FA 1990”), s 25(2)(g) revised financial thresholds under which charitable donations were to be deemed qualifying donations (operative from 16 March 1993 onwards). The two amended sections were later repealed by FA 2000, s 156 and Sch 40 Pt 2(1), but the amending provisions in FA 1993, ss 67(2) to (4) were not repealed by that or later legislation. Section 67 as a whole is now spent.
- 10.66 Section 79(2) of FA 1993, with Schedule 6, amended ICTA 1988, s 687(3) in connection with the liability of trustees who made payment to persons under discretionary trusts. Section 687 was repealed by ITA 2007, ss 1027, 1031 and Sch 1 paras 1, 145 and Sch 3 Pt 1, together with a portion of section 79(2) of FA 1993.<sup>30</sup> Given the repeal of section 687 the whole of section 79(2) is now spent and may be repealed.
- 10.67 Section 107(2)(a) of FA 1993, which related to the indexation of allowances, amended ICTA 1988, s 1(4) for the year 1994-95 and subsequently. Section 107(2)(b) omitted ICTA 1988, s 1(5) for the same period.<sup>31</sup> The whole of section 1 of ICTA 1988 was later repealed by ITA 2007, ss 1027, 1031 and Sch 1 paras 1, 2 and Sch 3 Pt 1. On that basis, section 107(2) of FA 1993 can now be repealed as spent.

<sup>30</sup> Section 79(2)(b) was repealed, with the conjunction “and”.

<sup>31</sup> Section 1(5) was also repealed by FA 1993, s 213 and Sch 23 Pt 3(10).

- 10.68 Section 182(1) of FA 1993 was part of a series of provisions dealing with the taxation of profits and other matters relating to Lloyd's underwriters (and, in particular, provided power to make regulations for the assessment and collection of tax, and provided for the giving of foreign tax credit). Section 182(1) was amended by the FA 1995 which inserted a new paragraph (ca)(i), (ii) (relating to premiums trust funds). Section 182(1)(ca)(i) was repealed by the Finance Act 1997 (c.16) ("FA 1997").<sup>32</sup>
- 10.69 Section 182(1)(ca)(ii) was later amended twice.<sup>33</sup> HMRC believe the provision is no longer required because the regulation-making power conferred in 1993 on the then Board of Inland Revenue has never been exercised, and will not be required in the future. As a consequence of repealing section 182(1)(ca) the amending ITA 2007, Sch 1 para 359 can also be repealed.
- 10.70 Section 79(1) of, and Schedule 6 to, FA 1993 dealt with the taxation of company distributions. Schedule 6 paragraph 10 amended (by textual substitution) section 694(2A) of ICTA 1988. Section 694 as a whole was later repealed by ITA 2007, ss 1027, 1031 and Sch 1 paras 1, 149 and Sch 3 for the tax year 2007-08 and onwards. However, the amending Schedule 6 paragraph 10, although spent, remained. It can now be repealed.

#### **Finance Act 1994**

- 10.71 Section 170 of, and Schedule 18 paragraph 6 to, FA 1993 had inserted into ICTA 1988, Schedule 27 a new paragraph 5(2A) relating to offshore distributing funds. Paragraph 5(2A) was then substituted by section 176(2) of Finance Act 1994 (c.9) ("FA 1994") and, later, repealed by Finance Act 2002 (c.23) ("FA 2002"), s 141 and Sch 40 Pt 3(10), (13) for account periods beginning on or after 1 October 2002.
- 10.72 Neither of the original amendments - by FA 1993 and by FA 1994 - was repealed, although each had been superseded. Both may now be repealed.
- 10.73 Section 112 of, and Schedule 14 paragraphs 2 and 4 to, FA 1994 disapplied sections 468F and 468G of ICTA 1988 (which were also repealed by Schedule 26) and inserted new sections 468H to 468R. These sections related to the distribution of authorised unit trusts.
- 10.74 Subsequently, sections 468H to 468R were repealed in two stages: by the Finance (No. 2) Act 1997 (c.58) ("F (No.2) A 1997"), ss 36(4), 52 and Sch 6 para 8(7), (9) and Sch 8 Pt 2(11), for distributions on or after 6 April 1999; and by the Finance (No. 2) Act 2005 (c.22) ("F (No.2) A 2005"), ss 17(1)(a), 19(1), 70 and Sch 11 Pt 2(3), effective from 2006-07.
- 10.75 The amending provision in Schedule 14 paragraphs 2, 4 were not repealed, although spent. They may now be repealed.

<sup>32</sup> See FA 1997, ss 76, 113 and Sch 10 paras 6(a), 7(1) and Sch 18 Pt 6(10).

<sup>33</sup> By the Financial Services and Markets Act 2000 (Consequential Amendments) (Taxes) Order 2001 (SI 2001 No 3629), arts 75, 82(d), and by ITA 2007, s 1027 and Sch 1 para 359.

- 10.76 Section 138 of, and Schedule 16 paragraph 5 to, FA 1994 amended (by various textual insertions) section 434 of ICTA 1988, which section related to franked investment income of life assurance businesses. However, after repeal of Schedule 16 paragraph 5(2)-(5)<sup>34</sup> only paragraph 5(1) remains. The purpose behind that sub-paragraph is now redundant and it can be repealed.
- 10.77 Section 146 of, and Schedule 17 to, FA 1994 corrected various mistakes in ICTA 1988 by deeming provision. Schedule 17 paragraph 1 deemed certain words to be omitted from the text of section 43(1) of ICTA 1988 (as if originally omitted). The section related to the taxation of non-residents. It was then repealed by FA 1995, ss 40(3), 162 and Sch 29 Pt 8(16) with effect from 6 April 1996, but the amending provision in FA 1994 was not. Schedule 17 paragraph 1 is now spent and may be repealed.
- 10.78 Section 196 of, and Schedule 19 to, FA 1994 amended TMA 1970 and ICTA 1988. Schedule 19 paragraph 38, together with section 258 and Sch 26 Pt 5(23), repealed certain words in section 203(2)(dd) of ICTA 1988, relating to Schedule D tax and PAYE, from 1996-97 onwards.
- 10.79 Schedule 19 paragraphs 39 and 40 amended time limits for claims set out in ICTA 1988, ss 534 and 537A relating to relief for copyright and design payments. These amended sections were repealed by the Finance Act 2001 (c.9) ("FA 2001"), ss 71(3), 110 and Sch 33 Pt 2(6) for payments receivable on or after 6 April 2001. The amending provisions were not, however, repealed.
- 10.80 Schedule 19 paragraphs 38 to 40 are now spent and may be repealed.

### **Finance Act 1995**

- 10.81 Section 42 of the Finance Act 1995 (c.4) ("FA 1995") dealt with abolition of interest relief for commercially-let property. Section 42(1), (2) and (6) have already been repealed. Section 42(3), which simply gave effect to the section as a whole, and section 42(4) and (5), which disapplied the section in certain circumstances, and which prohibited relief for payment of interest under ICTA 1988, remain alive. However, the various statutory provisions referred to in these subsections have each been repealed, thus undermining the purpose of the subsections.<sup>35</sup> Accordingly, section 42(3) to (5) can now be repealed.
- 10.82 Section 57 of FA 1995 inserted new subsections into section 552 of ICTA 1988, and made consequential amendment to the TMA 1970, s 98. These provisions related to the duty on insurers to provide information relating to life policies. The amendments were superseded by FA 2001, s 83(1), (3) and Sch 28 paras 18, 20 which substituted text in the respective sections of the two statutes, thus overriding the earlier amendments. However, section 57 of FA 1995 was not repealed. It can be now.

<sup>34</sup> By FA 1995, s 162 and Sch 29 Pt 8(5) and by F (No.2) A 1997, s 52 and Sch 8 Pt 2(11).

<sup>35</sup> For more detail on the provisions already repealed see our published consultation paper at paragraphs 227 to 235.

- 10.83 Section 39 of, and Schedule 6 to, FA 1995 amended ICTA 1988 (and other tax statutes) in connection with taxation of income from land under Schedule A. Schedule 6 paragraph 27 (with section 162 and Schedule 29 Pt 8(1)) repealed, with effect for the year 1995-96 onwards, certain words in section 779(13)(a) of ICTA 1988 which applied to sale and leaseback transactions. Schedule 6 paragraph 27 is now spent and may itself be repealed.
- 10.84 Section 74 of, and Schedule 17 to, FA 1995 dealt with the liability to tax of settlors for the year 1995-96 and subsequent years of assessment. Schedule 17 paragraphs 24 and 26 substituted statutory references in section 59(1)(c) of FA 1989 (relating to covenanted subscriptions to charities) and in section 25(12)(b) of FA 1990 (relating to donations by individuals to charities), respectively.
- 10.85 Section 59 of FA 1989 was repealed by FA 2000, ss 41(7),(9), 156 and Sch 40 Pt 2(1) for covenanted payments made on or after 6 April 2000; and section 25(12)(b) of FA 1990 was repealed by FA 2000, ss 39(1),(7),(10), 156 and Sch 40 Pt 2(1) for gifts and payments from the same date. However, the amending provisions in Schedule 17 paragraphs 24 and 26 remained on the statute book. They may now be repealed as spent.

#### **Finance Act 1996**

- 10.86 Section 153 of, and Schedule 27 to, the Finance Act 1996 (c.8) ("FA 1996") dealt with foreign income dividends. The sole purpose of section 153 was to introduce and make effective Schedule 27 (which made textual amendments to ICTA 1988). The whole of Schedule 27 - which comprised six paragraphs - was repealed by F (No.2) A 1997, s 52 and Sch 8 Pt 2(6),(11). As a consequence section 153 became redundant and can now be repealed.
- 10.87 Section 156 of, and Schedule 29 to, FA 1996 amended the rules relating to paying and collecting agents (and, in particular, provisions in ICTA 1988). Section 156 simply gave effect to the Schedule 29 provisions. Schedule 29 was subsequently repealed by FA 2000, s 156 and Sch 40 Pt 2(17) for relevant payments or receipts with a chargeable date on or after 1 April 2001. The activating section 156 was not repealed, although it is now spent. It can be repealed.
- 10.88 Schedule 6 to FA 1996 (with section 73(4)) dealt with taxation of income from savings. Schedule 6 paragraph 11 amended section 468L of ICTA 1988, which provision concerned interest distributions of authorised unit trusts and had been inserted by FA 1994. Section 468L was later repealed by F (No. 2) A 2005, ss 17(1)(a), 70 and Sch 11 Pt 2(3), effective from (by appointed day order)<sup>36</sup> 2006-07 onwards. The amending Schedule 6 paragraph 11 remained in being. It can now be repealed as superseded.
- 10.89 Schedule 7 to FA 1996 (with section 79) abolished the charge to tax under Schedule C for 1996-97 onwards, and transferred the liability to charge to Schedule D. Schedule 7 paragraph 20 amended section 512 of ICTA 1988 which exempted the UK Atomic Energy Authority and the National Radiological Protection Board from tax liability.

<sup>36</sup> SI 2006 No 982 (C.29).

- 10.90 Section 512 was repealed by F (No.2) A 2005, ss 46(2)(c),(d), (4)(c)-(e), 70 and Sch 11 Pt 2(12) with effect from 1 April 2005. The amending Schedule 7 paragraph 20 has become spent and may now also be repealed.
- 10.91 Schedule 7 paragraph 26 amended ICTA 1988 by inserting section 841A (defining a “recognised clearing system” in the context of quoted Eurobonds). Section 841A was repealed by FA 2000, s 156 and Sch 40 Pt 2(17) for payments of interest made on or after 1 April 2001. The amending provision in Schedule 7 paragraph 26 is now spent and may also be repealed.
- 10.92 Schedule 14 to FA 1996 (and section 104) made various textual amendments to ICTA 1988 in connection with loan relationships. Schedule 14 paragraph 26 amended section 468L(5) of ICTA 1988 (interest distributions). Section 468L was repealed by F (No.2) A 2005, effective from 2006-07 onwards (see above). But the amending provision remained live. It can now be repealed as spent.
- 10.93 Schedule 20 paragraph 38 to FA 1996 (and section 134) amended section 812 of ICTA 1988. Section 812 is recommended earlier for repeal in this Part (along with sections 813 and 814). On that basis schedule 20 paragraph 38 would become redundant and can be repealed as a consequential repeal.
- 10.94 Schedule 21 to FA 1996 (with section 135) provided for the modification of time limits in connection with self-assessment procedures. Schedule 21 paragraph 19 amended section 691(4) of ICTA 1988 by textual substitution, altering arrangements for maintenance funds for historic buildings. Section 691 was later repealed by ITA 2007, ss 1027, 1031, 1034 and Sch 1 paras 1, 149 and Sch 3 Pt 1 for the year 2007-08 onwards. The amending provision in Schedule 21 paragraph 19 was not repealed, but it can now be as spent.
- 10.95 Schedule 21 paragraphs 45 and 46 amended sections 41(6) and 42(6) of F (No.2) A 1992, which provisions dealt with relief against profits for film makers. Section 41(6) prescribed a time limit for claim submissions for tax relief on relevant expenditure.<sup>37</sup> Section 41 was then repealed by Finance Act 2006 (c.25) (“FA 2006”), s 178 and Sch 26 Pt 3(4).
- 10.96 Section 42(6) prescribed a time limit for claim submissions relating to revenue expenditure on film production and acquisition of master tapes, discs, image and soundtracks.<sup>38</sup> Section 42 was subsequently repealed by FA 2006, ss 46(3), 178 and Sch 26 Pt 3(4), thus withdrawing production expenditure reliefs from 1 April 2006 onwards.
- 10.97 The amending provisions in Schedule 21 paragraphs 45 and 46 are now both superseded and can also be repealed.

<sup>37</sup> The section was further amended by ITTOIA 2005, ss 882(1), 883 and Sch 1 paras 452, 457(1),(3), for 2005-06 onwards, by textual substitution.

<sup>38</sup> As with section 41(6), section 42(6) was amended by ITTOIA 2005, Sch 1 paras 452, 458(1),(4), for 2005-06 onwards.

- 10.98 Schedule 21 paragraph 48 amended section 118 of FA 1994 (dealing with capital allowances for plant and machinery expenditure). Words were substituted in section 118(3) and a new subsection (3A) was inserted. These two provisions were later repealed by FA 2000, ss 73(1)(a),(2), 156 and Sch 40 Pt 2(8), but the amending provision was left in situ. Schedule 21 paragraph 48 may now be repealed.
- 10.99 Schedule 36 to FA 1996 (with section 182) amended provisions in ICTA 1988 relating to controlled foreign companies. Schedule 36 paragraph 1 amended section 747A of ICTA 1988 relating to computing chargeable profits. Section 747A was repealed by Finance Act 2005 (c.7) ("FA 2005"), ss 80(1), 104 and Sch 4 para 24 and Sch 11 Pt 2(6) for accounting periods from 16 March 2005, together with Schedule 36 paragraph 1(3)(b),(c). However, Schedule 36 paragraph 1(1),(2),(3)(a) is also spent because it simply introduced the amendments and provided for textual omissions. The whole of Schedule 36 paragraph 1 can now be repealed.
- 10.100 Schedule 36 paragraph 3(11) amended Schedule 24 paragraph 11 to ICTA 1988 in relation to the calculation of capital allowances. Schedule 24 paragraph 11 was later repealed by FA 1998, ss 113, 165 and Sch 17 paras 22, 37(1),(2) and Sch 27 Pt 3(27). The amending provision in Schedule 36 paragraph 3(11) is now superseded and may also be repealed.
- 10.101 Schedule 37 to FA 1996 (with section 198) redefined "bank" for certain purposes in ICTA 1988. Schedule 37 paragraph 11(2)(b) inserted a new subsection (3AA) into section 18 of the TMA 1970. The FA 2000, ss 145(5),(11), 156 and Sch 40 Pt 5 repealed section 18(3AA) of TMA 1970 from 6 April 2001 onwards, but no repeal was made of the amending provision. Schedule 37 paragraph 11(2)(b) may now be repealed as spent.

