STATUTORY INSTRUMENTS

1989 No. 904

EDUCATION, ENGLAND AND WALES

The Education (School Teachers' Pay and Conditions) Order 1989

Made - - - -	*30th May 1989*
Laid before Parliament	*6th June 1989*
Coming into force -	*27th June 1989*

The Advisory Committee appointed under section 2(1) of the Teachers' Pay and Conditions Act 1987(a) having reported to the Secretary of State in accordance with that section, the Secretary of State, in exercise of powers conferred by section 3(1), (3), (4) and (5) of the Act and after consulting in accordance with section 3(1) of the Act such associations of local education authorities, such bodies representing the interests of governors of voluntary schools and such organisations representing school teachers as appeared to him to be concerned, hereby makes the following Order:–

Citation and commencement

1. This Order may be cited as the Education (School Teachers' Pay and Conditions) Order 1989 and shall come into force on 27th June 1989.

Application

2. This Order applies to all school teachers (as defined in the Teachers' Pay and Conditions Act 1987) in England and Wales and gives effect without any material modification to recommendations of the Advisory Committee.

School teachers' pay and conditions

3.—(1) It is hereby directed that the provisions relating to remuneration and other conditions of employment set out in the document published by Her Majesty's Stationery Office and entitled "School Teachers' Pay and Conditions Document 1989"(b) shall have effect in accordance with the following provisions of this article.

(2) The said provisions relating to remuneration shall have effect for the purpose of determining the remuneration of school teachers in England and Wales–

(a) as regards the rates of London Area allowances set out in paragraph 18 of the said Document, from 1st July 1988;

(b) as regards the percentage and overall limits for incentive allowances set out in Annex A and Table 2 of Annex B to Appendix I, from 1st August 1989; and

(c) as regards all other provisions relating to remuneration, from 1st April 1989.

(3) The said provisions relating to other conditions of employment shall have effect as terms of the contract of employment of school teachers in England and Wales from 27th June 1989.

(a) 1987 c.1. Sections 3 and 7 have been amended by paragraphs 38 and 39 of Schedule 12 to the Education Reform Act 1988 (c.40). Section 3(5)(a) has been amended by S.I. 1988/2074.

(b) ISBN 0 11 270672 X.

4. The Education (School Teachers' Pay and Conditions) Order 1988(a) is hereby revoked except in so far as it relates to the percentage and overall limits for incentive allowances set out in Annex A and Table 2 of Annex B to Appendix I to the School Teachers' Pay and Conditions Document 1988(b) which shall continue to have effect until 1st August 1989.

Kenneth Baker
30th May 1989 — Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Order)

This Order refers to a document entitled "School Teachers' Pay and Conditions Document 1989" published by Her Majesty's Stationery Office, which is obtainable from Government book shops and through booksellers.

The Order, which comes into force on 27th June 1989, directs that the provisions set out in the Document shall have effect as regards paragraph 18 (London Area allowances) from 1st July 1988; as regards the percentage and overall limits for incentive allowances set out in Annex A and Table 2 of Annex B to Appendix I from 1st August 1989; as regards other provisions relating to remuneration from 1st April 1989; and as regards other conditions of employment from 27th June 1989.

The Order applies to all school teachers (as defined in section 7(1) of the Teachers' Pay and Conditions Act 1987, amended to include teachers in grant-maintained schools by paragraph 39 of Schedule 12 to the Education Reform Act 1988).

By virtue of section 3(6)(a) of the Teachers' Pay and Conditions Act 1987 (as amended by paragraph 38(4) of Schedule 12 to the 1988 Act) the remuneration of teachers to whom the Order applies is to be determined, and paid by local education authorities, or in the case of grant-maintained schools by the governing body of the school, in accordance with the scales and other provisions set out in the Document; by virtue of section 3(6)(b) of the 1987 Act the provisions of the Document relating to other conditions of employment have effect as terms of the contract of employment of teachers to whom the Order applies.

The Order contains a statement that it gives effect without any material modification to recommendations of the Interim Advisory Committee on School Teachers' Pay and Conditions and consequently, by virtue of section 3(2) of the said Act of 1987, the Order is subject to annulment in pursuance of a resolution of either House of Parliament.

The retrospective effect of the Order as regards remuneration is authorised by section 3(5)(f) of the Teachers' Pay and Conditions Act 1987.

The Order revokes the Education (School Teachers' Pay and Conditions) Order 1988, with a saving for those provisions in the School Teachers' Pay and Conditions Document 1988 which will not be superseded until 1st August 1989.

(a) S.I. 1988/1055.
(b) ISBN 0 11 270654 1.

50p net

ISBN 0 11 096904 9

Printed in the United Kingdom for Her Majesty's Stationery Office

840 WO838 C23 6/89 452/3 4235 46378 891558C

Draft Order laid before Parliament under section 19(7) of the Building Societies Act 1986, for approval by a resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

BUILDING SOCIETIES

The Building Societies (Money Transmission Services) Order 1989

Made - - - -	*1989*
Coming into force	*1st July 1989*

The Treasury, in exercise of the powers conferred on them by section 19 of the Building Societies Act 1986(**a**), and of all other powers enabling them in that behalf, hereby makes the following Order, a draft of which has been laid before and approved by resolution of each House of Parliament:

Title and commencement

1. This Order may be cited as the Building Societies (Money Transmission Services) Order 1989 and shall come into force on 1st July 1989.

Interpretation

2. In this Order–

"the Act" means the Building Societies Act 1986;

"the 1987 Order" means the Building Societies (Limited Credit Facilities) Order 1987(**b**); and

"society" means a building society.

Money transmission service debts and accounts

3.—(1) The forms of property which, by virtue of this Order, a society is to have power, subject to the provisions of this Order, to acquire, hold and dispose of as class 3 assets are money transmission service debts.

(2) For the purposes of this Order–

(a) "money transmission service debt" means the sum in which a person is indebted to a society on a money transmission service account (whether that sum represents principal, interest or other sums payable on the money transmission service account and whether it is immediately payable or not),

(b) "money transmission service account holder" means that person, and

(c) "money transmission service account" means an account which is provided by a society to a person to facilitate the provision of money transmission services by the society to that person and on which that person may, temporarily or occasionally, in the course of and as an incident of receiving money transmission services from the society, become indebted to the society.

(**a**) 1986 c.53. (**b**) S.I. 1987/1975.

Societies to which power is available

4. The power conferred by this Order is not available to a society which does not for the time being have a qualifying asset holding, but the cessation of its availability does not require the disposal of any property.

Limit on power

5. A society may acquire, hold and dispose of a money transmission service debt only where it is owed by a person other than an individual.

Class 3 asset limits

6. The aggregate of money transmission service debts owing to a society shall count in accordance with section 20 (commercial asset structure requirements) of the Act towards the limits applicable to class 3 assets under that section, and in calculating that aggregate–

(a) where the society has the power conferred by section 34(1) of and item 1 of Part I of Schedule 8 to the Act (power to provide banking services) and the power conferred by this Order, any current overdraft which could be permitted under either of those powers shall be treated as a money transmission service debt;

(b) where a money transmission service account holder holds other accounts with the society, the value of any shares or deposits in those other accounts shall not be taken into account;

(c) where the society has money transmission service accounts upon which there is no current indebtedness to the society, the balance of such accounts shall not be taken into account.

Amendment of the 1987 Order

7. For article 7 of the 1987 Order there shall be substituted the following article–

"Class 3 asset limits

7. The aggregate of facility debts owing to a society shall count in accordance with section 20 (commercial asset structure requirements) of the Act towards the limits applicable to class 3 assets under that section, and in calculating that aggregate–

(a) where the society has the power conferred by section 16 of the Act and the power conferred by this Order, and the society has made arrangements which could be made under either of those powers, the society shall, in respect of each such arrangement, record the power under which it is to be treated as having been made;

(b) where the society has the power conferred by section 34(1) of and item 1 of Part I of Schedule 8 to the Act (power to provide banking services) and the power conferred by this Order, any current overdraft which could be permitted under either of those powers shall be treated as a facility debt;

(c) where a facility account holder holds other accounts with the society, the value of any shares or deposits in those other accounts shall not be taken into account; and

(d) where the society has facility accounts in respect of which there are no current facility debts, the balance of such accounts shall not be taken into account.".

1989

Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order empowers building societies with commercial assets of at least £100 million to operate accounts on which a person other than an individual can overdraw, temporarily or occasionally, in the course of receiving money transmission services. Any such indebtedness will count as a class 3 asset. Class 3 assets may not currently exceed more than 5 per cent of a society's total commercial assets.

The Order also amends article 7 of the Building Societies (Limited Credit Facilities) Order 1987 so that the aggregation of facility debts for the purposes of calculating the limits applicable to class 3 assets is made in the same manner as the aggregation of money transmission service debts under article 6 of this Order.

Draft Order laid before Parliament under section 19(7) of the Building Societies Act 1986, for approval by a resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

BUILDING SOCIETIES

The Building Societies (Money Transmission Services) Order 1989

90p net

ISBN 0 11 098540 0

Printed in the United Kingdom for Her Majesty's Stationery Office
730 WO666 C10 4/89 452 7102 O/N46294

Draft Order in Council laid before Parliament under section 1(4) of the Ministerial and other Salaries Act 1975 for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

1989 No.

PARLIAMENT

The Lord Chancellor's Salary Order 1989

Laid before Parliament in draft

Made - - - - *1989*

Coming into force - *1989*

At the Court of Buckingham Palace, the day of 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in pursuance of section 1(4) of the Ministerial and other Salaries Act 1975(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

Citation, commencement and revocation

1.—(1) This Order may be cited as the Lord Chancellor's Salary Order 1989.

(2) This Order shall come into force on the day on which it is made.

(3) The Lord Chancellor's Salary Order 1988(b) is hereby revoked.

Increase of Lord Chancellor's salary

2. For the amount specified in subsection (2) of section 1 of the Ministerial and other Salaries Act 1975(a) as the aggregate annual amount of the salary payable to the Lord Chancellor under that subsection and the salary payable to him as Speaker of the House of Lords there shall be substituted £91,500.

Clerk of the Privy Council

(a) 1975 c.27.
(b) S.I. 1988/1088.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the total salary payable to the Lord Chancellor under the Ministerial and other Salaries Act 1975 and as Speaker of the House of Lords. The Order provides for the Lord Chancellor to receive a £2,000 lead over the Lord Chief Justice.

45p net

ISBN 0 11 098537 0

Printed in the United Kingdom for Her Majesty's Stationery Office

795 WO529 C10 3/89 452/3 4235 46378 890735C

Draft Order laid before the House of Commons under section 4(5) of the Rates Act 1984 for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

1989 No.

LOCAL GOVERNMENT, ENGLAND AND WALES

The Rate Limitation (Councils in England) (Prescribed Maximum) (Rates) Order 1989

Made - - - -	*1989*
Coming into force	*28th February 1989*

Whereas in a report laid before the House of Commons on 7th July 1988(a) the authorities listed in the Schedule to this Order were designated by the Secretary of State pursuant to section 2 of the Rates Act 1984(b) in relation to the financial year beginning on 1st April 1989;

And whereas the Secretary of State has served notice on each of those authorities pursuant to section 4(1) of that Act stating the maximum which he proposes to prescribe under section 1 of that Act for the rate made by them for that year;

And whereas none of those authorities has accepted the maximum proposed by the Secretary of State within the period specified in the notice or agreed with him a different maximum;

And whereas a draft of this Order has been approved by resolution of the House of Commons;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1 and 4(4) of the Rates Act 1984 and of all other powers enabling him in that behalf, hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Rate Limitation (Councils in England) (Prescribed Maximum) (Rates) Order 1989 and shall come into force on 28th February 1989.

Interpretation

2. In this Order –

"the Act" means the Rates Act 1984; and

"the maximum rate" means a maximum amount in the pound for the rate exclusive of any part of the rate mentioned in section 1(4) of the Act.

(a) *See* the Rate Limitation (Councils in England) Report 1988 HC 571.
(b) 1984 c.33. Section 2(2)(a) was amended, as regards England, by the Rate Limitation (Designation of Authorities) (Exemption) Order 1988 (S.I. 1988/729).

Prescription of maximum rates

3. There is hereby prescribed under section 1 of the Act, for the financial year beginning on 1st April 1989, as the maximum rate for an authority listed in the Schedule to this Order, the amount there set against the name of the authority.

1989 Secretary of State for the Environment

SCHEDULE

Article 3

MAXIMUM RATES

Borough of Thamesdown District Council	47.58p
The Council of the London Borough of Camden	114.22p
The Council of the London Borough of Greenwich	150.85p
The Council of the London Borough of Lewisham	110.76p

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes maximum rates for the authorities listed in the Schedule to the Order for the financial year beginning on 1st April 1989. In each case the maximum is shown against the name of the authority.

