1959 No. 1326

The Cotton Weaving Reorganisation Scheme (Confirmation) Order, 1959

Laid before Parliament in draft

Made - - - -	29*th July*, 1959
Coming into Operation	30*th July*, 1959

Whereas by section 1 of the Cotton Industry Act, 1959(a) (hereinafter referred to as " the Act ") the Cotton Board, with a view to promoting the efficiency of the cotton industry by the elimination of excess capacity, may prepare for any section of the industry a scheme (hereinafter referred to as a " reorganisation scheme ") providing for the payment by the Cotton Board of compensation for the elimination of excess capacity in that section :

And Whereas, in consultation with such bodies as appeared to them to represent (so far as practicable) the interests of those carrying on business and of those employed in the weaving section of the industry, the Cotton Board have prepared for that section a reorganisation scheme and have submitted it to the Board of Trade pursuant to subsection (2) of section 1 of the Act :

And Whereas the Board of Trade are satisfied—

(*a*) that the said reorganisation scheme makes adequate provision (in point of time as well as in point of quantity) to the end of eliminating excess capacity in the weaving section of the industry ;

(*b*) that arrangements have been made within that section for the payment of compensation in respect of loss of employment due to the elimination of the excess capacity ; and

(*c*) that bodies representing the interests of a majority of the persons employed in that section have agreed to those arrangements so far as they relate to persons whose interests are represented by those bodies :

And Whereas a draft of this Order has, pursuant to subsection (9) of section 1 of the Act, been laid before Parliament and approved by resolution of each House.

Now, therefore, the Board of Trade, in pursuance of the powers conferred upon them by section 1 of the Act and all other powers in that behalf enabling them, hereby order as follows:—

Confirmation of the Reorganisation Scheme for the Weaving Section of the Cotton Industry

1. The said reorganisation scheme prepared by the Cotton Board for the weaving section of the cotton industry, being the scheme set out in the Schedule to this Order, is hereby confirmed.

Recovery of Charges imposed by the Scheme

2. Any sum due from any person in respect of any charge imposed under the said reorganisation scheme may be recovered by the Cotton Board as a simple contract debt in any court of competent jurisdiction.

(a) 7 & 8 Eliz. 2. c. 48.

Returns and Information and production of Books

3.—(1) The Cotton Board may for the purposes of the said reorganisation scheme require by notice in writing any person carrying on business in the weaving section of the industry to furnish returns or other information relating to activities comprised in that section of the industry or to produce for examination books or other documents or records relating to such activities, and any person who is so required shall furnish in such form and manner and within such time such returns or information relating to such activities, as may be specified in the notice or, as the case may be, produce at such time such books or other documents or records relating to such activities as may be so specified.

(2) When a requirement is imposed by the Cotton Board under the provisions of this Order to furnish returns or other information relating to an individual business or to produce for examination books or other documents or records, the Cotton Board shall ensure that the returns or information shall be furnished to, or the examination done by, officers of the Cotton Board specially authorised in that behalf by the Cotton Board.

Penalties

4.—(1) If any person required to furnish returns or information or to produce for examination books or other documents or records under this Order fails to furnish or produce them in accordance with the requirement he shall, unless he proves that he had reasonable excuse for the failure, be liable on summary conviction to a fine not exceeding fifty pounds.

(2) If the failure in respect of which a person is convicted under the last foregoing paragraph is continued after the conviction he shall be guilty of a further and continuing offence and liable on summary conviction to a fine not exceeding five pounds in respect of each day during which the failure continues.

(3) If any person in purporting to fulfil the requirement to furnish returns or information knowingly or recklessly makes any statement which is false in a material particular he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or, in either case, to both such imprisonment and such fine.

Interpretation

5. In this Order—

(*a*) the "Cotton Board" and "the industry" have the meanings respectively assigned to those expressions in subsection (11) of section 1 of the Act;

(*b*) "the weaving section" and "weaving" have the meanings respectively assigned to those expressions in Article 2 of the reorganisation scheme set out in the Schedule to this Order.