#### **Finance Act 1997**

- 10.102 Section 61 of the Finance Act 1997 (c.16) ("FA 1997") dealt with the phasing-out of relief for profit-related pay under Schedule E and ceased the effectiveness of Part 5 Chapter 3 of ICTA 1988.<sup>39</sup> Registration was to end on 31 December 2000. As Chapter 3 has been repealed, and the key dates in section 61 have passed, the section can now be repealed as spent.

#### **Finance (No. 2) Act 1997**

- 10.103 Section 17 of the Finance (No.2) Act 1997 (c.58) ("F (No.2) A 1997") withdrew relief for medical insurance premiums on a phased basis starting in 1997-98. Relief for such premiums was provided for in FA 1989, ss 54 to 57. F (No.2) A 1997, s 52 and Sch 8 Pt 2(2) repealed sections 54 to 57 for 1997-98 onwards, subject to a saving for relief given under section 54 for payments received by an insurer before 6 April 1999. That saving is now spent because the key date has passed. Section 17 can be repealed.

<sup>39</sup> Chapter 3 embraced sections 169 to 184. It was formally repealed by FA 1997, ss 61(2), 113 and Sch 18 Pt 6(3), subject to a saving relating to profit periods beginning before 1 January 2000.



- 10.104 Section 25(1) of F (No.2) A 1997 made amendment to ICTA 1988, s 246A(9) consequential upon the repeal by the 1997 Act<sup>40</sup> of section 95(5) of ICTA 1988. Section 95 dealt with the taxation of dealers in respect of company distributions; subsection (5) had defined (amongst other things) “fixed-rate preference shares”. Section 246A(9) had originally cross-referred to section 95(5).
- 10.105 Section 246A was repealed by F (No.2) A 1997, ss 36(4), 52 and Sch 6 para 3 and Sch 8 Pt 2(11), in relation to distributions made on or after 6 April 1999, but subject to certain transitional provisions. Given that repeal, and the repeal of ICTA 1988, s 95(5), section 25(1) can also now be repealed.
- 10.106 Section 25(5)-(7) of F (No.2) A 1997 amended FA 1997, Sch 7 para 5 which made provision for the treatment of company distributions when a company purchased its own shares. Schedule 7 paragraph 5 (which also referred to section 95(5) of ICTA 1988) was repealed by F (No.2) A 1997, ss 36(4), 52 and Sch 6 para 21(3) and Sch 8 Pt 2(11) for distributions made on or after 6 April 1999. Given the repeal of section 95(5), section 25(5),(6),(7) can also now be repealed.
- 10.107 Section 35 of, and Schedule 5 to, F (No.2) A 1997 applied transitional relief for charities. In our published consultation paper we indicated that, because these provisions were now spent, they could be repealed, alongside a consequential repeal in ICTA 1988.<sup>41</sup> Since publication, the Finance Act 2011 (c.11), s 91 and Sch 26 para 1 have been enacted and have repealed the provisions. No further steps are now required.
- 10.108 Schedule 3 to F (No.2) A 1997 (and section 23) made a series of statutory amendments relating to overseas life assurance business. Schedule 3 paragraph 9 amended section 441A of ICTA 1988 (relating to tax credits) by repealing subsection (1)<sup>42</sup> and substituting clarifying words in subsection (2), for distributions made on or after 2 July 1997. Section 441A(2)-(8) was then repealed by the same Act, Sch 4 para 28(1) and Sch 8 Pt 2(10), for distributions made on or after 6 April 1999, some 21 months later. As a consequence of these repeals the whole of Schedule 3 paragraph 9 is now superseded and can be repealed.
- 10.109 Schedule 4 to F (No.2) A 1997 (and section 34) related to overseas life insurance companies. Schedule 4 paragraph 29 made amendments to Schedule 19AC to ICTA 1988. Schedule 19AC was later repealed by the Overseas Life Insurance Companies Regulations 2006<sup>43</sup> for periods of account ending on or after 31 December 2006. Consequentially the Schedule 4 paragraph 29 amendments are spent, and the provision can now be repealed.

<sup>40</sup> By F (No.2) A 1997, s 52 and Sch 8 Pt 2(8), for distributions made on or after 2 July 1997.

<sup>41</sup> ICTA 1988, s 231B(4)(d).

<sup>42</sup> The repeal was in conjunction with section 52 and Schedule 8 Pt 2(6).

<sup>43</sup> SI 2006 No 3271, reg 43(1) and Sch, Pt 1 (made under FA 1993, s 156).

## **Finance Act 1998**

- 10.110 Section 30 of the Finance Act 1998 (c.36) ("FA 1998") made further provision as to when corporation tax was due and payable. Section 30(1) inserted a new section 59E into the TMA 1970 giving the Treasury power to make regulations determining the dates when the tax would become due and payable. Section 30(2)-(6) empowered the making of transitional regulations (for company actions between 25 November 1997 and 30 June 2002), which allowed for quarterly instalment payments and contained an anti-avoidance provision, and also made ancillary provision.
- 10.111 HMRC are of opinion that section 30(2)-(6) is now spent and may be repealed. As a consequence of that repeal reference to section 30 can be removed from the Income and Corporation Taxes (Electronic Communications) Regulations 2003.<sup>44</sup>
- 10.112 Section 62 of, and Schedule 11 to, FA 1998 dealt with the phasing out of relief for profit-related pay by setting down transitional arrangements. Section 62 gave effect to Schedule 11. Schedule 11 laid down detailed and complex rules for determining the limit on profit-related pay eligible for relief under section 171(4) of ICTA 1988. The overall purpose was to ensure that the cap on profit-related pay eligible for relief was not exploited by manipulation of the profit periods relevant to the final years of the available relief. Schedule 11 set down time limits for application of the provisions: in the case of an employee, where the "relevant period" began on or after 17 March 1998 and ended before 31 December 2000.
- 10.113 HMRC believe that, because the tax charge was on a receipts rather than an earnings basis, Schedule 11 ceased to have application on determination of the relievable amount for the period ending on 31 December 2000. As a consequence, section 62 and Schedule 11 are now spent and both can be repealed.
- 10.114 Sections 103 to 105 of FA 1998 dealt with restrictions on double taxation relief by substituting section 798 in ICTA 1988 and adding new sections 798A and 798B for foreign interest and dividends paid on or after 17 March 1998. Sections 798 to 798B were replaced by FA 2005, s 86(1),(3)(a),(4),(5) for foreign tax payments on or after 16 March 2005. On that basis sections 103 to 105 of FA 1998 are spent and can now be repealed.
- 10.115 Section 106(4)-(9) of FA 1998 amended section 803(4)-(9) of ICTA 1988 for overseas dividend paid on or after 17 March 1998. Section 803(4)-(9) was repealed by FA 2005, s 104 and Sch 11 Pt 2(8), but the amending provision in FA 1998 remained. Section 106(4)-(9) can now be repealed.
- 10.116 Section 153 of FA 1998 provided for the incremental reduction and abolition (by 1998-99) of the gas levy chargeable on gas acquired by the then British Gas Corporation under the Gas Levy Act 1981 (c.3). Repayment of any overpaid gas levy was to be made by the Secretary of State from the Consolidated Fund. The 1981 Act - which had been enacted to rectify market distortion - was repealed by FA 1998, s 165 and Sch 27 Pt 5(3) with effect from 31 July 1998. HMRC believe that repayment claims will now all have been processed and that section 153 is now redundant. It may therefore be repealed.

<sup>44</sup> SI 2003 No 282, in regulation 2(1)(a)(iii).

- 10.117 Schedule 3 to FA 1998 (and section 31) abolished advance corporation tax (ACT) for UK-resident companies for qualifying distributions made on or after 6 April 1999. Schedule 3 originally comprised 48 paragraphs, all of which (bar paragraph 6)<sup>45</sup> are now spent because they deleted various provisions in ICTA 1988 and other tax statutes.<sup>46</sup> With the exception of paragraph 6 they may now be repealed.
- 10.118 Schedule 7 to FA 1998 (and section 46(3)) dealt with the computation of Schedule D trade and professional profits. Schedule 7 paragraph 1 amended section 375A(1)(b) of ICTA 1988 by removing reference to “gains” from the text. Section 375A was later repealed by FA 1999, ss 38, 139 and Sch 4 para 10 and Sch 20 Pt 3(7) for interest payments made (in the main) on or after 6 April 2000. As a consequence, reference to section 375A(1)(b) can be omitted from Schedule 7 paragraph 1.
- 10.119 Schedule 7 paragraph 1 also referred to section 770(2)(a)(iii), (b)(iii) of ICTA 1988. Section 770 as a whole was replaced by FA 1998, s 108(1),(5), which substituted within the 1988 Act a new section 770A and Schedule 28AA for accounting periods ending on or after 1 July 1999. The references to section 770 in Schedule 7 paragraph 1 are now superseded and can be removed.
- 10.120 Schedule 7 paragraph 2 amended FA 1988, s 73(2) and Sch 12 para 2(2) by removing reference to “gains”. Section 73(2) was later repealed by CTA 2009, ss 1322, 1326, 1329 and Sch 1 paras 330, 334 and Sch 3 Pt 1 for 2009-10 onwards, and reference to that section in Schedule 7 paragraph 2 was also repealed. Schedule 12 paragraph 2 was repealed by FA 2002, s 141 and Sch 40 Pt 3(17). On that basis, Schedule 7 paragraph 2 may now be repealed as a whole.
- 10.121 Schedule 7 paragraph 3 removed reference to “gains” from sections 67(2)(a), 76(1),(4)(a) and 112(1) in FA 1989, some of which provisions dealt with employee share ownership trusts. Two of these sections (76 and 112) were later repealed.<sup>47</sup> As a consequence reference to them should now be removed from Schedule 7 paragraph 3.
- 10.122 Schedule 7 paragraph 8 applied similar amendments to section 42(8) of, and Schedule 12 paragraphs 3(3)(c),4(2) (twice) to, F (No.2) A 1992. Subsequently both section 42 and Schedule 12 were repealed.<sup>48</sup> On that basis Schedule 7 paragraph 8 is now spent and may be repealed.
- 10.123 Schedule 7 paragraph 12 made the like adjustments to FA 1997, Sch 12 para 8(4)(a), but Schedule 12 paragraph 8 was then repealed by the same Act, ss 38(2),(3), 165 and Sch 5 para 74 and Sch 27 Pt 3(4) for periods of account beginning on 1 April 1998. Schedule 7 paragraph 12 can now be repealed as spent.

<sup>45</sup> Schedule 3 paragraph 6 amended TMA 1970, s 109(3A).

<sup>46</sup> For more detailed discussion of these paragraphs, and their effects, see our published consultation paper at paragraph 326.

<sup>47</sup> Section 76 by Finance Act 2004 (c.12), s 326 and Sch 42 Pt 3, and section 112 by ITTOIA 2005, ss 882(1), 883, 884 and Sch 1 paras 406, 410 and Sch 3.

<sup>48</sup> Section 42 by Finance Act 2006 (c.25), ss 46, 178 and Sch 26 Pt 3(4), and Schedule 12 by TIOPA 2010, ss 371, 378, 381 and Sch 7 paras 63, 65 and Sch 10 Pt 12.

### **Finance Act 1999**

- 10.124 Section 46 of the Finance Act 1999 (c.16) (“FA 1999”) dealt with profit-related pay (PRP) schemes. It removed the requirement for a PRP scheme to satisfy the minimum wage legislation for scheme registration applications made on or after 28 July 1998. PRP was dealt with generally in sections 169 to 184 of ICTA 1988 (which formed Part 5 Chapter 3). Amongst other things section 46 repealed section 178(1)(d) in ICTA 1988. Part 5 Chapter 3 as a whole, with Schedule 8, was repealed by FA 1997, ss 61(2), 113 and Sch 18 Pt 6(3) in relation to any payment made by reference to a profit period beginning on or after 1 January 2000. No PRP scheme was to be registered beyond 31 December 2000.
- 10.125 As a consequence, section 46 is now superseded and can be repealed.
- 10.126 Schedule 4 to FA 1999 (with section 38(8)) withdrew tax relief on mortgage interest payments made or due on or after 6 April 2000 and provided, in 18 paragraphs, a series of consequential amendments. Most of the paragraphs either repealed provisions in ICTA 1988, or omitted subsections or words, or effected amendments which were subsequently repealed. As a consequence, those paragraphs, or parts of paragraphs, are now spent and may be repealed. The repeals are particularised in Schedule 1 to the draft Bill annexed to this report.<sup>49</sup>

### **Finance Act 2000**

- 10.127 Section 38 the Finance Act 2000 (c.17) (“FA 2000”) modified the charitable donation payroll deduction scheme so that sums deducted at source and paid to a charity under an approved scheme by the employer through a non-charitable agent, were to attract a 10% supplement payable by the agent. This provision had a limited life span, expiring on 5 April 2004. Claims by agents for reimbursements could only be entertained up to 5 April 2005.
- 10.128 Section 38 was repealed (together with various amending provisions) by Finance Act 2011 (c.11) (“FA 2011”), s 91 and Sch 26 para 3.<sup>50</sup> Section 38 applied to schemes which had been approved by the Inland Revenue and which complied with the Charitable Deductions (Approved Schemes) Regulations 1986.<sup>51</sup> Regulation 16 (as amended) cross-referred to section 38. Given the demise of section 38, and for clarity, the relevant portions of the 1986 and the amending Regulations should also now be revoked as spent.

<sup>49</sup> The detail underpinning the recommended repeals is set out in our published consultation paper at paragraph 356. The only adjustment needed to that paragraph relates to Schedule 4 paragraph 16 which provision no longer requires repeal (it has already been repealed by Finance Act 2008 (c.9), s 36 and Sch 14 para 17(h)).

<sup>50</sup> Our consultation paper was published before enactment of FA 2011 and, consequently, the repeal of section 38 recommended at paragraphs 357 to 361 of that paper has been overtaken by events.

<sup>51</sup> SI 1986 No 2211. The 1986 Regulations were amended by SI 2000 No 2083 and SI 2003 No 1745.