45p net

ISBN 0 11 098520 6

Printed in the United Kingdom for Her Majesty's Stationery Office

850 WO0221 C13 2/89 452 7102 O/N46294

Draft Order laid before Parliament under section 149(4) of the Employment Protection (Consolidation) Act 1978 for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

1989 No.

TERMS AND CONDITIONS OF EMPLOYMENT

The Redundancy Payments (Local Government) (Modification) (Amendment) Order 1989

Laid before Parliament in draft

Made - - - -	*1989*
Coming into force	*1st April 1989*

Whereas a draft of the following Order was laid before Parliament in accordance with section 149(4) of the Employment Protection (Consolidation) Act 1978(**a**) ("the 1978 Act") and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State in exercise of the powers conferred on him by section 149(1)(b) and section 154(3) and (4) of the 1978 Act and of all other powers enabling him in that behalf hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Redundancy Payments (Local Government) (Modification) (Amendment) Order 1989 and shall come into force on 1st April 1989.

(2) In this Order the "principal Order" means the Redundancy Payments (Local Government) (Modification) Order 1983(**b**).

Amendments to the principal Order

2. The principal Order shall be amended as follows:–

(a) In article 1(2)(a) after the third reference to "the 1978 Act" add– "or, in relation to any person to whom this Order applies by reason of an amendment contained in the Redundancy Payments (Local Government) (Modification) (Amendment) Order 1989, any event occurring on or after the coming into force of that Order on the happening of which an employee may become entitled to a redundancy payment in accordance with the provisions of the 1978 Act".

(b) In article 4(3) after "paragraph (4)" delete "and (5)" and substitute "(5) and (6)".

(c) After article 4(5) add–

"(6) Where a period of employment of a person to whom this Order applies by reason of an amendment contained in the Redundancy Payments (Local Government) (Modification) (Amendment) Order 1989 falls to be computed in accordance with the provisions of the 1978 Act as modified by this Order, the provisions of this Order shall have effect in relation to any period whether falling wholly or partly before or after the coming into force of that Order".

(**a**) 1978 c.44.
(**b**) S.I. 1983/1160, amended by S.I. 1985/1872, 1988/907.

(d) In Schedule 1 after entry 71 there shall be added–

"**72.** A school maintained under Chapter IV of Part I of the Education Reform Act 1988(**a**) (grant maintained schools).

73. The Polytechnics and Colleges Funding Council as established by section 132 of the Education Reform Act 1988.

74. An institution falling within section 218(11) of the Education Reform Act 1988 (institutions within the Polytechnics and Colleges Funding Sector).

75. City Technology Colleges and City Colleges for the Technology of the Arts established with the agreement of the Secretary of State for Education and Science under section 105 of the Education Reform Act 1988.

76. Scottish Consultative Council on the Curriculum.

77. The Broads Authority, established under the Norfolk and Suffolk Broads Act 1988(**b**).

78. Countryside Commission for Scotland."

Signed by order of the Secretary of State.

Parliamentary Under Secretary of State,
Department of Employment

1989

(**a**) 1988 c.40.
(**b**) 1988 c.4.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which comes into force on 1st April 1989, amends the Redundancy Payments (Local Government) (Modification) Order 1983 as amended by the Redundancy Payments (Local Government) (Modification) (Amendment) Order 1985 and by the Redundancy Payments (Local Government) (Modification) (Amendment) Order 1988. Those Orders modified certain redundancy payments provisions of the Employment Protection (Consolidation) Act 1978 in their application to persons employed in relevant local government service so that their employment in the service is to be treated as if it were continuous for the purposes of those provisions. This Order adds to the list of employers to whose employees the 1983 Order as amended applies.

45p net

ISBN 0 11 098515 X

Printed in the United Kingdom for Her Majesty's Stationery Office

831/WO 0179 C13 1/89 452/1 9385/5531/4890 46341

Draft Order laid before Parliament under section 1(2) of the Sea Fisheries Regulation Act 1966 on 30th January 1989; draft to lie for forty days pursuant to section 6(1) of the Statutory Instruments Act 1946, during which period either House of Parliament may resolve that the Order be not made.

DRAFT STATUTORY INSTRUMENTS

1989 No.

SEA FISHERIES

The North Western and North Wales Sea Fisheries District (Variation) Order 1989

Made - - - -	*1989*
Coming into force -	*1 April 1989*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, on the application of the local fisheries committee for the North Western and North Wales Sea Fisheries District and after consultation with every council concerned, in exercise of the powers conferred by section 1 of the Sea Fisheries Regulation Act 1966(a) and now vested in them(b) and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has lain before Parliament for forty days prior to its being made:–

Title, commencement and interpretation

1.—(1) This Order may be cited as the North Western and North Wales Sea Fisheries District (Variation) Order 1989 and shall come into force on 1 April 1989.

(2) In this Order "the principal Order" means the North Western and North Wales Sea Fisheries District Order 1986(c).

Variation of the principal Order

2.—(1) For article 4 of the principal Order there shall be substituted the following:–

"*Expenses*

4. The expenses of the Committee, other than those which may be required to be incurred under section 17(2) of the Act, shall be chargeable to the constituent Councils, for the financial year ending 31 March 1990 in the respective proportions set out in column 3 of Schedule 1 to this Order opposite the reference to each constituent Council, and for each succeeding financial year in the respective proportions set out in column 4 of that Schedule, and shall be expenses for general county or district purposes.".

(2) For Schedule 1 to the principal Order there shall be substituted the following:–

(a) 1966 c.38, amended by the Local Government Act 1985 (c.51), section 16 and Schedule 8, paragraph 19.
(b) By the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388).
(c) S.I. 1986/1201.

SCHEDULE 1

Articles 3 and 4

CONSTITUTION AND EXPENSES

Column 1	*Column 2*		*Column 3*	*Column 4*
Constituent Councils	*Number of representatives*		*Percentage of expenses payable in 1989/90*	*Percentage of expenses payable after 1989/90*
	Until 30 June 1989	*From 1 July* 1989		
Cheshire County Council	3	2	15.55	8.10
Cumbria County Council	2	2	10.63	9.25
Lancashire County Council	3	3	26.80	20.60
Sefton Metropolitan Borough Council	2	2	7.87	8.75
Wirral Metropolitan Borough Council	2	2	9.25	10.50
Clwyd County Council	2	2	6.82	6.65
Dyfed County Council	2	2	6.33	6.65
Gwynedd County Council	2	3	16.75	29.50

"

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1989.

Minister of Agriculture, Fisheries and Food

Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the North Western and North Wales Sea Fisheries District Order 1986 (S.I. 1986/1201) so as to alter the representation of two of the constituent Councils of the local fisheries committee with effect from 1 July 1989 and to reapportion the expenses payable by all the constituent Councils for the financial year ending 31 March 1990 and for succeeding years.

45p net

ISBN 0 11 098516 8

Printed in the United Kingdom for Her Majesty's Stationery Office

845 WO0186 C10 2/89 452/3 4235 46378 890309M

This draft Statutory Instrument has been printed to correct errors in the draft issued on 13 April 1989 and supercedes that draft. It is being issued "free of charge" to all known recipients of that earlier draft Statutory Instrument.

Draft Order in Council laid before Parliament under section 1(5) of the Motor Vehicles (International Circulation) Act 1952, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

ROAD TRAFFIC

The Motor Vehicles (International Circulation) (Amendment) Order 1989

Made - - - - 1989

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the day of 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has, in pursuance of section 1(5) of the Motor Vehicles (International Circulation) Act 1952(a), been laid before Parliament and approved by resolution of each House of Parliament:

Now therefore, Her Majesty, in pursuance of section 1 of the Motor Vehicles (International Circulation) Act 1952, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

Citation and commencement

1. This Order may be cited as the Motor Vehicles (International Circulation) (Amendment) Order 1989 and shall come into force for all purposes except the purposes of articles 5 and 6 on the day after the day on which it is made, for all purposes of article 5 on the 1st September 1989 and for all purposes of article 6 on the date on which the Convention on Road Traffic concluded at Vienna in 1968(b) is first in force in respect of the United Kingdom, which date shall be notified in the London, Edinburgh and Belfast Gazettes.

Interpretation, revocation and variation

2.—(1) In this Order "the principal Order" means the Motor Vehicles (International Circulation) Order 1975(c) as amended by the Motor Vehicles (International Circulation) (Amendment) Order 1980(d) and the Motor Vehicles (International Circulation) (Amendment) Order 1985(e).

(2) Articles 5, 6, 7 and 8 and paragraphs (2), (3) and (4) of article 10 of the Motor Vehicles (International Circulation) (Amendment) Order 1980 and articles 3 and 4 of the Motor Vehicles (International Circulation) (Amendment) Order 1985 are hereby revoked.

(a) 1952 c.39; section 1 has effect with section 8 of the Road Traffic (Amendment) Act 1967 (c.70).
(b) Cmnd. 4032.
(c) S.I. 1975/1208.
(d) S.I. 1980/1095.
(e) S.I. 1985/459.

(3) In Schedule 3 to the principal Order,

(a) in paragraph 1, after the words "Road Traffic Act 1972" there shall be inserted the words " 'Convention driving permit' has the meaning assigned it by Article 2(7) of this Order";

(b) in paragraph 3, for sub-paragraph (2) there shall be substituted the following sub-paragraph–

"(2) The Secretary of State on receiving a permit forwarded under the foregoing sub-paragraph, shall–

(a) retain the permit until the disqualification ceases to have effect or until the holder leaves Great Britain, whichever is the earlier;

(b) send the holder's name and address, together with the particulars of the disqualification, to the authority by whom the permit was issued; and

(c) if the permit is a Convention driving permit, record the particulars of the disqualification on the permit.";

(c) in paragraph 4, in sub-paragraph (1) the words from "and the Secretary of State shall transmit" to the end shall be omitted and the following sub-paragraph shall be substituted for sub-paragraph (2)–

"(2) The Secretary of State, on receiving particulars of a court order removing such a disqualification, shall–

(a) in the case of a permit on which particulars of a disqualification were recorded in accordance with paragraph 3(2)(c) of this Schedule, enter on the permit particulars of the order removing the disqualification;

(b) send the particulars of the order to the authority by whom the permit was issued; and

(c) return the permit to the holder.".

Documents for drivers of vehicles going abroad

3. In article 1 of the principal Order there shall be inserted at the end the following paragraphs:–

"(9) Sections 173 and 174 of the Road Traffic Act 1988**(a)** (forgery of documents, etc., false statements and withholding material information) and Article 174 of the Road Traffic (Northern Ireland) Order 1981**(b)** (false statements in connection with forgery of, and fraudulent use of, documents, etc.) shall apply to a Convention driving permit as they apply to licences under that Act or under that Order.

(10) Section 13 of the Road Traffic Offenders Act 1988**(c)** and Article 190 of the said Order of 1981 (admissibility of records as evidence) shall apply to records maintained by the Secretary of State in connection with his functions under this Article, or by a body or Northern Ireland department to which in accordance with paragraph (8) of this Article he has delegated the function in connection with which the records are maintained, as that section or that Article apply to records maintained in connection with functions under that Act or under that Order, and the powers conferred by section 13(5) of the said Act of 1988 and Article 190(4) of the said Order of 1981 to prescribe a description of matter which may be admitted as evidence under that section or under that Article shall have effect in relation to the application of that section and that Article by this Article.".

Visitors' driving permits

4. For articles 2 and 3 of the principal Order there shall be substituted the following articles:–

"Visitors' driving permits

2.—(1) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Great Britain and holds–

(a) a Convention driving permit, or

(a) 1988 c.52.
(b) 1981 No. 154 (N.I. 1).
(c) 1988 c.53.

(b) a domestic driving permit issued in a country outside the United Kingdom, or

(c) a British Forces (BFG) driving licence,

during a period of twelve months from the date of his last entry into the United Kingdom to drive, or, except in the case of a holder of a British Forces (BFG) driving licence, for any person to cause or permit such a person to drive, in Great Britain a motor vehicle of any class which he is authorised by that permit or that licence to drive, notwithstanding that he is not the holder of a driving licence under Part III of the Road Traffic Act 1988.

(2) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Great Britain and holds–

(a) a Convention driving permit, or

(b) a domestic driving permit issued in a country outside the United Kingdom,

during a period of twelve months from the date of his last entry into the United Kingdom to drive, or for any person to cause or permit such a person to drive, in Great Britain–

(i) in the case of any such person who is resident in a Member State of the European Economic Community, any public service vehicle or heavy goods vehicle; and

(ii) in the case of any other such person, a public service vehicle or heavy goods vehicle brought temporarily into Great Britain,

which he is authorised by that permit to drive, notwithstanding that he is not the holder either of such a licence as is required by section 22 of the Public Passenger Vehicles Act 1981**(a)**, or of such a licence as is required by section 110 of the said Act of 1988.