Citation and Commencement

6. This Order may be cited as the Cotton Weaving Reorganisation Scheme (Confirmation) Order, 1959, and shall come into operation on the 30th day of July, 1959.

Dated this 29th day of July, 1959.

David Eccles,
President of the Board of Trade.

THE SCHEDULE

THE COTTON INDUSTRY ACT, 1959

COTTON WEAVING REORGANISATION SCHEME

A Reorganisation Scheme prepared by the Cotton Board providing for payment of compensation for the elimination of excess capacity in the Weaving Section of the Cotton Industry

PART I

PRELIMINARY

Citation and Commencement

1. This Scheme may be cited as the Cotton Weaving Reorganisation Scheme and (except for Parts II and III, which come into operation as hereinafter mentioned) shall come into operation on the date on which the Order of the Board of Trade confirming the Scheme comes into operation.

Interpretation

2. In this Scheme the following expressions have the meanings hereby respectively assigned to them:—

"the Act" means the Cotton Industry Act, 1959;

"the Board" means the Cotton Board as defined in subsection (11) of Section 1 of the Act;

"the Industry" means the activities included in that term in the development council orders relating to the Cotton Board, as those orders had effect at the commencement of the Act(a);

"registered or subject to registration with the Board" means registered or subject to registration with the Board under the Cotton Industry Development Council Order, 1948(b);

"the weaving section" means the activity of weaving;

"the spinning section" and "the doubling section" mean the activity of spinning and the activity of doubling respectively, as those activities are defined in the First Schedule to the Cotton Industry Development Council Order, 1948;

"weaving" means—

(*a*) the production on looms connected with mechanical power of fabrics containing not less than 85 per cent. by weight of yarn produced by spinning or doubling or continuous filament rayon thread or a mixture of such yarn and such thread; and

(*b*) the preparation of warp and weft for looms—

(i) from yarn produced by spinning or doubling; and

(ii) from continuous filament rayon thread by any person carrying on the business of weaving as defined in sub-paragraph (*a*) hereof for use by him in the course of that business:

Provided that weaving shall not include the production of lace, lace net, lace curtains, fishing net, embroidery or narrow fabrics or the preparation of warp and weft by a person carrying on the business of manufacturing narrow fabrics for use by him in the course of that business;

"yarn" includes rayon yarn; and "rayon yarn" means continuous filament rayon thread or yarn spun from staple rayon fibre;

"staple rayon fibre" means staple rayon fibre not exceeding three inches in length and includes waste rayon fibre; and any reference to rayon fibre,

(a) S.I. 1948/629 (Rev. V, p. 87: 1948 I, p. 1623), 1951/2173, 1953/421, 1957/508 (1951 I, p. 1125; 1953 I, p. 862; 1957 I, p. 1174). (b) S.I. 1948/629 (Rev. V, p. 87: 1948 I, p. 1623).

thread or yarn shall include a reference to any other manufactured textile fibre that is to say, fibre which is not the natural growth of a plant or the hair or fleece of an animal or to thread or yarn manufactured otherwise than from such natural fibre, as the case may be, but does not include a reference to asbestos or silk fibre, thread or yarn;

"narrow fabrics" means fabrics not exceeding eighteen inches in width with two self edges;

"loom" means a machine commonly known by that name in the weaving section of the industry, complete with all components and accessories (other than healds, reeds and shuttles) necessary to enable it to perform the function of weaving.

Object of Scheme

3.—(1) The object of this Scheme is to secure the elimination of excess capacity in the weaving section of the industry by providing for the payment of compensation related to the number of looms scrapped during the period beginning on 24th April, 1959 and ending on 31st March, 1960 or such later date as the Board may in any individual case for special reasons allow (hereinafter referred to as "the scrapping period").

(2) A loom shall only be treated as scrapped for the purposes of this Scheme if it is destroyed or otherwise rendered unfit for further use for weaving.