- 10.129 Schedule 30 to FA 2000 (with section 103) dealt with double taxation relief and, more particularly, Schedule 30 paragraph 4 governed relief for persons resident outside the UK who had branches or agencies within the UK. Schedule 30 paragraph 4(1) to (12) amended ICTA 1988 and was later repealed by TIOPA 2010. Schedule 30 paragraph 4(13) amended Schedule 19AC paragraph 13 to ICTA 1988. Schedule 19AC was repealed by the Overseas Life Insurance Companies Regulations 2006<sup>52</sup> from 31 December 2006. Schedule 30 paragraph 4(13) is now spent and can be repealed.
- 10.130 Because paragraph 4(1) to (13) has now gone or is about to go, the remaining paragraph 4(14) can also go. That sub-paragraph simply provided that the amendments to be made by the paragraph as a whole were to be effective for accounting periods ending on or after 21 March 2000. Schedule 30 paragraph 4(14) is likewise spent.
- 10.131 Schedule 30 paragraphs 10, 14 and 26 each repealed (with Schedule 40 Pt 2(13)) provisions in ICTA 1988. Those paragraphs are spent and may be repealed now.
- 10.132 Schedule 30 paragraph 18 related to allocation of expenses in computations for insurance companies where foreign tax credit is allowable. Paragraph 18 inserted new sections 804C to 804E into ICTA 1988 for periods of accounting beginning on 1 April 2000. Paragraph 18(1),(3) has been repealed already. Paragraph 18(2) omitted text from FA 1989, s 82(1)(a), but since then new sections 82 to 82B have been inserted by FA 2003, s 170 and Sch 33 para 1, thus superseding paragraph 18(2). Paragraph 18(4) contained the paragraph's commencement provision. On that basis Schedule 30 paragraph 18 as a whole can be repealed as spent.

#### **Capital Allowances Act 2001**

- 10.133 Section 542 of the Capital Allowances Act 2001 (c.2) ("CAA 2001") provided that writing-down allowances were to be available to the transferee of a trade "or relevant activity" who expended money on providing an asset (such as plant or machinery) and where the transferor contributed a capital sum towards that expenditure. Section 542 referred to the transferor's "trade or relevant activity" in the context of contribution allowances under Parts 3 to 5 of CAA 2001. However, Parts 3 and 4 were repealed by Finance Act 2008 (c.9) ("FA 2008"), s 84 and Sch 27 paras 1, 9 and 10. Once they had been repealed the notion of "or relevant activity" became redundant, and those words should now be deleted from section 542.

<sup>52</sup> SI 2006 No 3271, reg 43 and Sch Pt 1.

### **Finance Act 2001**

- 10.134 Section 81 of, and Schedule 27 to, the Finance Act 2001 (c.9) (“FA 2001”) provided for double taxation relief where income is subject to foreign tax. Schedule 27 comprises seven paragraphs which amended various sections in ICTA 1988, and Schedule 30 paragraph 4 to FA 2000 (recommended above for repeal). Each of the amended provisions has since been repealed by the Finance Act 2009 (c.10) or TIOPA 2010.<sup>53</sup> On the repeal of Schedule 30 paragraph 4 to FA 2000 Schedule 27 will become spent and may be repealed (along with section 81 which simply gives effect to the Schedule).

### **Finance Act 2002**

- 10.135 If section 812 of ICTA 1988 - withdrawal of tax credit for certain non-resident companies - were to be repealed (as recommended above), reference to that provision in section 88(2)(a) of the Finance Act 2002 (c.23) (“FA 2002”), which amended section 812(2), would become superfluous. The words should be deleted. Because all the other statutory references in section 88(2)(a) have already been repealed,<sup>54</sup> the whole of that provision should go.

### **Finance Act 2003**

- 10.136 Section 146 of the Finance Act 2003 (c.14) (“FA 2003”) amended section 38 of FA 2000. In our consultation paper we suggested that section 146 should be repealed as a consequence of repealing FA 2000, s 38. Since publication both provisions have been repealed by the FA 2011, Sch 26 para 3. No further steps are required.<sup>55</sup>
- 10.137 If section 814 of ICTA 1988 were to be repealed (as recommended above), reference to that provision in section 153(2)(a) of FA 2003, which amended section 814(1), would become superfluous. The words in section 153 should be deleted.
- 10.138 In section 207(2) of FA 2003 paragraph (b), which amended section 43A(2A)(b) of TMA 1970, should be repealed for the reasons indicated earlier in this part of the report.

### **Income Tax (Trading and Other Income) Act 2005**

- 10.139 Schedule 1 paragraphs 1, 310 to the Income Tax (Trading and Other Income) Act 2005 (c.5) (“ITTOIA 2005”) (with section 882(1)) amended section 774(1) of ICTA 1988 by insertion and substitution of text. Section 774 is recommended for repeal earlier in this report. Schedule 1 paragraph 310 should be repealed as a consequence.
- 10.140 Similarly, Schedule 1 paragraph 326 amended section 812(1) of ICTA 1988 by substituting text. If section 812 is to be repealed as recommended above, then Schedule 1 paragraph 326 should go as well.

<sup>53</sup> For a more detailed analysis see our published consultation paper at paragraph 380.

<sup>54</sup> By the Finance Act 2006 (c.25), s 178 and Sch 26 Pt 8(2), and TIOPA 2010, s 378 and Sch 10 Pt 1.

<sup>55</sup> The same applies to the provisions in Schedule 6 paragraph 243 to the Income Tax (Earnings and Pensions) Act 2003 (c.1), amending section 38 of FA 2000, which were also repealed by FA 2011, Sch 26 para 3. Consultation paper paragraph 382 refers.

- 10.141 Schedule 1 paragraph 457(3) amended section 41(6) of F (No.2) A 1992 by textual substitution. Section 41 was later repealed by FA 2006, ss 46(2), 178 and Sch 26 Pt 3(4). As a consequence, Schedule 1 paragraph 457(3) is now spent and may also be repealed.
- 10.142 Schedule 1 paragraph 458(4) amended section 42(6) of F (No.2) A 1992 by substitution of text. Subsequently section 42 was repealed by FA 2006, ss 46(3), 178 and Sch 26 Pt 3(4). Schedule 1 paragraph 458(4) is now therefore spent, and may be repealed.

### **Income Tax Act 2007**

- 10.143 Section 45 of the Income Tax Act 2007 (c.3) (“ITA 2007”) dealt with tax reductions for married couples and, more particularly, the married couple’s allowance available to the husband where the marriage took place before 5 December 2005 and one of the couple was born before 6 April 1935.
- 10.144 Section 45(3) set out two base amounts from which, for the tax year 2007-08 and onwards, the 10% tax reduction was to be calculated. From the tax year 2010-11 onwards, given the age criterion, only the higher base amount specified in section 45(3)(a) would apply.<sup>56</sup> Section 45(3)(b) is no longer applicable and can now be repealed as spent.
- 10.145 Section 46 dealt with tax reductions for marriages and civil partnerships taking place on or after 5 December 2005 (and where one partner was born before 6 April 1935). Section 46(3) set out base figures and age criteria in line with those in section 45(3). On the same basis section 46(3)(b) is no longer applicable and is now spent.
- 10.146 As a consequence of these two suggested repeals, various minor repeals of cross-references in sections 45 to 57 of ITA 2007 should also be attended to.
- 10.147 Section 577 of ITA 2007 requires a company or person outside the charge to corporation tax, who pays a “manufactured dividend” on shares, to give the recipient at the same time a written statement setting out details for tax purposes. Section 577(8)(a) operated as a signpost for corresponding provisions where the payer is a UK-resident company and thus within the charge to corporation tax (including ICTA 1988, s 234A and Sch 23A para 2(2)(b)).
- 10.148 Since section 577(8)(a) was enacted the two underpinning provisions have been repealed. Section 234A of ICTA 1988 was repealed by CTA 2010, ss 1177, 1181(1) and Sch 1 para 21 and Sch 3 Pt 1 for 2010-11 onwards. Likewise, Schedule 23A paragraph 2(2)(b) to ICTA 1988 - which contained a deeming provision - was repealed by Finance Act 2009 (c.10) (“FA 2009”), s 34 and Sch 14 paras 2, 11(3) and 31, for distributions paid on or after 1 July 2009.
- 10.149 On that basis the reference to the two portions of ICTA 1988 in section 577(8)(a) becomes otiose and the provision may now be repealed as serving no practical purpose.

<sup>56</sup> The two monetary figures recited in section 45(3) have since been adjusted by SI 2010 No. 2879.

### **Corporation Tax Act 2009**

- 10.150 Schedule 1 paragraph 225 to the CTA 2009 (with section 1322) amended section 774(1) of ICTA 1988 by substitution of text. Section 774 dealt with transactions between dealing companies and associated non-dealing companies. Earlier in this part of the report we recommend repeal of section 774 and of its amending provisions because they have been superseded by Parts 5 to 7 of CTA 2009. Schedule 1 paragraph 225 may now be repealed.

### **Corporation Tax Act 2010**

- 10.151 Schedule 1 paragraph 116 to the CTA 2010 (with section 1177) amended section 812(5) of ICTA 1988. Sections 812 to 814 of ICTA 1988 dealt with double taxation relief. They have never been brought into force. Previously in this report we have recommended repeal of the three sections. As a consequence, Schedule 1 paragraph 116 can also now be repealed.

### **Taxation (International and Other Provisions) Act 2010**

- 10.152 Schedule 8 paragraphs 30, 31 to the Taxation (International and Other Provisions) Act 2010 (c.8) (“TIOPA 2010”) (with section 374) amended sections 812(1)(b) and 814(1)(a) to ICTA 1988. As a consequence of the repeal of sections 812 to 814 proposed above, Schedule 8 paragraphs 30 and 31 can also be repealed as ineffective.

## **GROUP 2 – SCOTTISH LOCAL TAXATION**

- 10.153 The proposed repeals are of 16 expired enactments passed between 1798 and 1828 relating to the imposition of a tax of two pennies Scots (equivalent to one sixth of an old penny sterling) upon every pint of ale, beer or porter<sup>57</sup> brewed or sold within the burgh identified in the title of the Act in question. The purpose of each of the Acts was to enable the relevant burgh to levy a duty of two pennies Scots on every Scots pint<sup>58</sup> of ale, beer or porter brewed or sold in that burgh. The monies raised were added to burgh funds and applied for public purposes such as the building of roads. Most of the Acts listed actually continue Two Pennies Scots Acts previously passed and expand upon powers previously granted. All 16 Acts had become obsolete by 1850 at the latest.

### **Edinburgh**

#### **Edinburgh Two Pennies Scots Act (1798)**

- 10.154 The purpose of this 1798 Act<sup>59</sup> was, according to its long title, “for further continuing for Thirty-eight Years” the term of the two penny duty on every pint of ale and beer sold in the city of Edinburgh granted by several previous Acts.<sup>60</sup> Accordingly this 1798 Act expired in 1836.

<sup>57</sup> Porter is a type of dark brown bitter beer.

<sup>58</sup> Four Scots pints were equal to one gallon.

<sup>59</sup> 38 Geo.3 c.liv.

<sup>60</sup> 3 Geo.1 c.5 (1716) (Edinburgh Beer Duties Act); 9 Geo.1 c.14 (1722) (Edinburgh Beer Duties Act); 25 Geo.2 c.9 (1751) (Edinburgh Beer Duties Act). All have been repealed by the Statute Law Revision Act 1948. Part of the revenue raised by the 1716 and 1722 Acts was used to fund a Chair in the newly-created Faculty of Law at Edinburgh University.



### **Edinburgh Two Pennies Scots Act (1816)**

- 10.155 The purpose of this 1816 Act<sup>61</sup> was to clarify certain provisions of the 1798 Act above concerning the collection of the duty under that Act. The 1816 Act ceased to serve any useful purpose upon the expiry of the 1798 Act in 1836.

### **Port Glasgow and Newark**

#### **Port Glasgow and Newark Two Pennies Scots Act (1799)**

- 10.156 The purpose of this 1799 Act<sup>62</sup> was, according to its long title, “for continuing for Thirty-eight Years” the term of the two penny duty on every pint of ale and beer sold in the towns of Port Glasgow and Newark<sup>63</sup> granted by several previous Acts.<sup>64</sup> The preamble records that the revenue from the duty was applied in the pursuit of several useful public purposes and it was therefore expedient to extend the term of the duty, which would otherwise run out in November 1801. The 1799 Act was expressed to continue for 38 years and, accordingly, expired in 1837.

### **Glasgow and Gorbals**

#### **Glasgow and Gorbals Two Pennies Scots Act (1799)**

- 10.157 The purpose of this 1799 Act<sup>65</sup> was, according to its long title, “for continuing for Thirty-eight Years” the term of the two penny duty on every pint of ale and beer sold in the city of Glasgow and village of Gorbals granted by several previous Acts.<sup>66</sup> The preamble records that large sums of money had been borrowed on the credit of the duty revenue to carry out useful public works, this money not being repayable within the term of the duty set by the previous Acts. The 1799 Act was expressed to continue for 38 years and, accordingly, expired in 1837.

<sup>61</sup> 56 Geo.3 c.xxxv.

<sup>62</sup> 39 Geo.3 c.xxxix.

<sup>63</sup> Duties were extended to Newark under the now repealed 15 Geo.3 c.60 (1775) (Port of Glasgow Improvement Act).

<sup>64</sup> 1 Geo.1 c.44 (1714) (Glasgow Beer Duties Act); 9 Geo.2 c.31 (1735) (Glasgow Beer Duties Act); 28 Geo.2 c.29 (1755) (Glasgow Beer Duties Act). All have been repealed by the Statute Law Revision Act 1948.

<sup>65</sup> 39 Geo.3 c.xl.

<sup>66</sup> These Acts are those that were extended by the Port Glasgow and Newark Two Pennies Scots Act of 1799 referred to above.

## **Dundee**

### **Dundee Two Pennies Scots Act (1802)**

- 10.158 The purpose of this 1802 Act<sup>67</sup> was, according to its long title, “for enlarging the Term and Powers” of the two penny duty on every pint of ale and beer sold in the town of Dundee granted by several previous Acts.<sup>68</sup> The preamble records that “a considerable Debt is now owing on the Credit of the said former Acts, which cannot be paid off, and the Repairs and other necessary Works by the said Acts directed to be done, carried on, and completed, unless the Term and Powers by the said former Acts granted be enlarged”. The 1802 Act was expressed to continue for 25 years and, accordingly, expired in 1827.

### **Dundee Two Pennies Scots Act (1827)**

- 10.159 The purpose of this 1827 Act<sup>69</sup> was, according to its long title, “for enlarging the Term and Powers” of the two penny duty on every pint of ale and beer sold in the town of Dundee granted by several previous Acts, including the 1802 Dundee Act referred to above. The preamble records that the debt referred to in the 1802 Dundee Act was still owing. The 1827 Act was expressed to continue for 20 years and, accordingly, expired in 1847.

## **Kelso**

### **Kelso Two Pennies Scots Act (1802)**

- 10.160 The purpose of this 1802 Act<sup>70</sup> was, according to its long title, “for continuing and enlarging the Term and Powers” of the two penny duty on every pint of ale and beer sold within the town and parish of Kelso granted by several previous Acts.<sup>71</sup> The preamble records that it was necessary to extend the term of the duties as money borrowed on the credit of the duties had been applied in the construction of a bridge over the river Tweed, which was destroyed by flood. The 1802 Act was expressed to continue for 21 years and, accordingly, expired in 1823.

<sup>67</sup> 42 Geo.3 c.xxvii.

<sup>68</sup> 4 Geo.2 c.11 (1730) (Dundee Beer Duties Act); 20 Geo.2 c.17 (1746) (Dundee Beer Duties Act); 16 Geo.3 c.16 (1776) Dundee Beer Duties Act. All were repealed by the Statute Law Revision Act 1948.

<sup>69</sup> 7 & 8 Geo.4 c.xciii.

<sup>70</sup> 42 Geo.3 c.xxxiii.

<sup>71</sup> 32 Geo.2 c.56 (1758) (Kelso Beer Duties Act); 20 Geo.3 c.11 (1780) (Kelso Beer Duties Act). Both were repealed by the Statute Law Revision Act 1948.