(3) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Great Britain and holds a British Forces (BFG) public service vehicle driving licence during a period of twelve months from the date of his last entry into the United Kingdom to drive, or for any person to cause or permit such a person to drive, in Great Britain–

(a) in the case of any such person who is resident in a Member State of the European Economic Community, any public service vehicle, and

(b) in the case of any other such person, a public service vehicle brought temporarily into Great Britain,

which he is authorised by that licence to drive, notwithstanding that he is not the holder of such a licence as is required by section 22 of the Public Passenger Vehicles Act 1981.

(4) Nothing in the preceding provisions of this Article shall authorise any person to drive, or any person to cause or permit any person to drive, a vehicle of any class at a time when he is disqualified by virtue of section 101 of the Road Traffic Act 1988 (persons under age), for holding or obtaining a driving licence authorising him to drive vehicles of that class, but in the case of any such person as is mentioned in paragraph (1), (2) or (3) of this Article, who is driving a vehicle which–

(a) in the case of a person not resident in a Member State of the European Economic Community, is brought temporarily into Great Britain, and

(b) is within the class specified in the first column of paragraph 6 of the Table in subsection (1) of that section, and

(c) is either a vehicle registered in a Convention country or a goods vehicle in respect of which that person holds a certificate of competence which satisfies the international requirements,

the second column of that paragraph, in its application for the purposes of this paragraph, shall have effect as if for "21" there were substituted "18".

(a) 1981 c.14.

In this paragraph the following expressions have the meanings respectively assigned to them:–

"the international requirements" means–

(i) in relation to a person who is driving a goods vehicle on a journey to which Council Regulation (EEC) No. 3820/85 of 20th December 1985, on the harmonisation of certain social legislation relating to road transport**(a)** applies, the requirements of Article 5(1)(b) (minimum ages for goods vehicle drivers) of that Regulation;

(ii) in relation to a person who is driving a goods vehicle on a journey to which the European Agreement concerning the work of crews engaged in International Road Transport (AETR) signed at Geneva on 25th March 1971**(b)** applies, the requirements of Article 5(1)(b) (conditions to be fulfilled by drivers) of that Agreement;

"Convention country" means a country which is not a Member State of the European Economic Community nor a party to the aforementioned European Agreement but is a party to the Convention on Road Traffic concluded at Geneva in the year 1949**(c)**, or the International Convention relative to Motor Traffic concluded at Paris in the year 1926**(d)**.

(5) This Article shall not authorise a person to drive a motor vehicle of any class if, in consequence of a conviction or of the order of a court, he is disqualified for holding or obtaining a driving licence under Part III of the Road Traffic Act 1988.

(6) The Secretary of State may by order contained in a statutory instrument withdraw the right conferred by paragraph (1)(b), (1)(c), (2)(b) or (3) of this Article, or any two or more of those rights either in the case of all domestic driving permits, British Forces (BFG) driving licences or British Forces (BFG) public service vehicle driving licences or in the case of such permits or licences of a description specified in the order or held by persons of a description so specified.

(7) In this Article–

"Convention driving permit" means a driving permit in the form A in Schedule 1 to this Order issued under the authority of a country outside the United Kingdom, whether or not that country is a party to the Convention on Road Traffic concluded at Geneva in the year 1949, or a driving permit in the form B in the said Schedule issued under the authority of a country outside the United Kingdom which is a party to the International Convention relative to Motor Traffic concluded at Paris in the year 1926 but not to the Convention of 1949;

"domestic driving permit" in relation to a country outside the United Kingdom means a document issued under the law of that country and authorising the holder to drive motor vehicles, or a specified class of motor vehicles, in that country, and includes a driving permit issued by the armed forces of any country outside the United Kingdom for use in some other country outside the United Kingdom;

"British Forces (BFG) driving licence" means a driving licence issued in Germany to members of the British Forces or of the civilian component thereof or to the dependants of such members by the British authorities in that country in such a form and in accordance with such licensing system as may from time to time be approved by those authorities; and "British Forces (BFG) public service vehicle driving licence" means any such driving licence authorising the driving of public service vehicles of any class;

"dependants" in relation to such a member of the British Forces or the civilian component thereof, means any of the following persons, namely–

(a) the wife or husband of that member; and

(b) any other person wholly or mainly maintained by him or in his custody, charge or care; and

"public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981.

(a) O.J. No. L370, 31.12.85 p.1.
(b) Cmnd. 4858.
(c) Cmnd. 7997.
(d) Cmnd. 3510.

(8) The provisions of this Article which authorise the holder of a permit or a licence to drive a vehicle during a specified period shall not be construed as authorising the driving of a vehicle at a time when the permit or the licence has ceased to be valid.

3.—(1) It shall be lawful–

(a) for a member of a visiting force of a country to which Part I of the Visiting Forces Act 1952(a) for the time being applies who holds a driving permit issued under the law of any part of the sending country or issued by the service authorities of the visiting force, or

(b) for a member of a civilian component of such a visiting force who holds such a driving permit, or

(c) for a dependant of any such member of a visiting force or of a civilian component thereof who holds such a driving permit,

to drive, or for any person to cause or permit any such person to drive, in Great Britain a motor vehicle of any class which he is authorised by that permit to drive, notwithstanding that he is not the holder of a driving licence under Part III of the Road Traffic Act 1988.

(2) This Article shall not authorise a person to drive a motor vehicle of any class if, in consequence of a conviction or of the order of a court, he is disqualified for holding or obtaining a driving licence under Part III of the Road Traffic Act 1988.

(3) Nothing in this Article shall authorise any person to drive, or any person to cause or permit any other person to drive, a vehicle of any class at a time when he is disqualified by virtue of section 101 of the Road Traffic Act 1988 (persons under age), for holding or obtaining a driving licence authorising him to drive vehicles of that class.

(4) The interpretative provisions of the Visiting Forces Act 1952 shall apply for the interpretation of this Article and "dependant", in relation to a member of any such visiting force or a civilian component thereof, means any of the following persons namely–

(a) the wife or husband of that member; and

(b) any other person wholly or mainly maintained by him or in his custody, charge or care.".

Fees for documents

5. In Schedule 2 to the principal Order for "£2.50" in each place where it occurs there shall be substituted "£3".

Vienna Convention on Road Traffic 1968

6.—(1) In paragraph (4) of article 2 of the principal Order, as substituted by article 4 of this Order, in the definition of "Convention country" after the words "but is a party to" there shall be inserted the words "the Convention on Road Traffic concluded at Vienna in the year 1968(b)".

(2) In paragraph (7) of article 2 of the principal Order, as so substituted, for the definition of "Convention driving permit" there shall be substituted the following definition:–

'Convention driving permit' means either–

(i) a driving permit in the form A in Schedule 1 to this Order issued under the authority of a country outside the United Kingdom, whether or not that country is a party to the Convention on Road Traffic concluded at Geneva in the year 1949 but not so issued as aforesaid after the expiry of a period of five years from the date of the entry into force of the Convention on Road Traffic concluded at Vienna in the year 1968 in accordance with Article 47(1) thereof, if that country is a party to that Convention, or

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(a) 1952 c.67.
(b) Cmnd. 4032.

(ii) a driving permit in the form B in that Schedule issued under the authority of a country outside the United Kingdom which is a party to the International Convention relative to Motor Traffic concluded at Paris in the year 1926, but not to the Convention of 1949 nor to the Convention of 1968, or

(iii) a driving permit in the form C in that Schedule issued under the authority of a country outside the United Kingdom which is a party to the Convention of 1968;".

(3) At the end of paragraph (8) of article 2 of the principal Order as so substituted, there shall be added the following words "and, without prejudice to the provisions of paragraph (4) above, a Convention driving permit in the form C in Schedule 1 to this Order shall, if the validity of the permit is by special endorsement thereon made conditional upon the holder wearing certain devices or upon the vehicle being equipped in a certain manner to take account of his disability, not be valid at a time when any such condition is not satisfied".

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Motor Vehicles (International Circulation) Order 1975 as amended. The principal effects of the Order are–

(a) that visitors to Great Britain resident in a Member State of the European Economic Community holding specified visitors' driving permits may drive in Great Britain heavy goods vehicles and public service vehicles whether or not they have been brought temporarily into Great Britain (article 4);

(b) to bring into force those amendments made to the 1975 Order as amended by the Motor Vehicles (International Circulation) (Amendment) Order 1980 which were not intended for implementation of the Vienna Convention on Road Traffic 1968 when it comes into force for the United Kingdom (articles 2(3), 3 and 4); and

(c) to increase the fees prescribed by Schedule 2 to the 1975 Order as amended for an international driving permit or an international certificate for motor vehicles from £2.50 to £3 (article 5).

£1.35 net

ISBN 0 11 098546 X

Printed in the United Kingdom for Her Majesty's Stationery Office 850/5828 WO 734 C20 4/89 452/2 3840 46367

Draft Order laid before the House of Commons under section 3(10) of the Coal Industry Act 1987 for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

1989 No.

COAL INDUSTRY

The Coal Industry (Restructuring Grants) Order 1989

Made - - - -	*1989*
Coming into force	*1989*

The Secretary of State, in exercise of the powers conferred on him by section 3(2)(a), (3), (4)(a) and (6) of the Coal Industry Act 1987(**a**) and with the approval of the Treasury, hereby makes the following Order, a draft of which has been laid before the House of Commons and has been approved by that House in accordance with section 3(10) of that Act:

1. This Order may be cited as the Coal Industry (Restructuring Grants) Order 1989 and shall come into force on the third day after the day on which it is made.

2. In this Order, unless the context otherwise requires–

"the 1989/90 financial year" means the financial year of the British Coal Corporation ending in March 1990;

"the Act" means the Coal Industry Act 1987;

"the Corporation" means the British Coal Corporation or any wholly-owned subsidiary of theirs;

"employees" means employees of the Corporation;

"payments" means periodical or lump sum payments;

"the relevant consolidated profit and loss account" means any consolidated profit and loss account of the British Coal Corporation and their subsidiaries prepared in accordance with a direction given under section 8(1) of the Coal Industry Act 1971(**b**) for the 1989/90 financial year;

and references to payments, contributions or expenditure are references to payments, contributions or expenditure by the Corporation.

3. The 1989/90 financial year shall be a specified financial year for the purposes of section 3(4)(a) of the Act.

4. The kinds of expenditure specified in the Schedule to this Order shall be specified kinds of expenditure for the purposes of section 3(2)(a) of the Act in relation to the 1989/90 financial year.

5. The maximum amount which may be paid under section 3 of the Act by way of grant in respect of the 1989/90 financial year in relation to the kinds of expenditure specified under a Head in the Schedule is that sum which represents 77 per cent. of–

(**a**) 1987 c.3; the limit specified in section 3(6) was increased to £500 million by S.I. 1988/456.
(**b**) 1971 c.16.

(a) the total amount of the costs of the Corporation which are related to the kinds of expenditure specified under the Head and which fall to be charged to the relevant consolidated profit and loss account; or

(b) if a larger amount has been agreed in respect of those costs for the purposes of section 3(2)(b) of the Act, that larger amount.

6. The limit specified in section 3(6) of the Act on the aggregate of grants under section 3(1) thereof is increased from £500 million to £750 million.

Parliamentary Under Secretary of State,
Department of Energy

1989

We approve,

Two of the Lords Commissioners
of Her Majesty's Treasury

1989

SCHEDULE

Articles 4 and 5

KINDS OF EXPENDITURE

Head 1: Redundancy and early retirement

(i) Payments in respect of redundant employees made under section 81 of the Employment Protection (Consolidation) Act 1978(**a**).

(ii) Payments made for the purpose of assisting persons who leave the employment of the Corporation by virtue of redundancy or early retirement, being payments made under arrangements established by the Corporation.

(iii) Payments in respect of the loss of superannuation prospects by persons leaving the employment of the Corporation by virtue of redundancy or early retirement.

(iv) Contributions to superannuation funds maintained by virtue of section 37 of the Coal Industry Nationalisation Act 1946(**b**) in respect of any increase in the cost of retirement benefits paid before normal retirement age to persons who leave the employment of the Corporation by virtue of redundancy or early retirement.

Head 2: Changes of work and place of employment

(v) Payments to or for the benefit of employees in connection with their removal or resettlement (with or without their dependants) by virtue of their place of employment being changed.

(vi) Payments to local authorities and housing associations for the provision of housing for employees on account of their place of employment being changed.

(vii) Expenditure on providing travel allowances or transport for employees on account of their place of employment being changed.

(viii) Payments made to supplement temporarily the earnings of employees on account of their place of employment being changed.