Participation

4.—(1) Any person who, at any time in the period beginning on 24th April, 1956 and ending on 30th June, 1959, has been registered or subject to registration with the Board as carrying on business in the weaving section of the industry is eligible to participate in this Scheme in relation to any looms scrapped or to be scrapped during the scrapping period; Provided that, a body corporate may be so eligible to participate, notwithstanding that it has not been registered or subject to registration as aforesaid, if it is a subsidiary (within the meaning of section 154 of the Companies Act, 1948(a)) of another body corporate which has.

(2) Any person so eligible may participate in the Scheme in relation to any such looms during the period beginning on the date on which the Scheme comes into operation and ending on 30th September, 1959 (hereinafter referred to as "the participation period") by making and delivering to the Board before the expiration of that period an application for payment of compensation under Part II in relation to those looms, whereupon he becomes a participant in this Scheme.

(3) Every such application shall be in writing in such form as the Board may prescribe and shall contain such information as is provided for therein, together with—

(*a*) an undertaking by the participant to scrap or cause to be scrapped during the scrapping period every loom to which the application relates, and

(*b*) an acknowledgment by the participant that in the event of his failure to scrap or cause to be scrapped any such loom within the scrapping period and such further period (not being less than seven days) from the end of the scrapping period as may be specified in a notice sent to him by the Board, the whole of the participant's property or interest in that loom shall forthwith be transferred to and vest in the Board.

(4) The Board may prescribe the form of any application for the purposes of this Article by publishing, issuing or making available a form or forms of application for use as such in relation to this Scheme by any person or class of persons wishing to participate therein.

The coming into operation of Parts II and III of the Scheme

5.—(1) Parts II and III of this Scheme shall not come into operation unless, during the participation period, applications for compensation under the Scheme have been received by the Board in relation to not less than 45,000 looms; Provided that, in determining whether applications in relation to that minimum

(a) 11 & 12 Geo. 6. c. 38.

number of looms have been received by them, the Board shall exclude from consideration any looms which the participant wishes to sell with the approval of the Board under Article 12 and any other looms included in any application as respects which it appears to them to be likely that they will exercise their power under Article 11 not to pay compensation in relation thereto.

(2) Subject to the proviso to the preceding paragraph, as soon as applications for compensation under the Scheme have been received by the Board in relation to 45,000 looms the Board shall publish notice to that effect in such manner as they think best adapted for informing persons affected or likely to be affected by the Scheme; and thereupon Parts II and III of this Scheme shall come into operation. As soon as practicable thereafter the Board shall also send to each participant in the Scheme a written notice to the same effect and expressly stating that Parts II and III of the Scheme have come into operation.

(3) The coming into operation of Parts II and III of this Scheme before the expiration of the participation period shall not prejudice the right of any person to participate in the Scheme during the remainder of the participation period.

(4) If at the expiration of the participation period applications for compensation under the Scheme have not been received by the Board in relation to the requisite minimum number of looms they shall publish notice to that effect in like manner as aforesaid. They shall also send to each participant in the Scheme a written notice to the same effect and stating that Parts II and III of the Scheme will not come into operation; and thereupon he shall cease to participate in the Scheme.

Part II

Compensation

Rates of Compensation

6.—(1) Subject to the provisions of this Part of this Scheme, compensation shall be paid by the Board in relation to looms scrapped during the scrapping period as respects which an application for compensation under the Scheme has been made by a participant in the Scheme during the participation period.

(2) There shall be three rates of compensation payable under this Scheme, the standard rate, the premium rate and the discount rate, each of which shall be increased by an amount equal to 5 per cent. thereof in any case where the application concerned was received by the Board on or before 31st August, 1959.

7.—(1) **The Standard Rate** of compensation in relation to looms shall be the appropriate rate specified in the following table:—

Width Range	Looms not stopped at 24th April, 1959	Looms stopped at 24th April, 1959
	£ s. d.	£ s. d.
Reed spaces—		
(*a*) not exceeding 48 inches	60 0 0	45 0 0
(*b*) exceeding 48 inches but not exceeding 72 inches	70 0 0	52 10 0
(*c*) exceeding 72 inches	80 0 0	60 0 0

(2) Compensation shall be paid at the standard rate in relation to looms which were in place in a weaving shed at 24th April, 1959, and are included in an application relating to all such looms which have been scrapped after 23rd April, 1959, and all such looms which are in place in that weaving shed at the date of the application.