### **Kelso Two Pennies Scots Act (1824)**

- 10.161 The purpose of this 1824 Act<sup>72</sup> was, according to its long title, “for continuing and enlarging the Term and Powers” of the two penny duty on every pint of ale and beer sold within the town and parish of Kelso granted by several previous Acts, including the 1802 Kelso Act referred to above. The preamble records that, while the bridge over the Tweed had been completed, “some of the other Purposes for which the Duty was granted have not been accomplished, and cannot be carried into Execution, unless the Term and Powers of the said recited Acts be continued and enlarged”. The 1824 Act extended the duties imposed by the earlier Acts for 21 years from 1823 and, accordingly, expired in 1844.

### **Dalkeith**

#### **Dalkeith Improvement and Market Act (1804)**

- 10.162 The purpose of this 1804 Act<sup>73</sup> was, according to its long title, for continuing the term of the two penny duty on every pint of ale and beer sold within the town and parish of Dalkeith granted by several previous Acts,<sup>74</sup> and “for paving, cleaning and lighting the Streets of the said Town; and for erecting a New Publick Market therein”. The 1804 Act was expressed to continue for 21 years and, accordingly, expired in 1825.

#### **Dalkeith Two Pennies Scots Act (1825)**

- 10.163 The purpose of this 1825 Act<sup>75</sup> was, according to its long title, for continuing the term of the two penny duty on every pint of ale and beer sold within the town and parish of Dalkeith granted by several previous Acts, including the 1804 Dalkeith Act referred to above. The preamble records that the term of the duties “are about to expire, and the Duties thereby granted will consequently thereupon cease and determine; and it is expedient and necessary for the Accomplishment of the Purposes for which the said Acts were passed, that the same should be farther continued”. The 1825 Act extended the duties imposed by the earlier Acts for 21 years and, accordingly, expired in 1846.

<sup>72</sup> 5 Geo.4 c.xxxviii.

<sup>73</sup> 44 Geo.3 c.xxxvi.

<sup>74</sup> 33 Geo.2 c.53 (1759) (Dalkeith Beer Duties Act); 22 Geo.3 c.18 (1782) (Dalkeith Beer Duties Act). Both were repealed by the Statute Law Revision Act 1948.

<sup>75</sup> 6 Geo.4 c.xxxvi.

## **Burntisland**

### **Burntisland Two Pennies Scots Act (1807)**

- 10.164 The purpose of this 1807 Act<sup>76</sup> was, according to its long title, for continuing the term of the two penny duty on every pint of ale and beer sold within the town of Burntisland granted by several previous Acts.<sup>77</sup> The preamble records that, in order to fulfil the purposes of the duty, “a Prolongation of the said Acts would be of great Advantage to the Community of the said Borough of Burntisland”. The 1807 Act was expressed to continue for 31 years and, accordingly, expired in 1838.

## **Kinghorn**

### **Kinghorn Two Pennies Scots Act (1807)**

- 10.165 The purpose of this 1807 Act<sup>78</sup> was, according to its long title, for continuing the term of the two penny duty on every pint of ale and beer sold in the burgh of Kinghorn granted by several previous Acts.<sup>79</sup> The preamble records that “the said Acts expired at the End of the last Session of Parliament, and the Purposes for which the said Duty was granted cannot be completed unless the said Acts are revived, and further continued, which would be of great Advantage to the Community of the said Borough of Kinghorn”. The 1807 Act was expressed to continue for 25 years and, accordingly, expired in 1832.

## **Aberbrothock<sup>80</sup>**

### **Aberbrothock Two Pennies Scots Act (1808)**

- 10.166 The purpose of this 1808 Act<sup>81</sup> was, according to its long title, “to continue several Acts<sup>82</sup> for granting a Duty of Two Pennies Scots upon Ale and Beer brewed in the Town of Aberbrothock, in the County of Forfar”. The preamble records that “the Purposes for which the said Duty was granted are not yet completed, and a considerable Debt is now owing on the Credit of the said Acts, which cannot be paid off and the necessary Works by the said Acts directed to be done, carried on and completed, unless the Terms and Powers by the said former Acts granted, be enlarged”. The 1808 Act was expressed to continue for 21 years and, accordingly, expired in 1829.

<sup>76</sup> 47 Geo.3 Sess.2 c.xli.

<sup>77</sup> 6 Geo.1 c.8 (1719) (Burntisland Beer Duties Act); 20 Geo.2 c.26 (1746) (Burntisland Beer Duties Act); 17 Geo.3 c.20 (1776) (Burntisland Beer Duties Act). All were repealed by the Statute Law Revision Act 1948.

<sup>78</sup> 47 Geo.3 Sess.2 c.xlii.

<sup>79</sup> 22 Geo.2 c.13 (1748) (Kinghorn Beer Duties Act); 14 Geo.3 c.28 (1774) (Kinghorn Beer Duties Act). Both were repealed by the Statute Law Revision Act 1948.

<sup>80</sup> Aberbrothock is today known as *Arbroath*.

<sup>81</sup> 48 Geo.3 c.xiv.

<sup>82</sup> 11 Geo.2 c.4 (1748) (Aberbrothock Beer Duties Act); 3 Geo.3 c.28 (1763) (Aberbrothock Beer Duties Act); 27 Geo.3 c.46 (1787) (Aberbrothock Beer Duties Act). All were repealed by the Statute Law Revision Act 1948.

### **Aberbrothock Two Pennies Scots Act (1828)**

- 10.167 The purpose of this 1828 Act<sup>83</sup> was, according to its long title, “to continue several Acts for granting a Duty of Two Pennies Scots upon Ale and Beer brewed in the Town of Aberbrothock”. The several Acts comprised those mentioned in the 1808 Aberbrothock Act referred to above and the 1808 Act itself. The preamble records that the debt raised on the credit of the duties was yet to be repaid and the works for which the duties were authorised were not completed. The 1828 Act extended the duties imposed by the earlier Acts for 21 years from 1829 and, accordingly, expired in 1850.

### **Dumfries**

#### **Dumfries Two Pennies Scots Act (1811)**

- 10.168 The purpose of this 1811 Act<sup>84</sup> was, according to its long title, “for continuing several Acts for laying a Duty of Twopennies Scots, or One-sixth of a Penny Sterling, on every Pint of Ale, Beer or Porter, that shall be vended or sold with in the Town of Dumfries”. The preamble records that the money arising from the duties “though managed with the greatest frugality has been found inadequate to pay off the Debts for which it was granted and continued”. The 1811 Act was expressed to continue for 21 years and, accordingly, expired in 1832.

### **Montrose**

#### **Montrose Two Pennies Scots Act (1816)**

- 10.169 The purpose of this 1816 Act<sup>85</sup> was, according to its long title, for continuing the term of the two penny duty on every pint of ale and beer sold in the town of Montrose granted by several previous Acts,<sup>86</sup> and for supplying the town with fresh water. The preamble records that “the Purposes for which the said Rates and Duties were granted have not been completed, and cannot be accomplished, and the Debts contracted under the Authority of the said Acts cannot be discharged, unless the Terms and Powers of the said Acts be further continued and enlarged”. The 1816 Act was expressed to continue for 21 years and, accordingly, expired in 1837.

<sup>83</sup> 9 Geo.4 c.xiii.

<sup>84</sup> 51 Geo.3 c.xxxvii.

<sup>85</sup> 56 Geo.3 c.xxxvii.

<sup>86</sup> 6 Geo.1 c.7 (1719) (Montrose Beer Duties Act); 7 Geo.2 c.28 (1733) (Montrose Beer Duties Act); 9 Geo.3 c.57 (1769) (Montrose Beer Duties Act); 35 Geo.3 c.42 (1795) (Montrose Beer Duties Act). All were repealed by the Statute Law Revision Act 1948.

### **GROUP 3 – PERSONAL ACCOUNTS DELIVERY AUTHORITY**

- 10.170 The repeals proposed in this Group are consequential upon the winding up of the Personal Accounts Delivery Authority. The Authority was established by the Pensions Act 2007.<sup>87</sup> The functions of the Authority were set out in the Pensions Act 2008<sup>88</sup> and included the giving of assistance and advice required by the Secretary of State under section 67(1) of that Act. The main purpose of the Authority was to advise on the introduction of a new low-cost pensions vehicle. Section 23(1) of the 2007 Act authorised the Secretary of State to make an order providing for the winding up and dissolution of the Authority.<sup>89</sup> This power has now been duly exercised. By virtue of the Personal Accounts Delivery Authority Winding Up Order 2010,<sup>90</sup> the Authority was wound up and dissolved on 5 July 2010.<sup>91</sup>
- 10.171 The winding up and dissolution of the Authority in 2010 means that a number of references to the Authority on the statute book are now unnecessary and their repeal is proposed on that basis.<sup>92</sup>

<sup>87</sup> The 2007 Act, s 20. Further provision in relation to the Authority was made by sections 21 to 23 of, and Schedule 6 to, the 2007 Act.

<sup>88</sup> The 2008 Act, s 79(2).

<sup>89</sup> The power to make such an order arose if for certain reasons it appeared to the Secretary of State that it was no longer necessary for the Authority to continue to exist: the 2007 Act, s 23(3).

<sup>90</sup> SI 2010 No 911.

<sup>91</sup> The 2010 Order, art 3. The Order also repealed sections 20 and 22 of, and Schedule 6 to, the 2007 Act: art 8(1)(a), (b); and sections 79 to 85 of the 2008 Act. The order also made provision for the transfer of the Authority's property, rights and liabilities to the National Employment Savings Trust Corporation, a trustee corporation established under section 75 of the 2008 Act. The functions of the Corporation are set out in section 76 of the 2008 Act. It is responsible for overseeing the National Employment Savings Trust known as NEST (a low cost premium scheme designed to meet the needs of low to moderate earners and their employers).

<sup>92</sup> These references are in Public Records Act 1958, Sch 1, Pt 2; Parliamentary Commissioner Act 1967, Sch 2; House of Commons Disqualification Act 1975, Sch 1, Pt 2; Northern Ireland Assembly Disqualification Act 1975, Sch 1, Pt 2; Freedom of Information Act 2000, Sch 1, Pt 6.

# PART 11

## TURNPIKES

### INTRODUCTION

- 11.1 This part of the report proposes the repeal of some 173 obsolete turnpike (and related) Acts relating to the construction, repair and maintenance of roads in parts of Gloucestershire, Oxfordshire and Surrey as well as roads connecting London with Holyhead. These Acts have long ceased to have any effect, the periods for which they were individually enacted having expired a century or more ago. Despite this, none of them have been formally repealed, and they remain on the statute book to this day. The individuals and organisations consulted about these proposals are set out in Appendix 3.
- 11.2 These repeal proposals are part of a rolling programme for the repeal of obsolete turnpike Acts. Our last statute law repeals report contained analogous proposals for the repeal of obsolete turnpike Acts in Essex, Suffolk and Norfolk.<sup>1</sup>

### Background

- 11.3 Until the late 19<sup>th</sup> century, Britain had no national framework for maintaining its highways. For much of the 17<sup>th</sup> and 18<sup>th</sup> centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid statute labour repairing the roads. The inefficiency of this statute labour system left most roads poorly repaired and maintained.
- 11.4 Turnpikes were an alternative method of road administration. A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road. The first turnpike Act was passed in 1663 to set up a turnpike road in Wadesmill, Hertfordshire.<sup>2</sup> Later turnpike Acts usually established trusts to operate the turnpikes and repair the roads.
- 11.5 The first turnpike trust was established by a 1706 statute which appointed and nominated 32 trustees to oversee the maintenance and management of the road between Fonthill in Bedfordshire to Stony Stratford in Buckinghamshire.<sup>3</sup> More than 1100 local Acts establishing turnpike trusts were passed during the 18<sup>th</sup> and early 19<sup>th</sup> centuries. These Acts were generally expressed to continue for, or expire after, a fixed period, usually 21 years. The relevant periods were frequently extended, either by an Act specific to a particular turnpike trust or, after the mid-1830s, on an annual basis by the Annual Turnpike Acts Continuance Acts.

<sup>1</sup> Statute Law Repeals Eighteenth Report (2008). Law Com No 308/Scot Law Com No 210.

<sup>2</sup> 15 Cha.2 c.1 (Road repair (Herts, Cambs and Hunts)).

<sup>3</sup> 6 Ann c.4 (Bedfordshire and Bucks roads).

- 11.6 By the mid-19<sup>th</sup> century, the turnpike system as a means of maintaining a national road network was in decline. A principal weakness of the turnpike system lay in its financial structure and administration. The trusts were burdened by heavy capital debts incurred at their inception and there was often little effective control over the collection of toll moneys. Nor was there any central control over the manner in which trustees used their powers. Moreover, the advent of the railways reduced many trusts to a state of chronic insolvency. The rapid spread of the railway network meant that, by 1850, turnpike roads were no longer the principal provider of goods and passenger transport services in England and Wales.
- 11.7 From 1864 onwards, Parliament took steps to terminate turnpike trusts. This was achieved by means of the Annual Turnpike Acts Continuance Acts, each of which identified specific turnpike Acts for repeal or discontinuance, whilst continuing every other subsisting turnpike Act for a period of approximately 12 months. The Annual Turnpike Acts Continuance Act 1885 was the final Act whereby Parliament provided for the continuation, expiry or repeal of turnpike Acts. Applying only to turnpikes in England and Wales, it provided that any turnpike Act that had not already expired, repealed or been discontinued should continue no longer than 1 November 1886 unless Parliament provided otherwise.<sup>4</sup> In the event, the final turnpike trust, relating to the Anglesey portion of the Shrewsbury to Holyhead Road, expired on 1 November 1895.
- 11.8 Although the framework of legislation that governed the generic management of turnpike trusts has already been repealed,<sup>5</sup> most of the Acts that provided for individual turnpike trusts have never been formally repealed. The repeals identified below are an attempt to remedy that situation in relation to the counties of Gloucestershire, Oxfordshire and Surrey and in relation to the roads between London and Holyhead.<sup>6</sup> The repeals for Gloucestershire, Oxfordshire and Surrey are for convenience grouped between these three counties, although many of the Acts span more than one county. Moreover, boundary changes over the years mean that many of the locations originally falling within these counties now fall within other counties or within the London boroughs. In the great majority of cases the Acts listed are proposed for repeal on the basis that, although they have expired,<sup>7</sup> they have not been formally repealed.

<sup>4</sup> The 1885 Act, s 6.

<sup>5</sup> Statute Law (Repeals) Act 1981, s 1, Sch 1, Pt 10.

<sup>6</sup> Work on repealing turnpike legislation in other English counties will be undertaken in due course.

<sup>7</sup> The term 'expired' is used in this part of the report to include the many instances where a turnpike Act was discontinued by an Annual Turnpike Acts Continuance Act.



- 11.9 The antiquity of these turnpike Acts is such that few have ever been given a “short title” by which they can be cited. The various Chronological Tables of Statutes<sup>8</sup> describe them by reference to their regnal year and chapter number, and also by a short description of the geographical area to which they related. For convenience, the Acts listed below are described by reference to the year in which they were enacted and the geographical description supplied by the Chronological Tables. The regnal year and chapter number of each Act is given in footnote form.