(ix) Payments made to compensate employees temporarily for any reduction in their earnings resulting from the nature of their work being changed.

Head 5: Retraining

(x) Expenditure on the provision of retraining for persons who are to leave or have left the employment of the Corporation by virtue of redundancy or incapacity, being retraining provided under arrangements established by the Corporation.

Head 6: New employment

(xi) Payments made under arrangements for the British Coal Corporation to reimburse their wholly-owned subsidiary British Coal Enterprise Limited for losses incurred by it in promoting new employment in coal mining areas or new employment for such persons as are mentioned in paragraph (x) above (whether in such areas or elsewhere).

(**a**) 1978 c.44; section 81(4) was amended by the Employment Act 1982 (c.46), section 20 and Schedule 2, paragraph 6(2).

(**b**) 1946 c.59.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order concerns the making of grants by the Secretary of State to the British Coal Corporation under section 3 of the Coal Industry Act 1987 (grants for workforce redeployment and reduction, etc.).

Article 3 specifies the financial year of the Corporation ending in March 1990 as a year in respect of which such grants may be made.

Article 4 provides for the kinds of expenditure specified in the Schedule to the Order to rank as eligible expenditure of the Corporation and their wholly-owned subsidiaries in relation to the financial year.

Article 5 sets a limit on the amount which may be advanced in relation to the financial year with respect to each head of expenditure specified in the Schedule. The limit is 77 per cent. of the relevant costs appearing in the consolidated profit and loss account or 77 per cent. of such larger amount as may be agreed by the Secretary of State and the Corporation with the approval of the Treasury.

Article 6 increases the limit on the aggregate amount of grants which may be made under section 3 of the 1987 Act from £500 million to £750 million.

85p net

ISBN 0 11 098534 6

Printed in the United Kingdom for Her Majesty's Stationery Office

833/WO 0326 C10 3/89 452/1 9385/5668/4964 46341

Draft Order laid before the House of Commons under Section 102(5) of the Finance (No. 2) Act 1987 for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

1989 No.

FEES AND CHARGES

The Medicines (Fixing of Fees Relating to Medicinal Products for Human Use) Order 1989

Made - - - - - 1989

Coming into force - 1st April 1989

Whereas a draft of this Order has been approved by a resolution of the House of Commons in pursuance of section 102(5) of the Finance (No. 2) Act 1987(a):

Now, therefore, the Secretary of State concerned with health in England, the Secretaries of State respectively concerned with health and with agriculture in Scotland and in Wales, the Minister of Agriculture, Fisheries and Food, the Department of Health and Social Services for Northern Ireland and the Department of Agriculture for Northern Ireland, acting jointly in exercise of the powers conferred by section 102 of that Act(b), hereby make the following Order:–

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Medicines (Fixing of Fees Relating to Medicinal Products for Human Use) Order 1989 and shall come into force on 1st April 1989.

(2) In this Order–

"the 1968 Act" means the Medicines Act 1968(c);

"the 1971 Act" means the Medicines Act 1971(d);

"the 1987 Act" means the Finance (No. 2) Act 1987;

"medicinal product" includes any substance or article specified in any order made under section 104 or 105(1)(a) of the 1968 Act which directs that Part II of that Act shall have effect in relation to such substance or article;

and other expressions have the same meaning as in the 1968 Act.

Functions the costs of which are to be taken into account in fixing fees under the 1971 Act

2. In relation to the power of the Ministers under section 1(1) of the 1971 Act to make regulations providing for the payment of such fees as are prescribed by the regulations with regard to the matters specified in that subsection, the functions specified for the purpose of section 102(3) of the 1987 Act are, as respects matters relating to medicinal products for human use, those functions set out in Schedule 1 to this Order.

(a) 1987 c.51.

(b) *See* the definition of "appropriate authority" in subsection (2)(b) of that section and section 1(1) of the Medicines Act 1968 (c.67) and section 1(3) of the Medicines Act 1971 (c.69). Section 1(1) of the 1968 Act has been amended by article 2(2) of, and Schedule 1 to, the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388) and, in the case of agriculture, article 2(3) of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1979 (S.I. 1978/272) and, in the case of the Northern Ireland Departments, by section 40 of, and Schedule 5 to, the Northern Ireland Constitution Act 1973 (c.36) and section 1(3) of, and paragraph 2(1)(b) of Schedule 1 to, the Northern Ireland Act 1974 (c.28).

(c) 1968 c.67.

(d) 1971 c.69 as amended by section 21 of the Health and Medicines Act 1988 (c.49).

Matters to be taken into account in determining the costs of functions specified in Schedule 1 hereto

3. In relation to each of the functions specified by Article 2 of, and Schedule 1 to, this Order for the purposes of Section 102(3) of the 1987 Act, the matters specified for the purposes of section 102(4) of that Act are those set out in Schedule 2 to this Order.

1989 Secretary of State for Health

1989 Secretary of State for Wales

1989 Secretary of State for Scotland

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereto affixed on 1989.

L.S.

Minister of Agriculture, Fisheries and Food

Sealed with the Official Seal of the Department of Health and Social Services for Northern-Ireland this day of 1989.

L.S.

Permanent Secretary

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland this day of 1989.

L.S.

Permanent Secretary

SCHEDULE 1

Article 2

FUNCTIONS THE COSTS OF WHICH ARE TO BE TAKEN INTO ACCOUNT IN FIXING FEES UNDER THE 1971 ACT

1. Functions of the Ministers under Parts I, II, III, V, VI and, subject to paragraph 11 below, VIII of the 1968 Act and under the 1971 Act.

2. Functions of the Licensing Authority under Part II of the 1968 Act.

3. Functions (except those under Part VII of the 1968 Act) of the Medicines Commission established under section 2 of the 1968 Act.

4. Functions of the following Committees established under section 4 of the 1968 Act: the Committee on Safety of Medicines, the Committee on Review of Medicines and the Committee on Dental and Surgical Materials.

5. Functions of the Ministers or the Licensing Authority in relation to anything done by the European Communities or any of their institutions with respect to the control of medicinal products.

6. Functions of the Ministers or the Licensing Authority in relation to anything done by the World Health Organisation with respect to the control of medicinal products.

7. Without prejudice to paragraphs 5 and 6, functions of the Ministers or the Licensing Authority arising under any international instrument relating to the control of medicinal products.

8. Functions of persons appointed under the 1968 Act.

9. Functions of the Medicines Testing Laboratory of the Royal Pharmaceutical Society of Great Britain under arrangements made with Ministers in respect of work relating to enforcement of the 1968 Act.

10. Without prejudice to the generality of the foregoing paragraphs, the following functions of the Ministers:–

(a) review of the functioning of the laws relating to the control of medicinal products (including whether or not a product or class of articles or substances should be made subject to such control) and development of proposals for legislation relating thereto;

(b) maintenance of relations with persons and organisations both within the United Kingdom and abroad in respect of matters relating to the control of medicinal products;

(c) subject to paragraph 11 below, enforcement of the 1968 Act and regulations and orders made under it, including investigation and prosecution of offences thereunder;

(d) the conduct of civil proceedings for the recovery of debt arising in relation to any of the functions otherwise specified in this Schedule.

11. Paragraphs 1 and 10(c) above do not apply to the function of Ministers under the 1968 Act to enforce that Act and regulations and orders made under it in so far as that function consists of the enforcement of provisions relating to the retail sale, or supply in circumstances corresponding to retail sale, of medicinal products.

SCHEDULE 2

Article 3

MATTERS TO BE TAKEN INTO ACCOUNT IN DETERMINING THE COST OF FUNCTIONS SPECIFIED IN SCHEDULE 1

1. All costs (including capital costs) incurred by the Ministers, the Licensing Authority, the Medicines Commission, the Committees established under section 4 of the 1968 Act specified in paragraph 4 of Schedule 1 above, appointed persons referred to in paragraph 8 of Schedule 1 above, and the Royal Pharmaceutical Society of Great Britain which are directly attributable to the functions specified in Schedule 1 above.

2. That proportion of the costs (including capital costs), not falling within paragraph 1 above, incurred by or on behalf of any of the persons or organisations specified in paragraph 1 above in relation to staff, equipment, premises, facilities and matters connected therewith (whether directly or indirectly), being the proportion which falls to be attributed to any of the functions specified in Schedule 1 above.

3.—(1) In so far as the capital cost of any capital asset employed wholly by any of the persons or organisations referred to in paragraph 1 above in relation to any of the functions specified in Schedule 1 to this Order has not been taken into account under that paragraph, an allowance, calculated in accordance with sub-paragraph (3) below for depreciation of that asset.

(2) In so far as the capital cost of any capital asset employed partly by any of the persons or organisations referred to in paragraph 1 above in relation to any of the functions specified in Schedule 1 to this Order has not been taken into account under paragraph 2 above, an allowance, calculated in accordance with sub-paragraph (3) below for depreciation of that asset.

(3) The allowance for depreciation of a capital asset referred to in sub-paragraphs (1) and (2) above shall be calculated at a rate which takes into account the anticipated useful future life of the asset in question and the current replacement cost of that asset.

4. A return on the resources employed in carrying out any of the functions specified in Schedule 1 above.

5. The allocation of a sum in respect of matters which would otherwise be covered by insurance, the allocation of a sum in respect of superannuation payments and provision for bad debts in relation to any of the functions specified in Schedule 1 above.

6. The recovery of any past deficits in relation to any of the functions specified in Schedule 1 above.

7. The allocation over a period of years of an initial or exceptional cost in relation to any of the functions specified in Schedule 1 above.

8. In respect of any function of any of the persons or organisations specified in paragraph 1 above consisting of the payment or remittance of any sum or amount, both the sum or amount in question and the cost incurred in effecting the payment or remittance.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies functions and matters which are to be taken into account in the determination of the fees prescribed under the Medicines Act 1971 in respect of applications for, variations or renewals of, or inspections related to, licences, certificates or directions for medicinal products under Part II of the Medicines Act 1968.

85p net

ISBN 0 11 098536 2

Printed in the United Kingdom for Her Majesty's Stationery Office

880 WO423 C13 3/89 452/3 4235 46378 890634P

Supersedes draft published on 18th April 1989
Draft Order laid before Parliament under section 128A of the Magistrates' Courts Act 1980, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

1989 No.

MAGISTRATES' COURTS

Magistrates' Courts (Remands in Custody) Order 1989

Made - - - -	*1989*
Coming into force	*1989*

Whereas a draft of the following Order was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the power conferred upon him by section 128A(1) of the Magistrates' Courts Act 1980(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Magistrates' Courts (Remands in Custody) Order 1989 and shall come into force on the twenty first day after the day on which it is made.

Application of section 128A Magistrates' Courts Act 1980 to certain areas

2. Section 128A of the Magistrates' Courts Act 1980 (remands in custody for more than eight days) shall have effect in the following areas, which are petty sessions areas within the meaning of section 4 of the Justices of the Peace Act 1979(b),–

the petty sessional division of East Central,

the outer London borough of Croydon,

the metropolitan district of Manchester, and

the petty sessional division of Nottingham,

in relation to any accused person who has attained the age of 17.

Home Office
1989

One of Her Majesty's Principal Secretaries of State

(a) 1980 c.43. Section 128A was inserted by the Criminal Justice Act 1988 (c.33), section 155(1). (b) 1979 c.55, as amended by the Local Government Act 1985 (c.51), section 12.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that section 128A of the Magistrates' Courts Act 1980, which enables courts in areas specified by the Secretary of State to remand an accused person in custody for a period exceeding 8 clear days, shall have effect in the petty sessions areas of East Central, Croydon, Manchester and Nottingham.

Section 128A of the Magistrates' Court Act 1980 was inserted by section 155 of the Criminal Justice Act 1988, and came into force on 12th October 1988 (S. I. 1988/1676).

50p net

ISBN 0 11 098551 6

Printed in the United Kingdom for Her Majesty's Stationery Office

790 WO796 C12 5/89 452 7102 O/N 46294

These Draft Regulations supersede the draft published on 19 April 1989 under the title of the Social Security (Married Women and Widows) (Miscellaneous Provisions) Regulations 1989, and are being issued free of charge to all known recipients of that Draft.
Draft Regulations laid before Parliament under section 167(1)(a) of the Social Security Act 1975 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

SOCIAL SECURITY

The Social Security Miscellaneous Provisions Regulations 1989

Made - - - -	*1989*
Coming into force	*28th May 1989*

Whereas a draft of the following Regulations was laid before Parliament in accordance with the provisions of section 167(1)(a) of the Social Security Act 1975**(a)** and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by sections 13(4), 30(3), 130(1), 162 and 166(2) and (3) of the Social Security Act 1975**(b)**, section 2(1) of and paragraphs 3, 7 and 9 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975**(c)** and section 24(1)(a) of the Social Security Pensions Act 1975**(d)** and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it**(e)**, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Miscellaneous Provisions Regulations 1989 and shall come into force on 28th May 1989.