(3) Compensation shall also be paid in relation to looms in place at 24th April, 1959, in a weaving shed—

(*a*) at the standard rate appropriate to looms of any width range not stopped at 24th April, 1959, as respects the excess of the total number of looms of that width range scrapped during the scrapping period over the number of looms of that width range stopped at that date;

(*b*) at the standard rate appropriate to stopped looms, as respects all other such looms.

(4) The number of looms stopped in any weaving shed shall be the lowest weekly average of looms shown as stopped all week in any of the monthly returns furnished to the Board for January, February, March and April, 1959, in relation to that weaving shed; and the proportion thereof attributable to looms of each different width range shall in each case be determined by the Board in such manner and by reference to such particulars as they may deem appropriate.

(5) Compensation at the standard rate shall be paid in relation to looms included in such an application as aforesaid notwithstanding that, since the date of the application, other looms which were also included in that application have (instead of being scrapped) been sold with the approval of the Board under Article 12 hereof and excluded from payment of compensation under this Scheme.

8.—(1) **The Premium Rate** of compensation in relation to looms shall be the appropriate rate specified in the following table :—

Width Range	Looms not stopped at 24th April, 1959	Looms stopped at 24th April, 1959
	£ s. d.	£ s. d.
Reed spaces—		
(*a*) not exceeding 48 inches	75 0 0	56 5 0
(*b*) exceeding 48 inches but not exceeding 72 inches	87 10 0	65 12 6
(*c*) exceeding 72 inches	100 0 0	75 0 0

(2) Compensation shall be paid at the premium rate in relation to looms which were in place at 24th April, 1959, in a weaving shed belonging to the participant at that date, and are included in an application (being an application relating to all such looms which have been scrapped after 23rd April, 1959, and all such looms which are in place in that weaving shed at the date of the application) made by a participant who, after 23rd April, 1959, ceases to carry on business in that part of the industry which comprises the spinning, doubling and weaving sections.

(3) Compensation shall be paid at the premium rate in relation to looms included in such an application as aforesaid notwithstanding that, since the date of the application, other looms which were also included in that application have (instead of being scrapped) been sold with the approval of the Board under Article 12 hereof and excluded from payment of compensation under this Scheme.

(4) Notwithstanding the foregoing provisions of this Article, compensation at the premium rate shall not be paid to a participant, being, after 30th June, 1959, one of a group of bodies corporate which includes other bodies corporate carrying on business in that part of the industry which comprises the spinning, doubling and weaving sections, unless all those other bodies corporate in that group (as well as the participant) cease so to carry on business.

(5) In this Article, the expression "group" means a body corporate and all other bodies corporate which are subsidiaries thereof within the meaning of section 154 of the Companies Act, 1948.

9.—(1) **The Discount Rate** of compensation in relation to a loom shall be the appropriate rate specified in the following table:—

Width Range	Looms not stopped at 24th April, 1959	Looms stopped at 24th April, 1959
	£ s. d.	£ s. d.
Reed spaces—		
(*a*) not exceeding 48 inches	48 0 0	36 0 0
(*b*) exceeding 48 inches but not exceeding 72 inches	56 0 0	42 0 0
(*c*) exceeding 72 inches	64 0 0	48 0 0

(2) Compensation shall be paid at the discount rate in relation to any looms in place in a weaving shed at 24th April, 1959, included in an application relating to some only of the looms in place in that weaving shed at that date.

Payment of Compensation

10—(1) The Board shall not pay any compensation under this Scheme to a person in respect of any loom unless that person has furnished to them such information additional to that contained in his application as they may require and they are satisfied that the requisite scrapping has been completed.

(2) The Board shall not pay compensation under this Scheme at the premium rate unless they are satisfied, on such evidence as they may require, that the participant and, in the case of a body corporate, every other body corporate in the same group has ceased to carry on business in that part of the industry which comprises the spinning, doubling and weaving sections.