#### **GROUP 1 – GLOUCESTERSHIRE AND OXFORDSHIRE**

- 11.10 The history of turnpikes in Gloucestershire began in 1697, with the third turnpike road in England running over the Ermine Way or King’s Highway. However, it was not until the 1720s that the two important roads to London came under the turnpike system: the main road via Lechlade and Abingdon and a secondary route (which became the main London coach road) via Crickley Road and Oxford. This decade saw an explosion of turnpikes from Gloucester, with turnpike trusts spreading west towards Ross-on-Wye, south towards Bristol and Bath, and easterly to Painswick and Stroud. Later in the century the roads to Cheltenham and Tewkesbury also came under turnpike trusts.<sup>9</sup>
- 11.11 The turnpikes allowed increased industry and trade with London: the mail coach ran six days a week by 1791. Throughout the 18<sup>th</sup> century traders were able to run wagons and coaches from Gloucester to London, via the Stroud Valleys and Minchinhampton. This allowed Gloucester’s pin-making industry to flourish (worth £20,000 per annum in 1770) and maintained the textile trade of woolstapling and woolcombing. The coaching inns also benefited from the increased travel on the roads.
- 11.12 By the start of the 19<sup>th</sup> century, however, the turnpikes were under threat. Applications were being made by railway companies for bridges over turnpike roads. The rise of the railways as a quicker and cheaper means of transport left the turnpike roads unable to compete. The turnpike roads were eventually absorbed into highway districts and were mostly wound up by the 1870s.
- 11.13 The list of Gloucestershire and Oxfordshire turnpike Acts proposed for repeal is as follows:<sup>10</sup>

- ◆ Gloucestershire Roads Act of 1697<sup>11</sup> : expired 1718
- ◆ Tewkesbury Roads Act of 1725<sup>12</sup> : expired 1747

<sup>8</sup> *Chronological Table of the Statutes 1235 to 2009* (for public general Acts); *Chronological Table of Local Legislation 1797 to 1994* (for local Acts); *Chronological Table of Private and Personal Acts 1539 to 1997* (for private Acts). Each of these tables is published by HMSO. An updated version of the Tables of Local Legislation and of Private and Personal Acts is also available on The National Archives website: [legislation.gov.uk](http://legislation.gov.uk).

<sup>9</sup> The turnpikes were not initially welcomed, however, with several occasions of violence against the toll gate by Over Bridge on the western road during the 1730s. In 1734 a mob destroyed all the toll gates on the approach to Gloucester.

<sup>10</sup> Each Act is described in greater detail in the consultation paper *Repeal of Turnpike Laws* on the Law Commission’s website. This can be viewed or downloaded at [www.lawcom.gov.uk](http://www.lawcom.gov.uk) via the link to Consultations > A – Z of consultations (Turnpikes).

<sup>11</sup> 9 Will.3 c.18.

- ◆ Gloucestershire Roads Act of 1725<sup>13</sup> : expired 1779
- ◆ Oxford and Gloucester Roads Act of 1730<sup>14</sup> : expired 1837
- ◆ Oxford and Gloucester Roads Act of 1743<sup>15</sup> : expired 1873
- ◆ Gloucester Roads Act of 1745<sup>16</sup> : expired 1779
- ◆ Gloucester and Oxford Roads Act of 1750<sup>17</sup> : expired 1870
- ◆ Oxford and Gloucester Roads Act of 1753<sup>18</sup> : expired 1867
- ◆ Gloucestershire Roads Act of 1756<sup>19</sup> : expired 1798
- ◆ Gloucester Roads Act of 1756<sup>20</sup> : expired 1871
- ◆ Berks Road Act of 1756<sup>21</sup> : expired 1867
- ◆ Gloucestershire Roads Act of 1757<sup>22</sup> : expired 1779
- ◆ Gloucester Roads Act of 1757<sup>23</sup> : expired 1877
- ◆ Oxford and Gloucester Roads Act of 1765<sup>24</sup> : expired 1873
- ◆ Gloucester and Oxford Roads Act of 1768<sup>25</sup> : expired 1870
- ◆ Abingdon to Swinford Roads Act of 1768<sup>26</sup> : expired 1832
- ◆ Oxford Roads Act of 1771<sup>27</sup> : expired 1874
- ◆ Gloucestershire Roads Act of 1774<sup>28</sup> : expired 1798

<sup>12</sup> 12 Geo.1 c.18.

<sup>13</sup> 12 Geo.1 c.24.

<sup>14</sup> 4 Geo.2 c.23.

<sup>15</sup> 17 Geo.2 c.10.

<sup>16</sup> 19 Geo.2 c.18.

<sup>17</sup> 24 Geo.2 c.28.

<sup>18</sup> 26 Geo.2 c.70.

<sup>19</sup> 29 Geo.2 c.51.

<sup>20</sup> 29 Geo.2 c.58.

<sup>21</sup> 29 Geo.2 c.81.

<sup>22</sup> 31 Geo.2 c.64.

<sup>23</sup> 31 Geo.2 c.65.

<sup>24</sup> 5 Geo.3 c.80.

<sup>25</sup> 8 Geo.3 c.41.

<sup>26</sup> 8 Geo.3 c.61.

<sup>27</sup> 11 Geo.3 c.73.

<sup>28</sup> 14 Geo.3 c.111.

- ◆ Berks Roads Act of 1778<sup>29</sup> : expired 1867
- ◆ Gloucester Roads Act of 1778<sup>30</sup> : expired 1871
- ◆ Gloucester Roads Act of 1779<sup>31</sup> : expired 1877
- ◆ Gloucester Roads Act of 1780<sup>32</sup> : expired 1877
- ◆ Burford to Preston Road Act of 1780<sup>33</sup> : expired 1867
- ◆ Oxford Roads Act of 1781<sup>34</sup>: expired 1872
- ◆ Gloucester Roads Act of 1783<sup>35</sup> : expired 1826
- ◆ Gloucestershire Roads Act of 1783<sup>36</sup> : expired 1873
- ◆ Berks Roads Act of 1790<sup>37</sup> : expired 1832
- ◆ Bicester to Aynho Road Act of 1791<sup>38</sup> : expired 1877
- ◆ Oxford and Gloucester Roads Act of 1791<sup>39</sup> : expired 1873
- ◆ Warwick and Gloucester Roads Act of 1791<sup>40</sup> : expired 1812
- ◆ Witney to Clanfield Road Act of 1793<sup>41</sup> : expired 1874
- ◆ Bicester Roads Act of 1793<sup>42</sup> : expired 1877
- ◆ Adderbury and Oxford Road Act of 1797<sup>43</sup> : expired 1876
- ◆ Gloucester, Cheltenham and Tewkesbury Roads Act of 1798<sup>44</sup> : expired 1839

<sup>29</sup> 18 Geo.3 c.99.

<sup>30</sup> 18 Geo.3 c.102.

<sup>31</sup> 19 Geo.3 c.93.

<sup>32</sup> 20 Geo.3 c.70.

<sup>33</sup> 20 Geo.3 c.76.

<sup>34</sup> 21 Geo.3 c.87.

<sup>35</sup> 23 Geo.3 c.104.

<sup>36</sup> 23 Geo.3 c.106.

<sup>37</sup> 30 Geo.3 c.106.

<sup>38</sup> 31 Geo.3 c.103.

<sup>39</sup> 31 Geo.3 c.111.

<sup>40</sup> 31 Geo.3 c.116.

<sup>41</sup> 33 Geo.3 c.137.

<sup>42</sup> 33 Geo.3 c.180.

<sup>43</sup> 37 Geo.3 c.170.

<sup>44</sup> 38 Geo.3 c.xii.

- ◆ Crickley Hill, Campsfield and Kidlington Roads Act of 1798<sup>45</sup> : expired 1870
- ◆ Oxford District of Farringdon Road Act of 1798<sup>46</sup> : expired 1867
- ◆ Witney and Woodstock Roads Act of 1800<sup>47</sup> : expired 1842
- ◆ Road from Gloucester to the Bristol Road Act of 1800<sup>48</sup> : expired 1877
- ◆ Road from Burford to Dancy's Fancy Act of 1801<sup>49</sup> : expired 1867
- ◆ Tetbury Roads Act of 1801<sup>50</sup> : expired 1877
- ◆ Kidlington Green Road Act of 1801<sup>51</sup> : expired 1872
- ◆ Road from Newnham to St. Whites (Gloucestershire) Act of 1805<sup>52</sup> : expired 1826
- ◆ Abingdon and Swinford Road Act of 1811<sup>53</sup> : expired 1832
- ◆ Cirencester Road Act of 1812<sup>54</sup> : expired 1873
- ◆ Road from Neat Enstone and Chipping Norton Turnpike Road to Weston-on-the-Green (Oxfordshire) Act of 1813<sup>55</sup> : expired 1877
- ◆ Bicester and Aynho Road and Branch Act of 1813<sup>56</sup> : expired 1877
- ◆ Witney and Clanfield Road Act of 1815<sup>57</sup> : expired 1874
- ◆ Chapel on the Heath (Oxfordshire) and Bourton on the Hill Road Act of 1816<sup>58</sup> : expired 1873
- ◆ Roads from Gloucester to Cheltenham Act of 1818<sup>59</sup> : expired 1871

<sup>45</sup> 38 Geo.3 c.xiii.

<sup>46</sup> 38 Geo.3 c.lxv.

<sup>47</sup> 39 & 40 Geo.3 c.xvi.

<sup>48</sup> 39 & 40 Geo.3 c.xcvi

<sup>49</sup> 41 Geo.3 c.xvi.

<sup>50</sup> 41 Geo.3 c.lxxxv.

<sup>51</sup> 41 Geo.3 c.cxxxvii.

<sup>52</sup> 45 Geo.3 c.cix.

<sup>53</sup> 51 Geo.3 c.xlvi.

<sup>54</sup> 52 Geo.3 c.xxvii.

<sup>55</sup> 53 Geo.3 c.cxxxiii.

<sup>56</sup> 53 Geo.3 c.cc.

<sup>57</sup> 55 Geo.3 c.cxxxviii.

<sup>58</sup> 56 Geo.3 c.i.

<sup>59</sup> 58 Geo.3 c.v.

- ◆ Road from Chipping Campden to Old Stratford Act of 1818<sup>60</sup> : expired 1876
- ◆ Roads from Fryer Bacon's Study (Oxford District) Act of 1819<sup>61</sup> : expired 1867
- ◆ Adderbury and Oxford Road Act of 1819<sup>62</sup> : expired 1876
- ◆ Didbrook and Stow-on-the-Wold Road Act of 1819<sup>63</sup> : expired 1877
- ◆ Gloucester and Clay Pitts Road Act of 1821<sup>64</sup> : expired 1877
- ◆ Gloucester to Bristol Road and Branches Act of 1821<sup>65</sup> : expired 1877
- ◆ Roads from Tetbury, Frocester Hill and from Latterwood Act of 1821<sup>66</sup> : expired 1877
- ◆ Weston-on-the-Green and Kidlington Road Act of 1821<sup>67</sup> : expired 1872
- ◆ Crickley Hill and Campsfield Roads Act of 1821<sup>68</sup> : expired 1870
- ◆ Culham, Abingdon and Fyfield Roads Act of 1822<sup>69</sup> : expired 1875
- ◆ Burford and Dancy's Fancy Road Act of 1822<sup>70</sup> : expired 1867
- ◆ Gloucestershire Roads Act of 1822<sup>71</sup> : expired 1877
- ◆ Tetbury Roads Act of 1822<sup>72</sup> : expired 1877
- ◆ Road from Banbury to Edgehill Act of 1822<sup>73</sup> : expired 1871
- ◆ Chippenham and Westerleigh Road Act of 1822<sup>74</sup> : expired 1873
- ◆ Banbury, Brailes and Barcheston Road Act of 1823<sup>75</sup> : expired 1872

<sup>60</sup> 58 Geo.3 c.lxxii.

<sup>61</sup> 59 Geo.3 c.lxxxiv.

<sup>62</sup> 59 Geo.3 c.cxxii.

<sup>63</sup> 59 Geo.3 c.cxxiv.

<sup>64</sup> 1 & 2 Geo.4 c.vi.

<sup>65</sup> 1 & 2 Geo.4 c.lxxxii.

<sup>66</sup> 1 & 2 Geo.4 c.lxxxiii.

<sup>67</sup> 1 & 2 Geo.4 c.lxxxvi.

<sup>68</sup> 1 & 2 Geo.4 c.cix.

<sup>69</sup> 3 Geo.4 c.xxxvi.

<sup>70</sup> 3 Geo.4 c.xlvii.

<sup>71</sup> 3 Geo.4 c.lxi.

<sup>72</sup> 3 Geo.4 c.lxiii.

<sup>73</sup> 3 Geo.4 c.xc.

<sup>74</sup> 3 Geo.4 c.xciii.

- ◆ Burford Lane and Stow-on-the-Wold Roads Act of 1824<sup>76</sup> : expired 1877
- ◆ Roads from Newent Act of 1824<sup>77</sup> : expired 1874
- ◆ Evesham and Cheltenham Turnpike Roads Act of 1824<sup>78</sup> : expired 1877
- ◆ Warwick, Worcester, Gloucester and Oxford Roads Act of 1825<sup>79</sup> : expired 1877
- ◆ Marshfield District of Roads Act of 1826<sup>80</sup>: expired 1877
- ◆ Tewkesbury Roads Act of 1826<sup>81</sup> : expired 1872
- ◆ Gloucester, Birdlip Hill and Crickley Hill Roads Act of 1827<sup>82</sup> : expired 1871
- ◆ Buckingham to Hanwell (Oxfordshire) Road Act of 1832<sup>83</sup> : expired 1871
- ◆ Roads from Gloucester City Act of 1833<sup>84</sup> : expired 1879
- ◆ Roads from Great Faringdon to Burford Act of 1833<sup>85</sup> : expired 1878
- ◆ Fyfield and St. John's Bridge, and Kingston Bagpuize and Newbridge Roads Act of 1833<sup>86</sup> : expired 1873
- ◆ Barrington and Campsfield and Enslow Bridge Roads (Oxfordshire) Act of 1834<sup>87</sup>: expired 1870
- ◆ Oxford, Fifield and Witney Roads Act of 1835<sup>88</sup> : expired 1866
- ◆ Thame Roads Act of 1838<sup>89</sup> : expired 1880
- ◆ Henley-upon-Thames, Dorchester and Oxford Road Act of 1841<sup>90</sup> : expired 1873

<sup>75</sup> 4 Geo.4 c.cv.

<sup>76</sup> 5 Geo.4 c.ix.

<sup>77</sup> 5 Geo.4 c.xi.

<sup>78</sup> 5 Geo.4 c.cxl.

<sup>79</sup> 6 Geo.4 c.clv.

<sup>80</sup> 7 Geo.4 c.xii.

<sup>81</sup> 7 Geo.4 c.lxxviii.

<sup>82</sup> 7 & 8 Geo.4 c.xvi.

<sup>83</sup> 2 & 3 Will.4 c.xxxiv.

<sup>84</sup> 3 & 4 Will.4 c.lv.

<sup>85</sup> 3 & 4 Will.4 c.lxxiii.

<sup>86</sup> 3 & 4 Will.4 c.xci.

<sup>87</sup> 4 & 5 Will.4 c.xciv.

<sup>88</sup> 5 & 6 Will.4 c.ciii.

<sup>89</sup> 1 & 2 Vict. c.xlvi.