(2) In these Regulations–

"the 1975 Act" means the Social Security Act 1975;

"day of unemployment", "day of incapacity for work" and "period of interruption of employment" shall be construed in accordance with section 17 of the 1975 Act;

"Married Women and Widows Special Provisions Regulations" means the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974**(f)**.

Amendment of the Married Women and Widows' Special Provisions Regulations

2.—(1) The Married Women and Widows' Special Provisions Regulations shall be amended in accordance with the following provisions of this regulation.

(2) Subject to regulation 6 of these Regulations, regulation 2 (special credits where a woman's marriage has been terminated) shall be omitted.

(a) 1975 c.14. Section 167(1)(a) was amended by the Social Security Pensions Act 1975 (c.60), Schedule 5 and the Social Security Act 1986 (c.50), section 62(3) and Schedule 10, paragraph 65.
(b) 1975 c.14. *See* section 168(1) and Schedule 20 for the meaning of "regulations". Section 13(4) was amended by the Social Security Act 1986 (c.50), Schedule 8, paragraph 2.
(c) 1975 c.18. *See* Schedule 3, paragraph 1 for the meaning of "prescribed". Schedule 3 was amended by the Social Security Pensions Act 1975 (c.60), section 65(3) and Schedule 5.
(d) 1975 c.60. Section 24(1)(a) was amended by the Social Security Act 1986 (c.50), Schedule 10, paragraph 92.
(e) *See* section 10(2)(b) of the Social Security Act 1980 (c.30) and section 61(1)(b) of the Social Security Act 1986.
(f) S.I. 1974/2010; the relevant amending instruments S.I. 1979/345 and 1980/1168.

(3) In regulation 3 (modifications, in relation to widows, of provisions with respect to unemployment and sickness benefit, maternity allowance and Category A retirement pension)–

(a) in paragraph (5)(a), the words after "contributions or both" to the end shall be omitted and there shall be substituted the words–

"and the earnings factor derived from–

(i) earnings paid in a year upon which primary Class 1 contributions have been paid or treated as paid in respect of that year, or

(ii) earnings with which she has been credited in respect of that year, or

(iii) Class 2 contributions,

is not less than that year's lower earnings limit multiplied by 25; and"; and

(b) subject to regulation 6 of these Regulations, paragraph 3(10) shall be omitted.

(4) Regulations 3B**(a)**, 5, 8 and 10 shall be omitted.

Amendment of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978

3. In the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978**(b)**, for regulation 2 there shall be substituted the following regulation–

"**Application of provisions of sections 63 and 64 of the Social Security Act 1986**

2. The provisions of sections 63 and 64 of the Social Security Act 1986**(c)** (annual up-rating of benefits and effect of alteration of rates of benefit) shall apply to the amount of graduated retirement benefit payable for each unit of graduated contributions and to increases of such benefit under the provisions of Schedule 2 to these Regulations.".

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979

4. In regulation 2(3) of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979**(d)** (election to be treated as not having retired), for the words "on the date it was posted" there shall be substituted the words "on the date on which it was received in an office of the Department of Social Security.".

Savings

5. For the purposes of determining whether the contribution condition referred to in regulation 3(5)(a) of the Married Women and Widows Special Provisions Regulations is satisfied in any case, that regulation shall continue to have effect in relation to any year beginning before 6th April 1988 as though regulation 2(3) of these Regulations had not been made.

Transitional provisions for special credits where a woman's marriage has been terminated

6. Where before 28th May 1989 a woman would have been able to satisfy the second contribution condition for unemployment benefit or sickness benefit only by virtue of regulations 2 or 3(10) of the Married Women and Widows Special Provisions Regulations, those Regulations shall continue to apply to her as if paragraphs (2) and (3)(b) of regulation 2 of these Regulations had not been enacted–

(a) where after 27th May 1989 she has a day of unemployment and that day falls within a period of interruption of employment which began before 28th May 1989, until either the day immediately following that period of interruption of employment or 1st October 1989, whichever is the earlier; or

---

(a) Regulation 3B was inserted by S.I. 1980/1168.
(b) S.I. 1978/393; regulation 2(1) was amended and regulation 2(2) revoked by S.I. 1981/330.
(c) 1986 c.50.
(d) S.I. 1979/642.

(b) where after 27th May 1989 she has a day of incapacity for work and that day falls within a period of interruption of employment which began before 28th May 1989, until–

(i) where the period of interruption of employment ends before 2nd October 1989, the day immediately following the last day of that period, or

(ii) where that period of interruption of employment continues after 1st October 1989–

(a) the day on which entitlement to invalidity pension begins, or

(b) the first day after 1st October 1989, not being a day referred to in section 17(1)(e) of the 1975 Act, which is not a day of incapacity for work,

whichever is the earlier; or

(c) where after 27th May 1989 she has a day of incapacity for work and that day falls within–

(i) a period of interruption of employment, and

(ii) a period of 57 days immediately following the end of a period of entitlement to statutory sick pay which contained at least one day of incapacity for work which fell before 28th May 1989,

until, where the period of interruption of employment–

(a) ends before 2nd October 1989, the day immediately following the last day of that period, or

(b) continues after 1st October 1989,

(i) the day on which entitlement to invalidity pension begins, or

(ii) the first day after 1st October 1989, not being a day referred to in section 17(1)(e) of the 1975 Act, which is not a day of incapacity for work,

whichever is the earlier.

Signed by authority of the Secretary of State for Social Security.

1989 Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament, amend the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974, the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 and the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979.

The amendments are consequential upon–

(1) the coming into force of section 75 of and Schedule 8 to the Social Security Act 1986 which relate to earnings factors (regulation 2(3)); and

(2) the coming into force of sections 63 and 64 of the Social Security Act 1986 which relate to the changes in the rate of benefit and the repeal in Schedule 10 to that Act of sections 124 to 126A of the Social Security Act 1975 (regulation 3).

In addition regulations 2, 3(10), 3B, 5, 8 and 10 of the Social Security (Benefit) (Married Women and Widows' Special Provisions) Regulations 1974 are revoked (regulations 2(2), (3)(b) and (4)). Regulation 2(3) of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 has been amended by changing the date on which notices of de-retirement are deemed to have been given from the date the notice was posted to the date it was received in an office of the Department of Social Security (regulation 4).

The Regulations contain savings relating to unemployment benefit, sickness benefit and maternity allowance (regulation 5) and provide for transitional arrangements for women who were given credits in order that they might claim unemployment benefit and sickness benefit (regulation 6).

90p net

ISBN 0 11 098550 8

Printed in the United Kingdom for Her Majesty's Stationery Office 880/5840 WO 778 C12 5/89 452/2 3840 46367

Supersedes the draft published on 19th January 1989.
Draft Order laid before Parliament under section 1(2) of the Sea Fisheries Regulation Act 1966 on 19 January 1989; draft to lie for forty days pursuant to section 6(1) of the Statutory Instruments Act 1946, during which period either House of Parliament may resolve that the Order be not made.

DRAFT STATUTORY INSTRUMENTS

1989 No.

SEA FISHERIES

The Southern Sea Fisheries District Order 1989

Made - - - -	*1989*
Coming into force	*1989*

The Minister of Agriculture, Fisheries and Food, on the application of the local fisheries committee for the Southern Sea Fisheries District and after consultation with every council concerned, in the exercise of the powers conferred by sections 1, 2(1) and (5) and 18(1) of the Sea Fisheries Regulation Act 1966(a), and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has lain before Parliament for forty days prior to its being made:–

Title, commencement and interpretation

1.—(1) This Order may be cited as the Southern Sea Fisheries District Order 1989 and shall come into force the day after the day on which it is made.

(2) In this Order –

"the Act" means the Sea Fisheries Regulation Act 1966;

"the quadrennial period" means the period of four years beginning on 1st July 1989 and every fourth anniversary of that day.

Sea Fisheries District

2.—(1) There shall continue to be a sea fisheries district comprising so much of the sea within the national waters of the United Kingdom adjacent to England and so much of the sea within three nautical miles from the baselines from which the breadth of the territorial sea of the United Kingdom adjacent to England is measured, with the adjoining coast, as lies within the following limits, namely, on the east, a line drawn along the western side of the road-bridge leading from Langston to Hayling Island in the county of Hampshire and continued from the southern extremity of the said bridge straight to the flagstaff of the Hayling Island coastguard station, and thence seawards in a true southerly direction, being the western boundary of the Sussex Sea Fisheries District; and on the west, a line drawn true south from the seaward extremity of the boundary between the counties of Dorset and Devon near Lyme Regis, being the eastern boundary of the Devon Sea Fisheries District.

(2) Save as provided in article 2(3) below, the sea fisheries district shall not extend above a line drawn at or near the mouth of every river or stream flowing into the sea or into any estuary, or of any estuary within the limits of the said district, as follows:–

(a) 1966 c.38, amended by the Local Government Act 1985 (c.51), section 16 and Schedule 8, paragraph 19.

A line at or near the mouth of the River Avon drawn true south-east from the south-easternmost corner of Haven House Inn, Mudeford Quay near Christchurch to a point distant two thousand feet therefrom, thence continued straight in a north-easterly direction to a point true south of, and distant two thousand feet from, the south-westernmost corner of the building known as Highcliffe Castle, and thence continued straight to such south-westernmost corner;

A line at or near the mouth of the River Trent or Piddle across the said river, along the eastern side of the road-bridge leading from Wareham to Wareham Railway Station;

A line at or near the mouth of the River Frome across the said river, along the eastern side of the road-bridge leading from Wareham to Stoborough;

A straight line at or near the mouth of the River Wey from the seaward extremity of the outer pier or breakwater at the mouth of the Nothe to the seaward extremity of the Pile Pier;

A straight line across every such river or stream not herein before specified, such line being drawn at the limit of ordinary high water.

(3) The sea fisheries district shall extend north of a line from Hill Head to Stansore Point to include the port of Southampton as defined in section 5 of the Southampton Harbour Act 1887(**a**) (except that for the purposes of this Order the port shall include the River Hamble above Bursledon bridge so far as it is tidal) and shall include such part of the area of the sea known as "The Fleet" as extends from Portland Harbour to the eastern boundary of the parish of Abbotsbury, being the boundary of that parish for the purposes of the Local Government Act 1972(**b**), at the date of the making of this Order.

(4) In respect of such rivers, streams and estuaries above the lines beyond which the sea fisheries district does not extend the South West Water Authority, the Southern Water Authority and the Wessex Water Authority shall each within their respective areas have the powers of a local fisheries committee.

(5) The sea fisheries district shall continue to be known as the Southern Sea Fisheries District.

Local Fisheries Committee

3.—(1) There shall continue to be a local fisheries committee constituted for the regulation of the sea fisheries carried on within the Southern Sea Fisheries District.

(2) The Committee shall be a joint committee of the Councils referred to in column 1 of Schedule 1 to this order and shall consist of twenty members. The number of members appointed by each constituent Council shall be the number which is set out in column 2 of that Schedule opposite the reference to such Council. Eight additional members shall be appointed by the Minister of Agriculture, Fisheries and Food and one additional member each by the Southern Water Authority and the Wessex Water Authority.

(3) Subject to paragraph (5) of this article the persons who were members of the Committee immediately before the coming into force of this Order shall continue to hold office until the end of June 1989. After that date the members shall come into office on the day specified in the instrument appointing them and shall hold office until the end of the quadrennial period in which that day falls.

(4) Retiring members shall be eligible for re-appointment.

(5) Where for any reason whatsoever there occurs a casual vacancy in the Committee, the body by whom the vacating member was appointed may fill the vacancy by the appointment of a new member. It shall be the duty of the Clerk of the Committee forthwith to notify every such vacancy to the appointing body.

(**a**) 1887 c.lii. (**b**) 1972 c.70.

(6) No act or proceeding of the Committee shall be questioned on account of any vacancy in the Committee, and no defect in the appointment of any person acting as a member of the Committee shall vitiate any proceedings of the Committee in which he has taken part.

(7) No Council shall make, vary or revoke any regulation or standing order respecting the quorum or proceedings of the Committee or as to the area within which it is to exercise its authority, except that any Council may make a regulation requiring the Committee to submit to such Council once in each year an estimate of expenses proposed to be incurred by it under the Act, and once in each year an abstract of its accounts for the preceding year, and to afford to any person appointed for the purpose by the Council access at all reasonable times to the books containing its accounts.

(8) Subject to any restriction or condition made under section 10 of the Act, the Committee shall not be required to report its proceedings to any Council, nor shall its acts or proceedings be submitted to any Council for approval.