(3) The Board shall not pay any compensation under this Scheme to any participant in respect of the elimination of excess capacity unless they are satisfied that the participant has done everything required to be done by him under the arrangements referred to in section 1 (2) (*b*) of the Act for securing that his employees are eligible to participate in, and to receive any benefits available to them under, those arrangements in respect of loss of employment with reference to the elimination of that excess capacity.

11. Notwithstanding the foregoing provisions of this Part of the Scheme, the Board may refuse to pay compensation in relation to any loom included in an application for compensation if they are satisfied:—

(*a*) that it was not practicable at 24th April, 1959, for that loom to be put into operation without undue difficulty or expense; or

(*b*) that, insofar as it was in use before 24th April, 1959, that loom was not used substantially for the production of fabrics containing not less than 85 per cent. by weight of yarn produced by spinning or doubling or of continuous filament rayon thread or a mixture of such yarn and such thread;

and in the event of any such refusal to pay compensation the participant concerned shall thereupon be released from his undertaking to scrap that loom.

12. Notwithstanding the foregoing provisions of this Part of the Scheme, where a participant wishes to sell any looms which he has included with other looms in an application for compensation at the premium or standard rate and the Board are satisfied that:—

(*a*) it would be in the interests of the weaving section of the industry not to scrap such looms, and

(*b*) the looms are not being disposed of for use outside Great Britain,

they may approve the sale of those looms, and thereupon the participant shall be released from his undertaking to scrap those looms and compensation shall not be payable under the Scheme in relation thereto.

13.—(1) Where after the scrapping of looms under this Scheme the participant within five years from the commencement of the Act installs other looms with

the aid of a re-equipment grant from the Board of Trade under section 2 of the Act an amount shall be repaid by the participant to the Board equal to 75 per cent. of any compensation paid by the Board under this Scheme in relation to a number of scrapped looms of a capacity equivalent to that of looms so installed, reduced by a number of looms of a capacity equivalent to other looms scrapped in use by him after 23rd April, 1959 and subsequently scrapped and in respect of which no compensation has been paid or applied for under this Scheme.

For this purpose 1 loom installed shall be treated as having a capacity equivalent to 2 looms scrapped; and accordingly, the compensation in relation to the scrapped looms shall be deemed to have been paid by the Board subject to an express condition that there should be repayment of 75 per cent. thereof in the event of such replacement as aforesaid.

(2) Any amount repayable to the Board in pursuance of this Article shall be recoverable by them in any court of competent jurisdiction as a simple contract debt due to them from the participant.

(3) The provisions of paragraph (1) of this Article shall apply (mutatis mutandis) in any case in which the looms to which the compensation relates are replaced before any compensation has been paid by the Board in relation thereto; and the amount of any compensation which would otherwise be payable under the foregoing provisions of this Scheme in relation to those looms shall be reduced accordingly.

PART III

LEVIES AND ALLOCATION OF MONEYS RECEIVED

Levies

14. The Board shall raise by means of an annual charge imposed on all persons for the time being carrying on business in the weaving section of the industry and registered with the Board the amounts required by the Board to defray—

(*a*) compensation payments provided for under Part II of this Scheme, so far as not defrayed out of sums paid by the Board of Trade under subsection (3) of section 1 of the Act, and

(*b*) that proportion of the total expenses incurred by the Board in connection with the preparation and administration of all schemes under the Act as in the opinion of the Board is attributable to this Scheme.

15. The Board shall raise by means of a further annual charge imposed on all persons carrying on business in the weaving section of the industry and registered as aforesaid the amounts required under arrangements made within that section for compensating persons employed in that section for loss of employment with reference to the elimination of excess capacity under this Scheme or the re-equipment of businesses in that section, being arrangements made in contemplation of or in connection with the passing or operation of the Act.

16.—(1) Each of the charges imposed under this Part of the Scheme shall be payable at such rate or rates per loom in place (no account being taken of the shifts worked thereon) as the Board may specify as being necessary to produce in the aggregate the amount or amounts required to be raised thereby.