- ◆ Nuffield and Faringdon Road Act of 1841<sup>91</sup> : expired 1873
- ◆ Abingdon and Chilton Pond Road Act of 1841<sup>92</sup> : expired 1872
- ◆ Stokenchurch and New Woodstock Road and Branches Act of 1845<sup>93</sup> : expired 1878
- ◆ Road from Harwell to Streatley (Berkshire) Act of 1845<sup>94</sup> : expired 1879
- ◆ Woodstock and Rollright Lane Road (Oxfordshire) Act of 1846<sup>95</sup> : expired 1878
- ◆ Cheltenham and Painswick Turnpike Road Act 1851<sup>96</sup> : expired 1873
- ◆ Cheltenham and Gloucester Turnpike Road Act 1851<sup>97</sup> : expired 1879
- ◆ Stroud and Gloucester Turnpike Road Act 1851<sup>98</sup> : expired 1875
- ◆ Shillingford, Wallingford and Reading Road Act 1852<sup>99</sup> : expired 1874
- ◆ Stroud and Bisley Road Act 1852<sup>100</sup> : expired 1874
- ◆ Asthall and Buckland Road Act 1852<sup>101</sup> : expired 1874
- ◆ Burford, Leachlade, and Swindon Turnpike Roads Act 1853<sup>102</sup> : expired 1875
- ◆ Upton Saint Leonard's Turnpike Roads Act 1853<sup>103</sup> : expired 1874
- ◆ Kingswood District of Roads Act 1854<sup>104</sup> : expired 1876
- ◆ Stroud, Painswick and Gloucester Road Act 1854<sup>105</sup> : expired 1876

<sup>90</sup> 4 & 5 Vict. c.c.

<sup>91</sup> 4 & 5 Vict. c.cvii.

<sup>92</sup> 4 & 5 Vict. c.cxi.

<sup>93</sup> 8 & 9 Vict. c.xxx.

<sup>94</sup> 8 & 9 Vict. c.cli.

<sup>95</sup> 9 & 10 Vict. c.vii.

<sup>96</sup> 14 & 15 Vict. c.xi.

<sup>97</sup> 14 & 15 Vict. c.xii.

<sup>98</sup> 14 & 15 Vict. c.l.

<sup>99</sup> 15 & 16 Vict. c.lxxix.

<sup>100</sup> 15 & 16 Vict. c.lxxxvii.

<sup>101</sup> 15 & 16 Vict. c.cxxxix.

<sup>102</sup> 16 & 17 Vict. c.civ.

<sup>103</sup> 16 & 17 Vict. c.cxxvi.

<sup>104</sup> 17 & 18 Vict. c.xxi.

<sup>105</sup> 17 & 18 Vict. c.xcv.

- ◆ Charlbury Roads Act 1855<sup>106</sup> : expired 1877
- ◆ Lightpill and Birdlip Road Act 1855<sup>107</sup> : expired 1877
- ◆ Stroud, Cainscross and Minchinhampton Road Act 1855<sup>108</sup> : expired 1877
- ◆ Stroud and Chalford Turnpike Roads Act 1855<sup>109</sup> : expired 1877
- ◆ Dean Forest Turnpike Roads Act 1858<sup>110</sup> : expired 1888
- ◆ Winchcomb Roads Act 1865<sup>111</sup> : expired 1874
- ◆ Huntley Roads Act 1866<sup>112</sup> : expired 1880
- ◆ Forest of Dean Turnpike Trust Abolition Act 1888<sup>113</sup> : expired 1888.

## GROUP 2 – SURREY

- 11.14 The first turnpike road in Surrey ran from Crawley to Reigate and was established in 1696. Other turnpike roads soon followed. By 1755 Brighton was becoming a fashionable seaside resort and it was necessary to improve the access road from London by means of turnpikes. In 1794 a turnpike obelisk was erected through public subscription in the High Street at Cranleigh. William Cobbett, writing in 1822 while travelling through Surrey “not to see inns and turnpike roads, but to see the *country*”<sup>114</sup> indicated how prolific turnpikes roads had become in Surrey. Every journey he undertook involved using a turnpike.
- 11.15 Some towns gained a trading advantage with the advent of the turnpike roads. Guildford’s trading moved from textiles to coaching as the London to Portsmouth and Southampton turnpike road ran through it. Farnham’s trade was increased by the number of coaching inns, Farnham being situated on the London to Winchester turnpike road.
- 11.16 From the 1840s, however, railway lines began to open, covering the London to Brighton route. A day trip to Brighton from London was now possible. Brighton’s population grew from 7,000 in 1801 to 120,000 in 1901. Development after the introduction of the railways increased the population in towns in Surrey and the turnpike roads could not match the speed or economy of the railways. By 1842 the mail coaches through Guildford had stopped and by 1849 the last coach service through Guildford had ceased to operate.

<sup>106</sup> 18 & 19 Vict. c.lxxxv.

<sup>107</sup> 18 & 19 Vict. c.cvi.

<sup>108</sup> 18 & 19 Vict. c.cviii.

<sup>109</sup> 18 & 19 Vict. c.cix.

<sup>110</sup> 21 & 22 Vict. c.lxxxvi.

<sup>111</sup> 28 & 29 Vict. c.clxxi.

<sup>112</sup> 29 & 30 Vict. c.c.

<sup>113</sup> 51 & 52 Vict. c.cxciii.

<sup>114</sup> *Rural Rides September 25 to 29 1822: Kensington to Uphusband (published 1830).*



11.17 The list of Surrey turnpike Acts proposed for repeal is as follows<sup>115</sup>:

- ◆ Highways Surrey and Sussex Act of 1696<sup>116</sup> : expired 1716
- ◆ London, East Grinstead, Sutton and Kingston Roads Act of 1717<sup>117</sup> : expired 1767
- ◆ Southwark, Greenwich and Lewisham Roads Act of 1717<sup>118</sup> : expired 1777
- ◆ Surrey and Kent Roads Act of 1719<sup>119</sup> : expired 1777
- ◆ Surrey and Sussex Roads Act of 1723<sup>120</sup> : expired 1767
- ◆ Surrey and Sussex Roads Act of 1736<sup>121</sup> : expired 1767
- ◆ Surrey and Kent Roads Act of 1737<sup>122</sup> : expired 1777
- ◆ South London Roads Act of 1751<sup>123</sup> : expired 1767
- ◆ Leatherhead and Guildford Road Act of 1757<sup>124</sup> : expired 1867
- ◆ Guildford and Farnham Road Act of 1757<sup>125</sup> : expired 1876
- ◆ Surrey and Sussex Roads Act of 1770<sup>126</sup> : expired 1796
- ◆ Surrey Roads Act of 1779<sup>127</sup> : expired 1867
- ◆ Guildford to Farnham Road Act of 1780<sup>128</sup> : expired 1876
- ◆ Leatherhead and Stoke (Surrey) Road Act of 1800<sup>129</sup> : expired 1867
- ◆ Guildford to Farnham Road Act of 1801<sup>130</sup> : expired 1876

<sup>115</sup> Each Act is described in greater detail in the consultation paper: *Repeal of Turnpike Laws* on the Law Commission's website. This can be viewed or downloaded at [www.lawcom.gov.uk](http://www.lawcom.gov.uk) via link to Consultations > A – Z of consultations (Turnpikes).

<sup>116</sup> 8 & 9 Will.3 c.15.

<sup>117</sup> 4 Geo.1 c.4.

<sup>118</sup> 4 Geo.1 c.5.

<sup>119</sup> 6 Geo.1 c.26.

<sup>120</sup> 10 Geo.1 c.13.

<sup>121</sup> 10 Geo.2 c.23.

<sup>122</sup> 11 Geo.2 c.36.

<sup>123</sup> 25 Geo.2 c.51.

<sup>124</sup> 31 Geo.2 c.77.

<sup>125</sup> 31 Geo.2 c.78.

<sup>126</sup> 10 Geo.3 c.82.

<sup>127</sup> 19 Geo.3 c.104.

<sup>128</sup> 20 Geo.3 c.96.

<sup>129</sup> 39 & 40 Geo.3 c.xxvii.

- ◆ Sutton (Surrey), Reigate and Povey Cross Road Act of 1815<sup>131</sup> : expired 1881
- ◆ Road from Gatton Lodge to Povey Cross (Surrey) Act of 1816<sup>132</sup> : expired 1850
- ◆ Guildford to Farnham Road Act of 1822<sup>133</sup> : expired 1876
- ◆ Road from Leatherhead to Stoke (Surrey) Act of 1822<sup>134</sup> : expired 1867
- ◆ Godalming and Pains Hill Road Act of 1826<sup>135</sup> : expired 1875
- ◆ Farnham and Petersfield Turnpike Road Act of 1826<sup>136</sup> : expired 1873
- ◆ Wrotham Heath and Croydon and Godstone Road Act of 1829<sup>137</sup> : expired 1870
- ◆ Guildford and Alfold Bars Road Act of 1829<sup>138</sup> : expired 1877
- ◆ Road from Horsham Act of 1830<sup>139</sup> : expired 1873
- ◆ Hounslow Heath and Egham Hill Road Act of 1831<sup>140</sup> : expired 1877
- ◆ Milford and Haslemere Road Act of 1831<sup>141</sup>: expired 1862
- ◆ Horley Common, Black Corner and Cuckfield Road Act of 1831<sup>142</sup> : expired 1862
- ◆ Egham Hill and Bagshot Road Act of 1833<sup>143</sup> : expired 1877
- ◆ Ockley and Warnham Road Act of 1833<sup>144</sup> : expired 1864
- ◆ Croydon and Reigate Turnpike Road Act 1850<sup>145</sup> : expired 1872

<sup>130</sup> 41 Geo.3 c.xliii.

<sup>131</sup> 55 Geo.3 c.xlviii.

<sup>132</sup> 56 Geo.3 c.xxx.

<sup>133</sup> 3 Geo.4 c.lxvii.

<sup>134</sup> 3 Geo.4 c.xcvii.

<sup>135</sup> 7 Geo.4 c.xiii.

<sup>136</sup> 7 Geo.4 c.lxxx.

<sup>137</sup> 10 Geo.4 c.xx.

<sup>138</sup> 10 Geo.4 c.lxiv.

<sup>139</sup> 11 Geo.4 & 1 Will.4 c.vi.

<sup>140</sup> 1 Will.4 c.v.

<sup>141</sup> 1 Will.4 c.xxviii.

<sup>142</sup> 1 Will.4 c.xlii.

<sup>143</sup> 3 & 4 Will.4 c.xxxviii.

<sup>144</sup> 3 & 4 Will.4 c.liii.

- ◆ Godstone and Highgate Turnpike Trust Liquidation of Debt Act 1850<sup>146</sup> : expired 1859
- ◆ Surrey and Sussex Roads Act 1850<sup>147</sup> : expired 1865
- ◆ Bramley and Ridgewick Turnpike Road Act 1852<sup>148</sup> : expired 1874
- ◆ Petworth Turnpike Roads Act 1854<sup>149</sup> : expired 1875
- ◆ Horsham and Dorking Turnpike Road Act 1858<sup>150</sup> : expired 1880
- ◆ Kingston and Leatherhead Turnpike Road Act 1861<sup>151</sup> : expired 1883.

### **GROUP 3 – LONDON TO HOLYHEAD**

#### **INTRODUCTION**

- 11.18 The repeals in this Group relate to a number of obsolete enactments providing for the finance, construction, repair and maintenance of the roads between London and Holyhead (in Anglesey). Tolls under the turnpike legislation continued to be charged on parts of these roads until 1895.<sup>152</sup>
- 11.19 The origins of the road between London and Holyhead pre-date the Roman occupation of Britain. Ancient tracks already existed when the Romans paved the route from London through St Albans to Wroxeter (near Shrewsbury) around 65AD, with one section proceeding to Holyhead and another going via Chester to Scotland. The London to Wroxeter part of this road was known as Watling Street and is today the route of the A5 road.<sup>153</sup>

<sup>145</sup> 13 & 14 Vict. c.xlix.

<sup>146</sup> 13 & 14 Vict. c.lxxxiv.

<sup>147</sup> 13 & 14 Vict. c.lxxxv.

<sup>148</sup> 15 & 16 Vict. c.xcii.

<sup>149</sup> 17 & 18 Vict. c.lxxi.

<sup>150</sup> 21 & 22 Vict. c.xlix.

<sup>151</sup> 24 & 25 Vict. c.xxvii.

<sup>152</sup> The last remaining turnpike trust in England and Wales closed on 1 November 1895. The trust covered the Anglesey portion of the Shrewsbury to Holyhead road: Shrewsbury and Holyhead Road (Anglesey and Carnarvon) Act 1890 (c.clxxxv), s 1, Sch.

<sup>153</sup> Watling derives from the Anglo-Saxon name Waecelinga. Watling Street also ran from London through Canterbury to Dover, today the route of the A2.

- 11.20 The end of the Roman administration in the early 5<sup>th</sup> century was followed by a long period of neglect when the road fell into disrepair. As from the early 18<sup>th</sup> century turnpike trusts were set up to repair parts of the road.<sup>154</sup> However, the turnpikes were organised in a piecemeal manner, with no single body in control of the entire route. Instead the London to Holyhead road was controlled by seven different turnpike trusts. The road started in London with an arch so low that a moderately low stage wagon could not pass through it, and finished with excessive gradient changes across Snowdonia and a treacherous crossing at Menai. In 1781, the Coventry to Birmingham road (turnpiked in 1723-1745) was regarded as being as bad as the Birmingham to Dudley Road which was considered despicable beyond description.
- 11.21 By the early 19<sup>th</sup> century, however, the need to shorten the journey time (three days) between Holyhead and London had become urgent. The stretch between Holyhead and Shrewsbury was the most difficult and included a ferry journey across the Menai Straits to reach or leave Anglesey. Moreover the union with Ireland in 1800<sup>155</sup> meant that the 100 newly-elected Irish MPs needed a safer and quicker route to the Westminster Parliament.<sup>156</sup>
- 11.22 In 1810 Thomas Telford, the surveyor of public works for Shropshire, was commissioned by the British Government to report on the state of the roads between London and Holyhead. The following year he presented Parliament with his plan to rebuild the 260 mile route. These plans included the building of the Menai and Conwy Suspension Bridges. In 1815 Parliament approved his plans and passed legislation that granted £20,000 for the repair and rebuilding of the road.<sup>157</sup> Existing turnpike trusts were deployed for part of this rebuilding work. Thomas Telford's work on the road, including improving its route, was largely completed by 1826, the year when his Menai Suspension Bridge was opened.
- 11.23 Although Thomas Telford reduced the journey time of the mail coach between Holyhead and London from three days to 27 hours, the project was costly. The supervision of the Holyhead Road Commission meant that individual turnpike trusts had little say in the decisions affecting their roads even though they had to bear the cost. Moreover, just 12 years after the London to Holyhead turnpike road was finished, it was superseded by superior technology. In 1846 the Chester to Holyhead railway opened and the mail moved to the railways. The turnpike trusts were ultimately all wound up by the end of the 19<sup>th</sup> century.

<sup>154</sup> For example the St Albans and South Mimms Turnpike Trust was established in 1715, responsible for 11 miles of road from South Mimms to Shafford.

<sup>155</sup> The Act of Union 1800 unified Great Britain and Ireland.

<sup>156</sup> Improving the links between Holyhead and London was also necessary for speeding up the carrying of mail between Ireland and London. Holyhead had long been a port used for the transit of such mail.

