CHAPTER 41.

An Act to dispense with the Attendance of Jurors at Assizes and Quarter Sessions and with the Holding of Assizes and Quarter Sessions in certain cases, and to amend the Law relating to the dates at which Quarter Sessions are to be held. [21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Notice dispensing with attendance of jurors at assizes or quarter sessions where there is no business for them to transact.

1.—(1) If, not more than five days before the commission day in the case of assizes, and the day appointed for holding the court in the case of quarter sessions, it appears to the proper officer that the attendance of any jurors summoned to attend at the court of assize or quarter sessions will not be required by reason of there being no business to be transacted for which those jurors are required, that officer may, in manner provided by this Act, cause notice to be sent by post to those jurors by or on behalf of the person who has summoned them dispensing with their attendance in pursuance of the summons, and any person so summoned as juror to whom such a notice is sent shall not be liable to any fine or penalty for failing to attend in pursuance of the summons.

(2) For the purpose of causing notice to be sent under this section, the proper officer, if he is not himself the person who has summoned the jurors, may direct the sheriff, under-sheriff, or other officer who has summoned the jurors to send the required notice, and that officer shall send the notice as so directed.

(3) Where the proper officer causes notices to be sent to jurors dispensing with their attendance, he shall at the same time send information thereof to all clerks to justices in the county or area for which the assizes or quarter sessions are to be held, and those justices shall, after the receipt of that information, in committing any person for trial, act as if the assizes or quarter sessions were not to be held:

Provided that the justices may, if they think fit, for the purpose of enabling any person who would have been committed for trial at any such assizes or quarter sessions to have an early trial in case he is not admitted to bail, commit him for trial at any other assizes or quarter sessions about to be held at any place or town convenient for the trial, and His Majesty may by Order in Council make such provisions as to the jurisdiction of the court, and the attendance, jurisdiction, authority, and duty of sheriffs, gaolers, officers, jurors, and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of recognizances, inquisitions,

and documents, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, as seem necessary or expedient to carry into effect this provision, but:—

(*a*) the costs and expenses of any prosecutors and witnesses shall be paid by the council of the county or borough who would have been liable to pay those costs and expenses if the person had been committed for trial in the ordinary course; and

(*b*) the council of the county or borough who would have paid the costs of the trial of the person, if he had been committed in the ordinary course, shall pay to the council of the county or borough by whom the costs of the assizes or quarter sessions to which he is committed under this provision are paid, such sum on account of his trial as may be agreed upon between the councils, or, in default of agreement, determined by the Secretary of State.

If the justices have already committed any person for trial at the assizes or quarter sessions in respect of which notices have been sent under this section, they shall have power to alter the committal, and to make any alteration or extension of any recognizances which may appear necessary under the circumstances.

(4) Any warrant for arresting or detaining any person, and any recognizance to appear and give evidence, or to appear for trial, issued or taken in the case of a person charged with murder or manslaughter on a coroner's inquisition, shall, if the trial of the person charged cannot take place in the ordinary course owing to assizes to which the warrant or recognizances relate not being held by virtue of the provisions of this Act, continue in operation until the next assizes, or, if the person charged is committed to any other assizes by justices, such other assizes.

(5) Any person having by law a right to present a bill of indictment to a grand jury in a case where no person has been committed for trial, and proposing to do so at any assizes or quarter sessions, shall give notice of his intention to do so to the proper officer more than five days before the commission day or day appointed for holding the court of quarter sessions, as the case may be.

Obligation to hold assizes and quarter sessions dispensed with in certain cases.

2. Where notices have been given in pursuance of this Act dispensing with the attendance of all jurors at any assizes or quarter sessions, it shall not be necessary to hold the court of assize or court of quarter sessions in respect of which the notices have been given unless there is any business not requiring the attendance of jurors to be transacted by the court.

Extension of time in which county quarter sessions are to be held.

3.—(1) A court of quarter sessions for a county, or the justices of the county assembled at special meeting (which special meeting they are hereby authorised to hold), may at any time when it appears desirable, for any purpose fix or alter

the time for holding the next court of quarter sessions, so that the sessions be held not earlier than fourteen days before nor later than fourteen days after the week in which they would otherwise be held.

(2) The Quarter Sessions Act, 1894, is hereby repealed. 57 & 58 Vict. c. 6.

4. For the purposes of this Act— Definitions.

The expression "proper officer" means, as respects assizes, the clerk of assize, and, as respects quarter sessions, the clerk of the peace of the county or borough for which the court of quarter sessions is held; and

The expression "commission day" means the day named in the London Gazette as the day appointed for the holding of assizes at any place.

5. This Act may be cited as the Assizes and Quarter Sessions Act, 1908. Short title.

CHAPTER 42.

An Act to prohibit the Manufacture, Sale, and Importation of Matches made with White Phosphorus, and for other purposes in connection therewith.

[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) It shall not be lawful for any person to use white phosphorus in the manufacture of matches, and any factory in which white phosphorus is so used shall be deemed to be a factory not kept in conformity with the Factory and Workshop Act, 1901, and that Act shall apply accordingly. Prohibition of use of white phosphorus in manufacture of matches. 1 Edw. 7. c. 22.

(2) The occupier of any factory in which the manufacture of matches is carried on shall allow an inspector under the Factory and Workshop Act, 1901, at any time to take for analysis sufficient samples of any material in use or mixed for use, and, if he refuses to do so, shall be guilty of obstructing the inspector in the execution of his duties under that Act:

Provided that the occupier may, at the time when the sample is taken, and on providing the necessary appliances, require the inspector to divide the sample so taken into two parts and to mark, seal, and deliver to him one part.

2. It shall not be lawful for any person to sell or to offer or expose for sale or to have in his possession for the purposes Prohibition of sale.