(9) The Committee shall hold four quarterly meetings in each year for the transaction of general business, in addition to any special or adjourned meetings.

(10) Five members shall be a quorum at any meeting of the Committee.

(11) The Committee may from time to time appoint a sub-committee or sub-committees and may assign to such sub-committee or sub-committees such duties as it may from time to time determine.

Expenses

4. The expenses of the Committee shall be chargeable to the constituent Councils in the respective proportions set out in column 3 of Schedule 1 to this Order opposite the reference to each constituent Council and the precepts which the Committee shall from time to time issue to the several Councils for the sums required to defray their estimated or actual expenditure shall be calculated accordingly and such sums shall be expenses for general county purposes.

Revocation

5. The Orders specified in Schedule 2 to this Order are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1989.

Minister of Agriculture, Fisheries and Food

SCHEDULE 1

Articles 3 and 4

CONSTITUTION AND EXPENSES

Column 1	Column 2	Column 3
Constituent Councils	Number of Representatives	Proportion of Expenses (per cent)
Dorset County Council	4	40
Hampshire County Council	4	40
Isle of Wight County Council	2	20

SCHEDULE 2

Article 5

ORDERS REVOKED

Order	References
The Order made by the Board of Trade on 26 August 1889 which conferred the powers of a local fisheries committee on the Southampton Harbour Board	C.5887
The Order made by the Board of Trade on 7 June 1893 which created the Southern Sea Fisheries District and constituted a local fisheries committee for the regulation of the sea fisheries within that district	HC No.247 of Session 1893-94
The Order made by the Board of Agriculture and Fisheries on 30 January 1904 which varied the Order made on 7 June 1893	SR & O 1904/325
Southern Sea Fisheries District (Extension of District) Order 1954	SI 1955/77
Southern Sea Fisheries District (Expenses) Order 1959	SI 1959/679
Southern Sea Fisheries District (Constitution of Committee and Expenses) (Variation) Order 1973	SI 1973/2202
Southern Sea Fisheries District (Variation) Order 1978	SI 1978/1715

EXPLANATORY NOTE

(This note is not part of the Order)

This Order which re-enacts with amendments an Order made by the Board of Trade on 7 June 1893 as amended makes new provision for the composition of the Southern Sea Fisheries District and for the ratio in which expenses are to be borne by the constituent Councils in consequence of the inclusion of Southampton Water in the Sea Fisheries District.

£1.30 net

ISBN 0 11 098528 1

Printed in the United Kingdom for Her Majesty's Stationery Office

845 WO297 C10 3/89 452 7102 O/N 46294

Draft Regulations laid before Parliament under section 49(4A) of the Merchant Shipping Act 1979 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Weighing of Goods Vehicles and other Cargo) (Application to non-UK Ships) Regulations 1989

Made - - - -	*1989*
Coming into force	*31st March 1989*

Whereas a draft of these Regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with section 49(4A) of the Merchant Shipping Act 1979(**a**).

Now therefore the Secretary of State, after consultation with the persons referred to in section 22(2) of the Merchant Shipping Act 1979, in exercise of the powers conferred on him by section 21(1)(c), (3) to (6) and section 22(1) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) (Application to non-UK Ships) Regulations 1989 and shall come into force on 31st March 1989.

2. The Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations 1988(**b**) (which apply only to ro/ro passenger ships which are operating as ships of Class II or II(A) within the meaning of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984(**c**) and are United Kingdom ships) shall apply also to ro/ro passenger ships which are operating as ships of those classes but which are not United Kingdom ships, while they are in a port in the United Kingdom.

1989 Secretary of State for Transport

(**a**) 1979 c.39. Sections 21(1) and (3) and 49 were amended by section 11 of the Safety at Sea Act 1986 (c.23). Section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c.48).
(**b**) S.I. 1988/1275 amended by S.I. 1989/270.
(**c**) S.I. 1984/1216.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply the requirements of the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations 1988 to non-United Kingdom ro/ro passenger ships of Classes II and II(A) while they are in a port in the United Kingdom. (Those Regulations require the weighing of all road vehicles, except buses, and all non-vehicular items of cargo exceeding, in each case, 7.5 tonnes for all voyages on which passengers are carried.)

45p net

ISBN 0 11 098532 X

Printed in the United Kingdom for Her Majesty's Stationery Office

850/WO 0320 C14 3/89 452/1 9385/5757/4999 46341

Draft Order laid before Parliament under section 121(2) of the Housing Act 1988, for approval by resolution of each House of Parliament, being the first Order to be made under that section.

DRAFT STATUTORY INSTRUMENTS

1989 No.

HOUSING, ENGLAND AND WALES

The Rent Officers (Additional Functions) Order 1989

Made - - - -	*1989*
Coming into force -	*1st April 1989*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by section 121 of the Housing Act 1988(a), and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament–

Citation and commencement

1. This Order may be cited as the Rent Officers (Additional Functions) Order 1989 and shall come into force on 1st April 1989.

Interpretation

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

"determination" means a determination (including an interim and a further determination) in accordance with Schedule 1 to this Order;

"dwelling" has the same meaning as in the Social Security Act 1986(b);

"excluded tenancy" means a tenancy of a category listed in Schedule 2 to this Order;

"local authority" has the same meaning as it has in the Social Security Act 1986 in relation to England and Wales;

"occupier" means a person (whether or not identified by name) who is stated, in the application for a determination, to occupy the dwelling;

"rent" has the same meaning as in section 14 of the Housing Act 1988, except that the reference to the dwelling-house in subsection (4) shall be construed as a reference to the dwelling;

"size criteria" means the standards relating to bedrooms and rooms suitable for living in specified in Schedule 3 to this Order;

"tenancy" includes "licence" and references to a tenant, a landlord or any other expression appropriate to a tenancy shall be construed accordingly.

(2) In this Order any reference to a notice or application is to a notice or application in writing.

Additional Functions

3.—(1) Where, in connection with housing benefit and rent allowance subsidy, a local

(a) 1988 c.50.
(b) 1986 c.50.

authority applies to a rent officer for determinations relating to a tenancy of a dwelling, the rent officer shall (subject to article 5) make the determinations and give notice in accordance with Schedule 1 to this Order.

(2) If a rent officer needs further information in order to make a determination, he shall serve notice on the local authority requesting that information and until he receives it paragraph (1) shall not apply to the making of that determination.

4. If, within the period of 10 weeks beginning with the date on which the local authority was given notice of a determination, the local authority applies (in connection with housing benefit and rent allowance subsidy) to a rent officer for a re-determination, a rent officer shall (subject to article 5) make the re-determination and give notice in accordance with Schedule 4 to this Order and a rent officer whose advice is sought as provided for in that Schedule shall give that advice.

5.—(1) No determination or re-determination shall be made if the application for it is withdrawn or relates to an excluded tenancy.

(2) No determination or re-determination shall be made under paragraph 1 of Schedule 1 (or that paragraph as applied by Schedule 4) if the tenancy is an assured tenancy or an assured agricultural occupancy and–

(a) the rent payable under the tenancy on the date the application for the determination (or, as the case may be, re-determination) was received was an amount determined under section 22 of the Housing Act 1988, or

(b) the rent so payable on that date was an amount determined under section 14 of that Act and that rent took effect within the period of 12 months ending with the date the application was received.

1989 Secretary of State for the Environment

1989 Secretary of State for Wales

SCHEDULE 1

DETERMINATIONS

Rent Determinations

1.—(1) The rent officer shall determine whether, in his opinion, the rent payable under the tenancy of the dwelling at the time the application for the determination is made is significantly higher than the rent which the landlord might reasonably be expected to obtain under the tenancy at that time, having regard to the level of rent under similar tenancies of similar dwellings in the locality (or as similar as regards tenancy, dwelling and locality as is reasonably practicable), but on the assumption that no person who would have been entitled to housing benefit had sought or is seeking the tenancy.

(2) If the rent officer determines under sub-paragraph (1) that the rent is significantly higher, the rent officer shall also determine the rent which the landlord might reasonably be expected to obtain under the tenancy at the time the application for a determination is made, having regard to the same matter and on the same assumption as in sub-paragraph (1).

Size and Rent Determinations

2.—(1) The rent officer shall determine whether the dwelling exceeds the size criteria for its occupiers.

(2) If the rent officer determines that the dwelling exceeds the size criteria, the rent officer shall also determine the rent which a landlord might reasonably be expected to obtain, at the time the application for the determination is made, for a tenancy which is similar to the tenancy of the

dwelling, on the same terms (other than the term relating to the amount of rent) and of a dwelling which is in the same locality as the dwelling, but which–

(a) accords with the size criteria for the occupiers;

(b) is in a reasonable state of repair, and

(c) corresponds in other respects, in the rent officer's opinion, as closely as is reasonably practicable to the dwelling.

(3) When making a determination under paragraph 2(2), the rent officer shall have regard to the same matter and make the same assumption as in paragraph 1(1), except that in judging the similarity of other tenancies and dwellings the comparison shall be with the tenancy of the second dwelling referred to in paragraph 2(2) and the assumption shall be made in relation to that tenancy.

Services Determinations

3.—(1) Where the rent officer makes a determination under paragraphs 1(2) or 2(2), he shall also determine whether, in his opinion, any of the rent is fairly attributable to the provision of services which are ineligible to be met by housing benefit and, if so, the amount which in his opinion is so attributable (except where he considers the amount is negligible).

(2) In sub-paragraph (1) "rent" means the rent determined under paragraph 1(2) or 2(2); and "services" means services performed or facilities (including the use of furniture) provided for, or rights made available to, the tenant.

Interim and Further Determinations

4. If notice of a determination under paragraph 1 or 3 is not given to the local authority within the 5 day period mentioned in paragraph 5(a) solely because the rent officer intends to arrange an inspection of the dwelling before making such a determination, the rent officer shall make both an interim determination and a further determination.

Notifications

5. The rent officer shall give notice to the local authority of a determination–

(a) except in the case of a further determination, within the period of 5 working days beginning with the date on which the rent officer received the application or, where the rent officer requests further information under article 3(2), with the date on which he received the information, or as soon as practicable after that period,

(b) in the case of a further determination within the period of 20 working days beginning with the date on which notice of the interim determination was given to the local authority, or as soon as practicable after that period.

6.—(1) If the rent officer becomes aware that the tenancy is an excluded tenancy, the rent officer shall give the local authority notice that it is such a tenancy.

(2) If the rent officer is precluded by article 5(2) from making a determination or a re-determination under paragraph 1 (or that paragraph as applied by Schedule 4), the rent officer shall give the local authority notice of the rent determined by the rent assessment committee.

SCHEDULE 2

EXCLUDED TENANCIES

1. A tenancy for which a rent officer has made a determination (other than an interim determination) within the 12 months ending on the date the rent officer received the application for a new determination (or a tenancy of the same dwelling on terms which are substantially the same, other than the term relating to the amount of rent, as the terms of that tenancy were at the time of the determination) unless since the earlier application for a determination was made–

(a) the number of occupiers of the dwelling has changed,

(b) there has been a substantial change in the condition of the dwelling (including the making of improvements) or the terms of the tenancy (other than a term relating to rent), or

(c) there has been a rent increase under a term of the tenancy which was in effect when the earlier application for the determination was made (and that determination was not made under paragraph 1(2) or 2(2) of Schedule 1 and any re-determination of that

determination under Schedule 4 was not made under either of those sub-paragraphs as applied by Schedule 4), or under a term substantially the same as such a term.

2. An assured tenancy or an assured agricultural occupancy, where the landlord is a registered housing association within the meaning of the Housing Associations Act 1985(**a**), the Housing Corporation or Housing for Wales, unless the local authority states in the application for determinations that the circumstances set out in regulation 11(2)(a) or (c) of the Housing Benefit (General) Regulations 1987(**b**) exist.

3.—(1) A tenancy entered into before the relevant date where there is, current on that date, a benefit period (within the meaning of regulation 66 of the Housing Benefit (General) Regulations 1987) relating to a claim for housing benefit in relation to the tenancy–

(a) unless and until a change of circumstances takes effect (within the meaning of regulation 68 of those Regulations), provided it takes effect after 16th April 1989, or

(b) until the benefit period ends (or, if it ends before 17th April 1989, the next benefit period ends).

(2) In sub-paragraph (1) "relevant date" means–

(a) except were (b) applies, 1st April 1989;

(b) in the case of a tenancy where one of the occupiers of the dwelling immediately before 10 April 1989 is in receipt of income support under the Social Security Act 1986 and whose applicable amount immediately before that date is calculated in accordance with regulation 20 or regulation 71(1)(b) of, or paragraph 17 of Schedule 7 to, the Income Support (General) Regulations 1987 (**c**), 10th April 1989.