<sup>157</sup> 55 Geo.3 c.152 (Holyhead Roads Act).

- 11.24 The enactments in the *first* part of this Group (*Finance*) mostly related to the public finance, in the form of Treasury grants or loans, required to construct and improve the road between London and Holyhead in the early 19<sup>th</sup> century. They include provisions for controlling the functions of the various turnpike trusts that had already acquired statutory powers to repair stretches of the road and charge tolls to those using it. The enactments in the *second* part of this Group (*Turnpike*) date from 1775 and were the statutory vehicles that gave these turnpike trusts their powers to carry out the repairs and charge tolls.

### **Part 1 (Finance)**

- 11.25 The following paragraphs summarise the thirteen Acts relating to financing the construction of the London to Holyhead road.

#### **Holyhead Roads Act of 1815**

- 11.26 According to its long title, the purpose of the *Holyhead Roads Act of 1815*<sup>158</sup> was “for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards repairing Roads between London and Holyhead, by Chester, and between London and Bangor, by Shrewsbury”.
- 11.27 The 1815 Act appointed Commissioners to determine which roads between (1) London and Holyhead via Chester and (2) London and Bangor Ferry via Shrewsbury should be constructed, altered or repaired. Part of the £20,000 made available to the Commissioners was to be used to acquire the necessary land on which to build the roads.
- 11.28 Since the purpose of the 1815 Act (the construction of the London to Holyhead road) was completed in 1826, the whole of the Act is now unnecessary and may be repealed.

#### **Roads (London to Chirk) Act of 1820**

- 11.29 The preamble to the *Roads (London to Chirk) Act of 1820*<sup>159</sup> recorded that more money was needed to improve and alter the roads between London and Chirk<sup>160</sup> via Coventry, Birmingham and Shrewsbury. The 1820 Act empowered the Commissioners appointed under the 1815 Act to decide which roads needed improving and authorised them to carry out the necessary works. Once the improvement works had been completed, the 1820 Act became unnecessary.

#### **Holyhead Roads Act of 1821**

- 11.30 The *Holyhead Roads Act of 1821*<sup>161</sup> was passed to raise more money to improve the roads between London and Shrewsbury especially around Coventry and Birmingham. The 1821 Act empowered the Commissioners appointed under the 1815 Act to borrow up to £31,000 to meet the cost of the improvements. The Act became unnecessary once the works had been completed.

<sup>158</sup> 55 Geo.3 c.152.

<sup>159</sup> 1 Geo.4 c.70.

<sup>160</sup> Chirk was then in Denbighshire, but today falls within Wrexham County Borough in Clwyd.

<sup>161</sup> 1 & 2 Geo.4 c.30.

### **Holyhead Road Act of 1825**

- 11.31 The preamble to the *Holyhead Road Act of 1825*<sup>162</sup> recorded that more money was needed to improve the road from London to Holyhead including work to roads in St Albans in Hertfordshire. The 1825 Act authorised the spending of up to £16,000 on improving the roads in St Albans and other areas. The Act became unnecessary once the works had been completed.

### **Holyhead Bridges and Roads Act of 1826**

- 11.32 The *Holyhead Bridges and Roads Act of 1826*<sup>163</sup> authorised HM Treasury to raise a further £32,000 for improving the roads in areas such as Barnet, South Mimms, Dunchurch and St Albans. Once the improvements to the roads had been completed, the 1826 Act became unnecessary.

### **London and Holyhead and Liverpool Roads Act of 1827**

- 11.33 The main purpose of the *London and Holyhead and Liverpool Roads Act of 1827*<sup>164</sup> was to authorise a surplus of £12,000 arising from the 1826 Act to be used to improve the London to Holyhead road in the Coventry area. The 1827 Act also contained provisions concerning the collection and application of toll moneys elsewhere along the road. Since the purpose of the 1827 Act (the application of specific sums to improve the London to Holyhead roads) no longer exists, the Act itself may now be repealed.

### **Holyhead Roads Act of 1828**

- 11.34 The purpose of the *Holyhead Roads Act of 1828*<sup>165</sup> was to authorise HM Treasury to raise £36,700 for improving selected turnpike roads in such areas as Highgate (north London), Coventry and Wolverhampton. The Act became unnecessary once the improvement works had been completed.

### **Holyhead, Liverpool Roads Act of 1830**

- 11.35 The *Holyhead, Liverpool Roads Act of 1830*<sup>166</sup> clarified the toll-collecting powers of the St Albans turnpike trustees and the Dunchurch and Stonebridge turnpike trustees. The 1830 Act also authorised certain statutory Commissioners to reach agreement with all turnpike trustees as to the repair of roads for which those trustees were responsible. The extinguishment, on or before 20 August 1876, of the toll-charging powers of these turnpike trusts means that the 1830 Act has long been unnecessary.<sup>167</sup>

<sup>162</sup> 6 Geo.4 c.100.

<sup>163</sup> 7 Geo.4 c.76.

<sup>164</sup> 7 & 8 Geo.4 c.35.

<sup>165</sup> 9 Geo.4 c.75.

<sup>166</sup> 11 Geo.4 & 1 Will.4 c.67.

<sup>167</sup> These powers were extinguished by the Holyhead Road Relief Act 1861 (24 & 25 Vict. c.28).

### **Menai and Conway Bridges Act of 1834**

- 11.36 The main purpose of the *Menai and Conway Bridges Act of 1834*<sup>168</sup> was to provide for all future net toll receipts from the Menai and Conwy Bridges to be paid direct to HM Treasury. The 1834 Act also authorised certain turnpike trusts to continue charging tolls. Given that turnpike tolls have long ceased to be charged for using the Menai and Conwy Bridges and that the turnpike trusts affected by the 1834 Act lost their toll-charging powers on or before 20 August 1876,<sup>169</sup> the 1834 Act has long been unnecessary.

### **Shrewsbury to Bangor Road Act of 1835**

- 11.37 The *Shrewsbury to Bangor Road Act of 1835*<sup>170</sup> was passed to amend an Act of 1819<sup>171</sup> and to create penalties for damaging or obstructing the road between Shrewsbury and Holyhead. This Act no longer serves any useful purpose. The amendments to the 1819 Act no longer have effect in relation to the Shrewsbury to Holyhead road.<sup>172</sup> Moreover, the penalties for damaging or obstructing roads are today provided by modern legislation.<sup>173</sup>

### **London and Holyhead Road Act of 1836**

- 11.38 The *London and Holyhead Road Act of 1836*<sup>174</sup> authorised HM Treasury to raise a sum not exceeding £64,500 for the carrying out of improvements to turnpike roads in the Dunstable, Dunchurch and Shrewsbury areas. The Act became unnecessary once the money had been raised and the improvement works completed.

### **Holyhead Road Relief Act 1861**

- 11.39 The *Holyhead Road Relief Act 1861*<sup>175</sup> was passed to relieve the London to Holyhead turnpike trusts of the debts to the Government that they had built up. The arrival of the railways in the first half of the century had reduced the traffic on parts of the London to Holyhead road to such an extent that the additional tolls needed to secure the debts had become heavy burdens on the areas affected. Accordingly the 1861 Act provide for the extinguishment, on or before 30 April 1876, of the debts owed to the Government by the turnpike trusts. The 1861 Act also provided for the phasing out of the trusts' toll-charging powers by 20 August 1876.
- 11.40 The purpose of the 1861 Act was achieved when the extinguishment of debt and the phasing out of toll charges was completed during 1876. Thereafter the Act became unnecessary and may now be repealed.

<sup>168</sup> 4 & 5 Will.4 c.66. "Conway" was the former spelling of Conwy.

<sup>169</sup> These powers were extinguished by the Holyhead Road Relief Act 1861 (24 & 25 Vict. c.28).

<sup>170</sup> 5 & 6 Will.4 c.21.

<sup>171</sup> 59 Geo.3 c.30.

<sup>172</sup> Shrewsbury and Holyhead Road (Anglesey and Carnarvon) Act 1890 (53 & 54 Vict. c.clxxxv), ss 1, 2.

<sup>173</sup> Highways Act 1980, Part 9 (especially sections 131 and 137).

<sup>174</sup> 6 & 7 Will.4 c.35.

<sup>175</sup> 24 & 25 Vict. c.28.

### Highgate Archway Act 1884

- 11.41 The sole purpose of the *Highgate Archway Act 1884*<sup>176</sup> was to wind up the affairs of the Highgate Archway Company and to dissolve the company. The company had been incorporated in 1810 and its purpose was to build the part of the London to Holyhead road by Highgate Hill in north London. The road was duly completed in 1813 and it became a highway maintainable at public expense during the late 1870s. The purposes for which the company had been established thereupon ceased.
- 11.42 The 1884 Act provided that the company was to be dissolved upon notification in the London Gazette that the company's affairs had been wound up.<sup>177</sup> Such notification was published on 12 July 1887.<sup>178</sup> The Act became unnecessary upon the dissolution of the company and so may now be formally repealed.

### Part 2 (Turnpike Acts)

- 11.43 The list of London to Holyhead turnpike Acts proposed for repeal is as follows<sup>179</sup>:
- ◆ Old Stratford to Dunchurch Road Act of 1775<sup>180</sup> : expired 1876
  - ◆ Salop Roads Act of 1778<sup>181</sup> : expired 1875
  - ◆ Dunstable to Hockliffe Road Act of 1792:<sup>182</sup> expired 1873
  - ◆ Old Stratford and Dunchurch Road Act of 1796<sup>183</sup> : expired 1876
  - ◆ Watling Street Turnpike Road Act of 1799<sup>184</sup> : expired 1875
  - ◆ Watling Street Road Act of 1808:<sup>185</sup> expired 1829
  - ◆ Roads through Coventry Act of 1812<sup>186</sup> : expired 1833
  - ◆ Road from Dunstable to Hockliffe Act of 1814<sup>187</sup> : expired 1873
  - ◆ Old Stratford and Dunchurch Road Act of 1814<sup>188</sup> : expired 1876

<sup>176</sup> 47 & 48 Vict. c.xxi.

<sup>177</sup> The 1884 Act , s 4.

<sup>178</sup> The London Gazette, 12 July 1887, page 3775.

<sup>179</sup> Each Act is described in greater detail in the consultation paper: *Repeal of Turnpike Laws* on the Law Commission's website. This can be viewed or downloaded at [www.lawcom.gov.uk](http://www.lawcom.gov.uk) via the link to Consultations > A – Z of consultations (Turnpikes).

<sup>180</sup> 15 Geo.3 c.73.

<sup>181</sup> 18 Geo.3 c.88.

<sup>182</sup> 32 Geo.3 c.159.

<sup>183</sup> 36 Geo.3 c.141.

<sup>184</sup> 39 Geo.3 c.xvi.

<sup>185</sup> 48 Geo.3 c.lxv.

<sup>186</sup> 52 Geo.3 c.lvii.

<sup>187</sup> 54 Geo.3 c.cxxi.



- ◆ Buildwas Bridge and Tern Bridge Road Act of 1820<sup>189</sup>: expired 1875
- ◆ Dunstable and Pondyards Road Act of 1821<sup>190</sup> : expired 1872
- ◆ Old Stratford and Dunchurch Road Act of 1822<sup>191</sup> : expired 1876
- ◆ Bridgnorth (Salop.) and Shiffnall Road Act of 1825<sup>192</sup> : expired 1875
- ◆ Shiffnall Roads Act of 1825<sup>193</sup> : expired 1875
- ◆ Roads from Watling Street, Birches Brook and Ball's Hill (Salop.) Act of 1827<sup>194</sup> : expired 1867
- ◆ Watling Street Road (Shrewsbury District) Act of 1829<sup>195</sup> : expired 1860
- ◆ Hockliffe and Stony Stratford Road Act of 1830<sup>196</sup> : expired 1867
- ◆ Watling Street, and Mancester (Warwickshire) and Wolvey Heath Road Act of 1831<sup>197</sup> : expired 1875
- ◆ Aylesbury and Hockliffe Road Act of 1831<sup>198</sup> : expired 1868
- ◆ Road from Hardington to Old Stratford (Northamptonshire) Act of 1832<sup>199</sup> : expired 1877
- ◆ Watling Street (Shrewsbury and Wellington Districts) Act of 1833<sup>200</sup> : expired 1866.

<sup>188</sup> 54 Geo.3 c.cxxvi.

<sup>189</sup> 60 Geo.3 & 1 Geo.4 c.v.

<sup>190</sup> 1 & 2 Geo.4 c.cvii.

<sup>191</sup> 3 Geo.4 c.xci.

<sup>192</sup> 6 Geo.4 c.viii.

<sup>193</sup> 6 Geo.4 c.clxi.

<sup>194</sup> 7 & 8 Geo.4 c.xv.

<sup>195</sup> 10 Geo.4 c.lxxiv.

<sup>196</sup> 11 Geo.4 & 1 Will.4 c.lxxxiii.

<sup>197</sup> 1 Will.4 c.xiv. The modern spelling of "Mancester" is "Mancetter".

<sup>198</sup> 1 & 2 Will.4 c.lxiii.

<sup>199</sup> 2 & 3 Will.4 c.iv.

<sup>200</sup> 3 & 4 Will.4 c.xcix.

# EXPLANATORY NOTE ON THE DRAFT BILL

(cont'd)

## SCHEDULE 2: SAVINGS

### *Philanthropic Society's Act 1806*

1. This saving provision arises from the proposal to repeal the Philanthropic Society's Act 1806. The status of body corporate was conferred on the Society by a provision in the 1806 Act. The effect of this saving provision is to ensure that this status is preserved despite the repeal of the 1806 Act. See *paragraph 1.24*.

### *Provisional Orders Confirmation Acts*

2. This saving provision arises from the proposal to repeal the Poor Law Board's Provisional Orders Confirmation Act 1869, the Local Government Board's (Poor Law) Provisional Orders Confirmation (Birmingham, etc) Act 1878 and the Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1879. The effect of this saving provision is to preserve any orders made under those three Acts that continue to serve any useful purpose. See *paragraphs 8.101, 8.103 and 8.104*.