(2) Each person upon whom a charge has been imposed under this Scheme shall pay to the Board his proper share of that charge in such manner and on such date or dates as they may direct.

(3) The periods during which such charges shall be payable shall be specified by the Board after consultation with representatives of persons carrying on business in the weaving section and shall not exceed ten years in either case.

(4) As soon as may be after the date on which this Part of the Scheme comes into operation the Board shall by notice, given in such manner as they think best adapted for informing the persons affected, specify separately in respect of each of the charges—

(*a*) the date on which the first payment of the charge is payable;

(*b*) the rate or rates per loom at which it is payable.

17.—(1) There shall be established by the Board an account to be called the "Weaving Reorganisation (Compensation) Account" into which shall be paid—

(*a*) all moneys received by them by means of the charge imposed under Article 14 of this Scheme;

(*b*) all moneys paid to them by the Board of Trade under subsection (3) of section 1 of the Act;

(*c*) all moneys repaid to them in respect of compensation recovered under the provisions of Article 13;

(*d*) all moneys otherwise received by them in connection with this Scheme.

(2) Out of the said account there shall be paid by the Board—

(*a*) all amounts payable by them in respect of compensation under this Scheme, and

(*b*) all costs and expenses incurred by them in connection with the preparation and administration of this Scheme.

18. There shall be established by the Board an account to be called the "Weaving Section (Special) Account", into which shall be paid all moneys received by the Board by means of the charge imposed under Article 15 of this Scheme, which moneys shall be paid to such persons as may be responsible for the distribution of the amounts referred to in that Article.

Disposal of surplus moneys

19. Any sums raised by means of the charge imposed under Article 14 of this Scheme, which are not required for the purpose for which they were raised, shall be disposed of by the Board for such purpose or purposes (including the purpose of advancing research in the industry) as may be determined by the Board after consultation with representatives of persons carrying on business in the weaving section of the industry.

The foregoing Reorganisation Scheme has been prepared by the Cotton Board under powers conferred by the Cotton Industry Act, 1959, and is now submitted to the Board of Trade for confirmation in pursuance of subsection (2) of section 1 of that Act.

Dated this 10th day of July, 1959.

(Signed) ROCHDALE.
F. ROSTRON.
J. C. ROBINSON.
E. HALL.

(The Committee of the Cotton Board established to discharge the functions of the Board under the Cotton Industry Act, 1959.)

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

By this Order the Board of Trade confirm a reorganisation scheme prepared by the Cotton Board to secure the elimination of excess capacity in the weaving section of the cotton industry. The scheme is set out in the Schedule to this Order.

The Order also provides for the recovery by the Cotton Board of certain charges imposed under the scheme, for returns and information to be furnished to, and books and other documents to be produced to, the Cotton Board by persons carrying on business in the weaving section, and imposes penalties for failure so to do or for giving false information.

COUNTY COURTS

COURTS AND DISTRICTS

1959 No. 315

The County Court Districts (Ledbury) Order, 1959

Made - - - - 20*th February*, 1959
Coming into Operation 1*st April*, 1959

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 2 of the County Courts Act, 1934(a), do hereby order as follows :—

1.—(1) The holding of the Ledbury County Court shall be discontinued, and the parishes mentioned in the first column of the Schedule to this Order (being the parishes constituting the district of that court) shall be transferred to and form part of the county court districts set opposite their names in the second column of that Schedule.

(2) The Hereford County Court shall have jurisdiction in the case of proceedings commenced in the Ledbury County Court before this Order comes into operation.

2.—(1) The County Court Districts Order, 1949(b), as amended, shall have effect as further amended by this Order.

(2) This Order may be cited as the County Court Districts (Ledbury) Order, 1959, and shall come into operation on the 1st day of April, 1959.

Dated this 20th day of February, 1959.

Kilmuir, C.

(a) 24 & 25 Geo. 5. c. 53. (b) S.I. 1949/2058 (1949 I, p. 955).