4. A tenancy entered into before 15th January 1989.

5. A regulated tenancy within the meaning of the Rent Act 1977(**d**).

6. A housing association tenancy within the meaning of Part VI of that Act.

7. A protected occupancy or statutory tenancy within the meaning of the Rent (Agriculture) Act 1976(**e**)

8. A tenancy at a low rent within the meaning of Part I of the Landlord and Tenant Act 1954(**f**).

SCHEDULE 3

SIZE CRITERIA

1. One bedroom shall be allowed for each of the following categories of occupiers (and each occupier shall come within only the first category for which he is eligible)–

(a) a married couple or an unmarried couple (within the meaning of Part II of the Social Security Act 1986),

(b) an adult,

(c) two children of the same sex,

(d) two children who are less than ten years old,

(e) a child.

2. The number of rooms (excluding any allowed as a bedroom under paragraph 1) suitable for living in allowed are–

(a) if there are less than four occupiers, one,

(b) if there are more than three and less than seven occupiers, two,

(c) in any other case, three.

SCHEDULE 4

RE-DETERMINATIONS

1. Schedules 1 to 3 (except paragraph 4 of Schedule 1) shall apply in relation to a re-determination as they apply to a determination, subject to the following–

(**a**) 1985 c.69.
(**b**) S.I. 1987/1971; relevant amending instrument is S.I. 1989/ .
(**c**) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663 and 1445.
(**d**) 1977 c.42.
(**e**) 1976 c.80.
(**f**) 1954 c.56.

(a) references in Schedule 1 to the time of an application for a determination shall be references to the time of the application for the original determination, and

(b) for sub-paragraphs (a) and (b) of paragraph 5 of Schedule 1 there shall be substituted "within the period of 20 working days beginning with the date of receipt of the application for a re-determination, or as soon as is reasonably practicable after that period.".

2. The rent officer making the re-determination shall seek and have regard to the advice of one or two other rent officers in relation to the re-determination.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers functions on rent officers in connection with housing benefit and rent allowance subsidy. Article 3 provides that where a local authority applies to a rent officer for determinations relating to a tenancy or a licence of a dwelling, the rent officer must make the determinations (and give notice to the local authority) in accordance with Schedule 1 to the Order. The determinations relate to the level of rent, the size of the dwelling and rent attributable to the provision of services. Article 4 provides for a rent officer, with the advice of one or two other rent officers, to make a re-determination if a local authority applies for one.

Article 5 prevents determinations and re-determinations being made if the tenancy or licence is one of those described in Schedule 2 to the Order or if the application is withdrawn; and certain determinations and re-determinations cannot be made if the tenancy or licence is an assured tenancy or agricultural occupancy and the circumstances are those described in article 5(2).

Draft Order laid before Parliament under section 121(2) of the Housing Act 1988, for approval by resolution of each House of Parliament, being the first Order to be made under that section.

DRAFT STATUTORY INSTRUMENTS

1989 No.

HOUSING, ENGLAND AND WALES

The Rent Officers (Additional Functions) Order 1989

£1.30 net

ISBN 0 11 098531 1

Printed in the United Kingdom for Her Majesty's Stationery Office

850 WO.0304 C13 3/89 452/3 4235 46378 890472P

Draft Regulations laid before Parliament under section 49(4A) of the Merchant Shipping Act 1979 for approval by each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Loading and Stability Assessment of Ro/Ro Passenger Ships) (Non-United Kingdom Ships) Regulations 1989

Made - - - - *1989*

Coming into force
regulation 8(2) - *29th April 1990*

All other regulations: in accordance with regulation 1

Whereas a draft of these Regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with section 49(4A) of the Merchant Shipping Act 1979(a);

Now therefore the Secretary of State for Transport, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979, in exercise of the powers conferred on him by sections 21(1)(c), (3), (5) and (6) and 22(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Loading and Stability Assessment of Ro/Ro Passenger Ships) (Non-United Kingdom Ships) Regulations 1989 and shall come into force on the 7th day after the day on which they are made except for regulation 8(2) which shall come into force on 29th April 1990.

(2) In these Regulations the following expressions have the following meanings respectively:–

"deadweight" has the same meaning as in the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984(b);

"deadweight moment" means the total vertical moment about the moulded base line amidships of all the component weights of the total deadweight;

"passenger ship" means a ship carrying more than 12 passengers and propelled by electricity or other mechanical power;

"ro/ro passenger ship" means a passenger ship provided with cargo or vehicle spaces not normally subdivided in any way and extending to either a substantial length or the entire length of the ship in which vehicles or cargo can be loaded or unloaded normally in a horizontal direction;

(a) 1979 c.39; section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c.48) and sections 21 and 49 were amended by section 11 of the Safety at Sea Act 1986 (c.23).
(b) S.I. 1984/1216; relevant amendment is 1985/661.

"stability information booklet" means the booklet required to be provided in compliance with regulation 9(3) of the Merchant Shipping (Passenger Ship Construction) Regulations 1980(a) or regulation 9(3) of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984, as applicable;

"non-United Kingdom passenger ship" means a passenger ship which is not a United Kingdom ship;

"voyage" includes an excursion.

(3) Where a ship is managed by a person other than its owner (whether on behalf of the owner or some other person, or on his own behalf), a reference in these Regulations to the owner shall be construed as including a reference to that person.

(4) A reference in these Regulations to a numbered regulation is a reference to the regulation of that number in these Regulations.

Application

2. These Regulations apply to ro/ro passenger ships other than United Kingdom ships, which are operating as ships of Classes I or II within the meaning of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984, while they are within a port in the United Kingdom.

Information on stability during loading

3.—(1) The owner of every ship shall ensure that the master is provided with information relating to its stability during the process of loading and unloading. The information shall be included in the ship's stability information booklet.

(2) This information shall be so arranged as to enable the master to extract the particular data he requires quickly and easily.

(3) Where any alterations are made or changes occur to the ship so as materially to affect the information supplied to the master in accordance with paragraph (1) of this regulation, amended information shall be provided.

(4) The information provided pursuant to paragraphs (1)–(3) inclusive of this regulation shall be kept on board the ship at all times in the custody of the master.

Stability and freeboard during loading and unloading

4. The master shall use the information provided in accordance with regulation 3 and, when necessary, make calculations or cause calculations to be made in order to ensure that the process of loading and unloading is carried out safely; in particular, he shall ensure that:–

(a) the ship has adequate stability; and

(b) the freeboard at any door giving access to the hull or to an enclosed superstructure is sufficient to prevent the entry of water.

Recording of draught, trim and freeboard prior to departure

5.—(1) On completion of the loading of the ship and before it proceeds on a voyage, the master, or an officer appointed for the purpose by the master shall ascertain:–

(a) the ship's draught at the bow and at the stern;

(b) the trim of the ship by the bow or the stern; and

(c) the vertical distance from the waterline to the appropriate subdivision load line mark on each side of the ship.

(2) The draughts, trim and vertical distances ascertained in accordance with paragraph (1) of this regulation shall be recorded in respect of each voyage in a book retained on board for that purpose..

Calculation of stability prior to departure

6—(1) On completion of the loading of the ship and before the ship proceeds on a voyage the master shall cause the stability of the ship to be calculated and satisfy himself that it is adequate.

(a) S.I. 1980/535; relevant amendment is S.I. 1985/660.

(2) The calculation performed in accordance with paragraph (1) of this regulation shall be made using the actual weights of goods vehicles and other items of cargo required to be determined by regulations made under section 21 of the Merchant Shipping Act 1979. For weights of items not required to be so determined, the declared weights or weights estimated as accurately as possible shall be used.

(3) The calculation in accordance with paragraph (1) of this regulation shall be made using an on-board loading and stability computer, or a reliable shore-based loading and stability computer system, or by such other means as will enable accurate results to be obtained.

(4) The master shall record the result of the calculation in a book specially retained on board for that purpose.

(5) A copy of any print-out of the calculation referred to in paragraph (1), or of any written working of a calculation made in substitution therefor, shall be retained on the ship for at least one calendar month after the calculation was made.

Condition of loading prior to departure to be satisfactory

7. Before the ship proceeds on a voyage the master shall ensure that the condition of loading of the ship, as recorded in accordance with regulations 5(2) and 6(4), satisfies all the relevant requirements prescribed in the stability information booklet.

Draught marks and automatic draught gauge system

8.—(1) Every ship shall have a scale of draughts at the bow and stern on each side of the ship.

(2) Every ship shall be provided with a reliable automatic draught gauge system.

Offences and Penalties

9.—(1) Any contravention of regulation 3(1) and (3) or 8 shall be an offence on the part of the owner and any contravention of regulations 3(4) and 4 to 7 inclusive shall be an offence on the part of the master (except so far as regulation 5(1) imposes a duty on an officer). Any such offence shall be punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(2) Any contravention of his duty under regulation 5(1) by an officer appointed in accordance with that paragraph shall be an offence on his part punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

Defence

10. It shall be a defence for a person charged with committing an offence under these Regulations to show that he took all reasonable steps to avoid committing the offence.

Detention

11. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 692 of the Merchant Shipping Act 1894(a) (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that for the words "this Act" wherever they appear, there shall be substituted "the Merchant Shipping (Loading and Stability Assessment of Ro/Ro Passenger Ships) (Non-United Kingdom Ships) Regulations 1989".

(a) 1894 c.60.

Exemption

12. The Secretary of State may exempt individual ships from the provisions of any of these Regulations, subject to such conditions as he may specify and may, subject to giving reasonable notice, alter or cancel any exemption so granted.

1989 Secretary of State for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations have the effect of applying to non-United Kingdom ro/ro passenger ships engaged in international voyages from the United Kingdom the principal requirements of the Merchant Shipping (Loading and Stability Assessment of Ro/Ro Passenger Ships) Regulations 1989 (S.I. 1989/100) (which apply only to United Kingdom ships) while they are within a port in the United Kingdom. These Regulations include requirements for the safe loading and unloading of ro/ro passenger ships, the provision of draught marks and the fitting of an automatic draught gauge system.

The Regulations also require records to be made of the ship's draught of water, trim and freeboards and the components of its stability before proceeding on any voyage from a port in the United Kingdom.

85p net

ISBN 0 11 098533 8

Printed in the United Kingdom for Her Majesty's Stationery Office

850 WO0321 C13 3/89 452/3 4235 46378 890308P

Draft Order laid before Parliament under section 7(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1989

Made - - - -	*1989*
Coming into force	*1st April 1989*

The Secretary of State in exercise of the powers conferred on him by sections 1 and 7 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979(**a**) ("the Act") and of all other powers enabling him in that behalf hereby makes the following Regulations, of which a draft has been approved by resolution of each House of Parliament:–

Citation and commencement

1. These Regulations may be cited as the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1989 and shall come into force on 1st April 1989.

Interpretation

2. In these Regulations the "principal Regulations" means the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988(**b**).

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the following provisions of this Regulation.

(2) In Regulation 4(6)(a)–

(a) for the word "if" there shall be substituted the words "in cases where";

(b) after the word "dependant" in sub-paragraph (i) there shall be inserted the words "by reason of the deceased's death as a result of the disease".

(3) The following sub-paragraph shall be substituted for sub-paragraph (ii) of Regulation 5(1)(a):–

" (ii) where disablement benefit in respect of a disease was not payable to the deceased immediately before he died death benefit is payable to or in respect of the said dependant by reason of the deceased's death as a result of the disease, or"

(4)(a) the Schedule to these Regulations shall be substituted for the Schedule to those Regulations, and

(**a**) 1979 c.41; sections 1 and 4 of the Act were amended by section 24 of the Social Security Act 1985 c.53 and section 2 was amended by section 39 of and Schedule 3 to the Social Security Act 1986 c.50.
(**b**) S.I. 1988/668.

(b) the amount of £1,364 shall be substituted for the amount of £1,263 in Regulations 5(1) and 8 of those Regulations, and the amount of £2,822 shall be substituted for the amount of £2,613 in Regulation 6(1) of those Regulations,

in any case in which a person first satisfies the conditions of entitlement to a payment under the Act on or after the date upon which these Regulations come into force.

Signed by order of the Secretary of State.

Parliamentary Under Secretary of State,
Department of Employment

1989

SCHEDULE

Regulations 3, 4, 5 and 6

TABLE 1

(1) Table 1 is for the determination of payments to disabled persons under regulation 3 (or regulation 6), and for the determination of payments to dependants of deceased sufferers under regulation 4(1).

(2) The relevant period is the period specified in regulation 3(2) or 3(3) or, in the case of a disabled person to whom regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that regulation.