## **APPENDIX 3 PERSONS AND ORGANISATIONS CONSULTED ABOUT THE REPEAL PROPOSALS IN THIS REPORT**

### **THE FOLLOWING PERSONS AND ORGANISATIONS WERE CONSULTED ABOUT MOST OF OR ALL THE REPEAL PROPOSALS IN THIS REPORT**

First Legislative Counsel, Northern Ireland

First Scottish Parliamentary Counsel

General Council of the Bar

HM Treasury

Ministry of Justice

Northern Ireland Executive

Northern Ireland Law Commission

Northern Ireland Office

Office of the Attorney General, Dublin

Office of the Solicitor to the Advocate General for Scotland

Scotland Office

Scottish Government

Senior Legislative Drafter, Isle of Man

The Law Society

Wales Office

Welsh Assembly Government

### **OTHER PERSONS AND ORGANISATIONS WHO WERE CONSULTED ON THE REPEAL PROPOSALS FOR INDIVIDUAL PARTS OF THE REPORT**

#### **PART 1 BENEVOLENT INSTITUTIONS**

ABF The Soldier's Charity

Action for Prisoners' Families

Addenbrooke's Charitable Trust

Adelaide and Meath Hospital, Dublin

Barrington's Hospital Ltd

Barts and the London NHS Trust

Basildon and Thurrock University Hospital NHS Foundation Trust  
Basingstoke and North Hampshire NHS Foundation Trust  
Bishop Barrington School  
Bristol City Council  
Bristol Royal Society for the Blind  
Cambridge University Hospitals NHS Foundation Trust  
Catch 22 Charity Ltd  
Charity Commission  
Chelsea and Westminster NHS Trust  
City of London Corporation  
Cork City Council  
Department for Education  
Department for Work and Pensions  
Department of Health  
Devon County Council  
Diocese of Coventry  
Diocese of Durham  
Diocese of Durham Board of Education  
Dorset Healthcare NHS Foundation Trust  
Durham County Council  
Elizabeth Fry Home  
Epping Forest District Council  
Essex County Council  
Ford Street and Maynard Almshouse Charity  
French Hospital  
French Protestant Episcopal Church of the Savoy Charity  
Fuel Allotment Charity  
Galway County Council  
Goldsmiths University of London  
Herefordshire Council  
HM Courts Service

Huguenot Society of Great Britain and Ireland  
Imperial College Healthcare NHS Trust  
Irish Health Service Executive  
Jesus Hospital in Chipping Barnet  
Kildare County Council  
Kilkenny Council  
London Borough of Barnet  
London Borough of Bromley  
London Borough of Redbridge  
London Borough of Richmond-upon-Thames  
Lord Leycester's Hospital  
Lord Scudamore Primary School  
Luton and Dunstable NHS Foundation Trust  
Magdalen Hospital Trust  
Ministry of Defence  
National Association of Citizens Advice Bureaux  
Newcastle City Council  
Newtown School, Waterford  
Norfolk County Council  
Plymouth City Council  
Plymouth Hospitals NHS Trust  
Reading Borough Council  
Richmond Parish Lands Charity  
RNIB (Peterborough)  
Royal Bournemouth and Christchurch NHS Foundation Trust  
Royal Marsden NHS Foundation Trust  
Royal Philanthropic Society  
Royal Wanstead Children's Foundation  
Seamen's Hospital Society  
Sir Josiah Mason's Almshouse Charity  
South Infirmary – Victoria University Hospital

South London and Maudsley NHS Foundation Trust  
St Canice's Cathedral, Kilkenny  
St George's Healthcare NHS Trust  
St Mary Magdalene and Holy Jesus Trustee Ltd  
St Mary's Cathedral, Kilkenny  
Surrey County Council  
Sutton's Hospital in Charterhouse  
Tavistock Town Council  
The Drapers Company  
The French Hospital  
The Goldsmiths' Company  
The Haberdashers Company  
The Mercer's Company  
The Treloar Trust  
University College London Hospitals NHS Foundation Trust  
Warwickshire County Council  
Warwick Town Council  
Waterford City Council  
Westgate Barrington Schools  
Westminster Amalgamated Charity  
Westminster City Council  
Westminster French Protestant School Foundation  
Whiteley Homes Trust  
Wigan Grammar School Old Boys Association  
Wigan Metropolitan Borough Council

**PART 2 CIVIL AND CRIMINAL JUSTICE**

Association of Police Authorities  
Chief Constable of Northern Ireland  
Committee on Standards in Public Life  
Crown Office and Procurator Fiscal Service

Crown Prosecution Service  
Foreign and Commonwealth Office  
HM Courts Service  
HM Prison Service  
HM Revenue and Customs  
Home Office  
Magistrates' Association  
Metropolitan Police  
Police Federation for England & Wales  
Police Federation for Northern Ireland  
Scottish Police Federation  
Serious Fraud Office

**PART 3 INDIAN RAILWAYS**

Bank of England  
Companies House  
Department for International Development  
Department for Trade and Industry  
Duncan MacNeill & Company Limited  
Embassy of the Union of Myanmar  
Foreign and Commonwealth Office  
High Commissioner for Pakistan  
High Commissioner for Sri Lanka  
High Commissioner of Bangladesh  
High Commission of India  
Indian Railways Board  
Office of the Secretary of State for Wales  
The Assam Railways and Trading Company

**PART 4 IRELAND (DUBLIN CITY)**

Access to Justice Policy Directorate

Department for Business, Enterprise and Regulatory Reform (now BIS)

Department for Transport

Department for Work and Pensions

Department of Transport (Ireland)

Department of Enterprise, Trade and Employment (Ireland)

Department of Health and Children (Ireland)

Dublin City Council

Dublin City Library and Archives

Foreign and Commonwealth Office

National Archives of Ireland

Office of First Minister and Deputy First Minister

**PART 5 LOCAL COURTS AND ADMINISTRATION OF JUSTICE**

Blaenau Gwent County Borough Council

Bristol City Council

City of London Corporation

City of Wakefield Metropolitan District Council

Cornwall County Council

Croydon London Borough Council

Cumbria County Council

Department of Justice, Equality and Law Reform (Ireland)

Derbyshire County Council

Doncaster Metropolitan Borough Council

English Heritage

Gloucestershire County Council

Herefordshire Council

Hertfordshire County Council

HM Courts Service

Kingston upon Thames London Borough Council



Leicestershire County Council  
Lincolnshire County Council  
Louth County Council  
Justices' Clerks Society  
Northern Ireland Counsel  
Northumberland County Council  
Nottinghamshire County Council  
Powys Council  
Queen's Counsel Appointments  
Shropshire County Council  
Solicitors Regulation Authority  
Southwark London Borough Council  
South Yorkshire County Council  
Suffolk County Council  
West Yorkshire County Council  
Worcestershire County Council  
York City Council

**PART 6 LONDON**

Actors' Benevolent Fund  
Aegon UK plc  
Archdeacon of Charing Cross  
Arts Council London  
Association of British Insurers  
BG Group plc  
Bishop of London  
Bishop of Willesden  
Cable and Wireless Worldwide plc  
Cadogan Estate  
Centrica plc  
Charity Commission

City of London Corporation  
City of London Corporation's District Surveyor's Office  
City of London Police  
Croydon Parish Church  
Dean and Chapter of St Paul's Cathedral  
Dean and Chapter of Westminster Abbey  
Department for Communities and Local Government  
Department for Culture, Media and Sport  
Department for Transport  
Department of Energy and Climate Change  
Department of Environment Services  
Department of Health  
Diocese of Southwark  
Greater London Authority  
Greenwich Hospital  
HM Revenue and Customs  
Illustrated London News Limited  
Industrial Dwellings Society (1885) Ltd  
Legal Office of the Church of England/ Church Commissioners  
London Borough of Croydon  
London Borough of Greenwich  
London Borough of Hackney  
London Borough of Hammersmith and Fulham  
London Borough of Islington  
London Borough of Lambeth  
London Borough of Southwark  
London Borough of Tower Hamlets  
London Government Association  
London South Bank University  
Office of the Gas and Electricity Markets  
Peabody Trust

Port of London Authority  
Royal Borough of Kensington and Chelsea  
Royal Hospital Chelsea  
Royal Opera House, Covent Garden  
Smithfield Market Tenants' Association  
St Botolph's Aldersgate  
St Brides Church, Fleet Street  
St George the Martyr, Southwark  
St Giles-in-the-Fields  
St Mary-le-Bow Church  
St Mary-le-Bow PCC  
St Mary's Church, Ealing  
St Mary's Church, Islington  
St Mary Woolnoth  
St Mary Magdalen, Woolwich  
St Michael's, Cornhill  
St Peter-le-Poer Church, Friern Barnet  
Sutton's Hospital in Charterhouse  
Thames Water  
Transport for London  
The Crown Estate Office  
The King's Fund  
The National Theatre  
The Publishers Association  
Westminster City Council

**PART 7 LOTTERIES**

Department for Business, Innovation and Skills  
Department for Culture, Media and Sport  
Home Office  
The British Museum

The Gambling Commission

The National Gallery

**PART 8 POOR RELIEF**

Babergh District Council

Bedford Borough Council

Birmingham City Council

Blackberry Hill Hospital, Bristol (North Bristol NHS Trust)

Breckland District Council

Bristol City Council

Cambridgeshire County Council

Charity Commission

Church Commissioners

City of London Corporation

City of London Remembrancer

C Landers, Esq.

Department for Communities and Local Government

Department for Work and Pensions

Derbyshire County Council

Devon County Council

East Sussex County Council

Essex County Council

Exeter County Council

Gloucestershire County Council

Greater London Authority

Herefordshire Council

Hull City Council

Kennet District Council

Kent County Council

Lancashire County Council

Leicestershire County Council

Lincoln City Council  
Lincolnshire County Council  
Local Government Association  
London Borough of Havering  
London Borough of Merton  
London Borough of Tower Hamlets  
Manchester City Council  
Norfolk County Council  
Norfolk Museum and Archaeology Service  
North Dorset District Council  
Nottinghamshire County Council  
Oxford City Council  
Plymouth City Council  
Powys County Council  
Royal Borough of Kensington and Chelsea  
Shrewsbury School  
Shropshire County Council  
South Norfolk District Council  
Southampton City Council  
Staffordshire County Council  
St Botolph's Church, Aldgate  
St Matthews Church, Bethnal Green  
Stockport Metropolitan Borough Council  
Suffolk County Council  
Swale Borough Council  
The Parish and Ward Church of St Botolph without Bishopgate  
University of Oxford  
Welsh Local Government Association  
Westminster City Council  
West Sussex County Council

## **PART 9 RAILWAYS**

Association of Train Operating Companies

ATOC Ltd

Ayrshire Railway Preservation Group

Bala Lake Railway (Rheilffordd Llyn Tegid Cyf)

Bishop's Castle Railway Society

Blackpool Transport Services Ltd

Bodmin & Wenford Railway

Bo'ness and Kinneil Railway

Brecon Mountain Railway

Bridgend County Borough Council

Buckinghamshire County Council

Calderdale Metropolitan Borough Council

Caledonian Railway (Brechin) Ltd

Cambridgeshire County Council

Carmarthenshire County Council

Ceredigion County Council

Cheshire County Council

City of London Corporation

Clydeport UK

Conwy County Borough Council

Coras Iompair Eireann

Corris Railway

Cornwall County Council

Cotswold District Council

Cumbria County Council

Denbighshire County Council

Department for Business, Enterprise and Regulatory Reform (now BIS)

Department for Communities and Local Government

Department for Transport

Department of Transport (Ireland)

Derbyshire County Council  
Devon County Council  
East Lancashire Railway  
East Riding of Yorkshire Council  
East Sussex County Council  
Elham Valley Railway Museum  
Essex County Council  
Ffestiniog Railway  
Flintshire County Council  
Foreign and Commonwealth Office  
Gloucestershire County Council  
Glyn Valley Tramway Group  
Great Central Railway  
Greater London Authority  
Gwili Steam Railway  
Gwynedd County Council  
Hampshire County Council  
Hastings Borough Council  
Heritage Railway Association  
Hertfordshire County Council  
HM Railway Inspectorate  
Iarnród Éireann (Irish Rail)  
Isle of Wight Council  
Isle of Wight Steam Railway  
Kent County Council  
Keith and Dufftown Railway  
Lancashire County Council  
Leeds City Council  
Lincolnshire County Council  
Llanberis Lake Railway  
Llangollen Railway

Local Government Association  
London Borough of Barnet  
London Borough of Brent  
London Borough of Bromley  
London Borough of Camden  
London Borough of Ealing  
London Borough of Hackney  
London Borough of Hammersmith and Fulham  
London Borough of Haringey  
London Borough of Harrow  
London Borough of Havering  
London Borough of Hillingdon  
London Borough of Islington  
London Borough of Lambeth  
London Borough of Lewisham  
London Borough of Tower Hamlets  
London Borough of Waltham Forest  
London Borough of Wandsworth  
London Underground Ltd  
London Underground Railway Society  
Lynton & Barnstaple Railway Company  
Metropolitan Borough of Wirral  
Midland Railway Centre  
Monmouthshire County Council  
Neath Port Talbot County Borough Council  
Network Rail  
Norfolk County Council  
Northamptonshire County Council  
Northern Ireland Railways (Translink)  
North Yorkshire County Council  
North Yorkshire Moors Railway



Office of Rail Regulation  
Plymouth City Council  
Powys County Council  
Rail Freight Group  
Railway Heritage Committee  
Railway Heritage Trust  
Ravenglass and Eskdale Railway  
Rhondda Cynon Taf County Borough Council  
Royal Borough of Kensington and Chelsea  
Sandwell Metropolitan Borough Council  
Scottish Railway Preservation Society  
Shropshire County Council  
Snowdon Mountain Railway  
Somerset and Dorset Railway Trust  
Somerset and Dorset Railway Heritage Trust  
Somerset County Council  
South Yorkshire Passenger Transport Executive  
Staffordshire County Council  
Strathspey Railway  
Suffolk County Council  
Surrey County Council  
Talylyn Railway  
Teifi Valley Railway  
Transport for London  
Transport Scotland  
UK Debt Management Office  
Vale of Glamorgan Council  
Vale of Glamorgan Railway Company Ltd  
Vale of Rheidol Railway  
Warwickshire County Council  
Welsh Local Government Association

Welshpool and Llanfair Light Railway Preservation Co. Ltd  
West Berkshire Council  
West Highland Railway (Caenarfon and Porthmadog)  
Westminster City Council  
West Midlands Passenger Transport Executive  
West Sussex County Council  
West Yorkshire Passenger Transport Executive  
Wiltshire County Council  
Wirral Metropolitan Borough Council  
Worcestershire County Council  
Wrexham County Borough Council

## **PART 10 TAXATION AND PENSIONS**

Angus Council  
Chartered Accountants Ireland  
Chartered Institute of Taxation  
City of Edinburgh Council  
City of Glasgow Council  
Department for Work and Pensions  
Department of Justice, Northern Ireland Executive  
Dumfries and Galloway Council  
Dundee City Council  
Fife Council  
HM Revenue and Customs  
HMRC Solicitors Office, Scotland  
Institute for Fiscal Studies  
Institute of Chartered Accountants in England and Wales  
Institute of Chartered Accountants of Scotland  
Inverclyde Council  
Malcolm Gammie, CBE, QC  
Midlothian Council

Office of Tax Simplification  
Revenue Bar Association  
Scottish Borders Council  
Society of Lloyds of London (Tax Department)  
The National Archives  
The Parliamentary Ombudsman

**PART 11 TURNPIKES**

Bedford Borough Council  
Birmingham City Council  
Bristol City Council  
Buckinghamshire County Council  
Central Bedfordshire Council  
Coventry City Council  
Department for Communities and Local Government  
Department for Culture, Media and Sport  
Department for Transport  
Dunstable Town Council  
Forest of Dean District Council  
Gloucestershire County Council  
Greater London Authority  
Hampshire County Council  
Herefordshire Council  
Hertfordshire County Council  
Isle of Anglesey County Council  
Kingston upon Thames London Borough Council  
Leicestershire County Council  
Local Government Association  
London Borough of Croydon  
London Borough of Greenwich  
London Borough of Haringey

London Borough of Lambeth  
London Borough of Lewisham  
London Borough of Merton  
London Borough of Southwark  
London Borough of Sutton  
Northamptonshire County Council  
Oxfordshire County Council  
Reading Borough Council  
Rugby Borough Council  
Shropshire County Council  
South Gloucestershire Council  
Somerset County Council  
St Albans City and District Council  
Surrey County Council  
Telford and Wrekin Council  
Warwickshire County Council  
Welsh Local Government Association  
West Berkshire Council  
Westminster City Council  
West Sussex County Council  
Wolverhampton City Council  
Worcestershire County Council



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