(3) The age to be taken for the purpose of determining the amount payable to a disabled person is his age on the date specified in regulation 3(2) or 3(3) or, in the case of a disabled person to whom regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis) his age on the date specified in paragraph (1) of that regulation. With a view to determining the amount payable to a dependant of a disabled person under regulation 4(1), the age to be taken for the purpose of calculating the sum to be deducted from the amount which would have been payable to the disabled person had he still been alive is the age of the deceased at his last birthday preceding his death.

PART A

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE DISABLEMENT BENEFIT UNDER SECTION 76 OF THE SOCIAL SECURITY ACT 1975 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS, OR WOULD BE PAYABLE BUT FOR THE DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE.

Age of disabled person	*Percentage assessment for the relevant period*									
	10% or less	11–20%	21–30%	40%	50%	60%	70%	80%	90%	100%
	£	£	£	£	£	£	£	£	£	£
37 and under	15,801	28,216	33,106	34,047	34,988	35,739	36,492	37,244	37,997	38,749
38	15,349	27,087	32,110	33,258	34,234	34,988	35,739	36,492	37,244	37,997
39	14,897	25,958	31,112	32,466	33,483	34,234	34,988	35,739	36,492	37,244
40	14,447	24,829	30,115	31,676	32,730	33,483	34,234	34,988	35,739	36,492
41	13,995	23,701	29,118	30,885	31,978	32,730	33,483	34,234	34,988	35,739
42	13,542	22,572	28,122	30,097	31,225	31,978	32,730	33,483	34,234	34,988
43	12,866	21,255	27,124	29,495	30,699	31,601	32,353	33,106	33,858	34,611
44	12,189	19,938	26,128	28,892	30,172	31,225	31,978	32,730	33,483	34,234
45	11,512	18,622	25,130	28,291	29,645	30,849	31,601	32,353	33,106	33,858
46	10,834	17,305	24,133	27,688	29,118	30,473	31,225	31,978	32,730	33,483
47	10,158	15,989	23,136	27,087	28,592	30,097	30,849	31,601	32,353	33,106
48	9,574	15,461	22,347	25,883	27,688	29,043	29,795	30,548	31,300	32,053
49	8,991	14,936	21,556	24,678	26,786	27,990	28,742	29,495	30,248	31,000
50	8,409	14,408	20,767	23,476	25,883	26,936	27,688	28,441	29,193	29,945
51	7,825	13,882	19,976	22,271	24,980	25,883	26,635	27,387	28,141	28,892
52	7,242	13,355	19,187	21,068	24,077	24,829	25,583	26,334	27,087	27,838
53	6,696	12,415	17,982	20,014	23,174	24,077	24,829	25,583	26,334	27,087
54	6,151	11,474	16,778	18,962	22,271	23,325	24,077	24,829	25,583	26,334
55	5,606	10,533	15,576	17,907	21,368	22,572	23,325	24,077	24,829	25,583
56	5,060	9,594	14,371	16,854	20,467	21,820	22,572	23,325	24,077	24,829
57	4,514	8,653	13,168	15,801	19,563	21,068	21,820	22,572	23,325	24,077
58	4,158	7,864	11,758	14,182	17,605	18,998	19,807	20,598	21,368	22,120
59	3,799	7,072	10,345	12,566	15,649	16,929	17,794	18,622	19,412	20,163
60	3,443	6,282	8,935	10,947	13,695	14,861	15,781	16,648	17,456	18,209
61	3,084	5,492	7,524	9,330	11,738	12,791	13,769	14,672	15,501	16,252
62	2,728	4,702	6,113	7,712	9,782	10,722	11,758	12,698	13,542	14,296
63	2,539	4,251	5,492	6,895	8,701	9,630	10,609	11,512	12,339	13,091
64	2,353	3,799	4,871	6,076	7,619	8,540	9,462	10,327	11,136	11,888
65	2,164	3,349	4,251	5,258	6,536	7,449	8,314	9,142	9,932	10,684
66	1,976	2,898	3,630	4,439	5,456	6,358	7,167	7,957	8,729	9,480
67	1,788	2,444	3,009	3,621	4,374	5,267	6,020	6,772	7,524	8,276
68	1,740	2,369	2,906	3,470	4,223	5,060	5,784	6,564	7,289	8,032
69	1,693	2,294	2,803	3,321	4,073	4,854	5,550	6,358	7,055	7,787
70	1,645	2,219	2,699	3,170	3,922	4,646	5,314	6,151	6,819	7,544
71	1,600	2,144	2,597	3,019	3,771	4,439	5,079	5,945	6,584	7,299
72	1,553	2,069	2,492	2,870	3,621	4,233	4,843	5,737	6,348	7,055
73	1,514	2,033	2,455	2,812	3,565	4,138	4,749	5,587	6,160	6,847
74	1,476	1,993	2,417	2,756	3,510	4,044	4,656	5,436	5,973	6,641
75	1,440	1,957	2,380	2,699	3,451	3,950	4,562	5,286	5,784	6,432
76	1,401	1,918	2,341	2,642	3,395	3,858	4,468	5,136	5,595	6,227
77 and over	1,364	1,881	2,305	2,586	3,338	3,763	4,374	4,986	5,408	6,020

PART B

PAYMENTS TO DISABLED PERSONS TO WHOM IS PAYABLE AN ALLOWANCE UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SECTION 5 OF THE INDUSTRIAL INJURIES AND DISEASES (OLD CASES) ACT 1975 OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACTS.

Age of disabled person	*Extent of incapacity for the relevant period*	
	Partial	*Total*
	£	£
37 and under	28,216	38,749
38	27,087	37,997
39	25,958	37,244
40	24,829	36,492
41	23,701	35,739
42	22,572	34,988
43	21,255	34,611
44	19,938	34,234
45	18,622	33,858
46	17,305	33,483
47	15,989	33,106
48	15,461	32,053
49	14,936	31,000
50	14,408	29,945
51	13,882	28,892
52	13,355	27,838
53	12,415	27,087
54	11,474	26,334
55	10,533	25,583
56	9,594	24,829
57	8,653	24,077
58	7,864	22,120
59	7,072	20,163
60	6,282	18,209
61	5,492	16,252
62	4,702	14,296
63	4,251	13,091
64	3,799	11,888
65	3,349	10,684
66	2,898	9,480
67	2,444	8,276
68	2,369	8,032
69	2,294	7,787
70	2,219	7,544
71	2,144	7,299
72	2,069	7,055
73	2,033	6,847
74	1,993	6,641
75	1,957	6,432
76	1,918	6,227
77 and over	1,881	6,020

TABLE 2

(1) Table 2 is for the determination of payments to dependants of deceased sufferers who died as a result of the disease under regulation 4(2) or regulation 4(6).

(2) The relevant period is the period specified in regulation 3(2) or 3(3) or, in the case of a disabled person to whom regulation 6 applies (Payment where pneumoconiosis is accompanied by tuberculosis), the period specified in paragraph (1)(b) of that regulation.

PART A

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER SECTION 76 OF THE SOCIAL SECURITY ACT 1975 IS PAYABLE, OR TO DEPENDANTS OF PERSONS TO WHOM DISABLEMENT BENEFIT UNDER THAT SECTION OR UNDER ANY CORRESPONDING PROVISION OF THE FORMER INDUSTRIAL INJURIES ACTS WAS PAYABLE, OR TO DEPENDANTS OF A PERSON TO WHOM DISABLEMENT BENEFIT WOULD HAVE BEEN PAYABLE IMMEDIATELY BEFORE HE DIED BUT FOR THE OCCURRENCE OF ONE OF THE CIRCUMSTANCES LISTED IN REGULATION 5(1)(a)(iii) OR BUT FOR HIS DISABLEMENT AMOUNTING TO LESS THAN THE APPROPRIATE PERCENTAGE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

Age of disabled person at his last birthday preceding death	*Percentage assessment for the relevant period*				
	10% or less	11%–20%	21%–30%	40%	50% and over
	£	£	£	£	£
37 and under	7,430	14,485	16,553	17,118	17,589
38	7,204	13,845	15,989	16,553	17,154
39	6,979	13,205	15,424	15,989	16,723
40	6,752	12,566	14,861	15,424	16,289
41	6,527	11,927	14,296	14,861	15,857
42	6,302	11,287	13,731	14,296	15,424
43	5,896	10,458	13,223	13,787	15,011
44	5,492	9,630	12,715	13,280	14,592
45	5,088	8,804	12,208	12,771	14,182
46	4,683	7,975	11,699	12,263	13,769
47	4,279	7,147	11,193	11,758	13,355
48	3,969	6,922	10,817	11,362	12,848
49	3,658	6,696	10,440	10,967	12,339
50	3,349	6,471	10,065	10,571	11,832
51	3,037	6,245	9,688	10,177	11,323
52	2,728	6,020	9,311	9,782	10,817
53	2,586	5,492	8,596	9,236	10,402
54	2,444	4,966	7,880	8,690	9,988
55	2,305	4,439	7,167	8,145	9,574
56	2,164	3,913	6,452	7,600	9,160
57	2,021	3,387	5,737	7,055	8,746
58	1,890	3,009	4,919	6,096	7,600
59	1,758	2,633	4,101	5,136	6,452
60	1,628	2,258	3,282	4,176	5,305
61	1,496	1,881	2,464	3,218	4,158
62	1,364	1,505	1,645	2,258	3,009
63	1,364	1,476	1,590	2,078	2,681
64	1,364	1,448	1,533	1,899	2,353
65	1,364	1,420	1,476	1,721	2,021
66	1,364	1,393	1,420	1,542	1,693
67 and over	1,364	1,364	1,364	1,364	1,364

PART B

PAYMENTS TO DEPENDANTS TO WHOM DEATH BENEFIT UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER SECTION 5 OF THE INDUSTRIAL INJURIES AND DISEASES (OLD CASES) ACT 1975 HAS BEEN PAID, OR TO DEPENDANTS OF PERSONS TO WHOM AN ALLOWANCE UNDER SUCH A SCHEME OR UNDER A SCHEME MADE OR HAVING EFFECT AS IF MADE UNDER ANY CORRESPONDING PROVISION OF THE FORMER OLD CASES ACTS WAS PAYABLE, IN CIRCUMSTANCES WHERE THE DISABLED PERSON DIED AS A RESULT OF A DISEASE OTHER THAN DIFFUSE MESOTHELIOMA.

Age of disabled person at his last birthday preceding death	*Extent of incapacity for the relevant period*	
	Partial	*Total*
	£	£
37 and under	14,485	17,589
38	13,845	17,154
39	13,205	16,723
40	12,566	16,289
41	11,927	15,857
42	11,287	15,424
43	10,458	15,011
44	9,630	14,592
45	8,804	14,182
46	7,975	13,769
47	7,147	13,355
48	6,922	12,848
49	6,696	12,339
50	6,471	11,832
51	6,245	11,323
52	6,020	10,817
53	5,492	10,402
54	4,966	9,988
55	4,439	9,574
56	3,913	9,160
57	3,387	8,746
58	3,009	7,600
59	2,633	6,452
60	2,258	5,305
61	1,881	4,158
62	1,505	3,009
63	1,476	2,681
64	1,448	2,353
65	1,420	2,021
66	1,393	1,693
67 and over	1,364	1,364

PART C

PAYMENTS TO DEPENDANTS OF PERSONS WHO DIED AS A RESULT OF DIFFUSE MESOTHELIOMA.

Age of disabled person at his last birthday preceding death	*Payment*
	£
37 and under	17,589
38	17,154
39	16,723
40	16,289
41	15,857
42	15,424
43	15,011
44	14,592
45	14,182
46	13,769
47	13,355
48	12,848
49	12,339
50	11,832
51	11,323
52	10,817
53	10,402
54	9,988
55	9,574
56	9,160
57	8,746
58	7,600
59	6,452
60	5,305
61	4,158
62	3,009
63	2,681
64	2,353
65	2,021
66	1,693
67 and over	1,364

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 (the 1988 Regulations) prescribe the amount of payments to be made under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 ("the Act"), as amended by the Social Security Act 1985 and the Social Security Act 1986, to persons disabled by a disease to which the Act applies (namely pneumoconiosis, byssinosis, diffuse mesothelioma, primary carcinoma of the lung (where accompanied by asbestosis or bilateral diffuse pleural thickening) and bilateral diffuse pleural thickening) or to dependants of persons who immediately before they died were disabled by such a disease.

These Regulations amend the 1988 Regulations by increasing the amount of those payments in any case in which a person first becomes entitled to a payment on or after the date when these Regulations come into force. The increase in each case is 8% rounded up or down to the nearest £1 as appropriate. The Regulations also make minor drafting amendments to the 1988 Regulations.

Draft Order laid before Parliament under section 7(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

SOCIAL SECURITY

The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 1989

£1.60 net

ISBN 0 11 098517 6

Printed in the United Kingdom for Her Majesty's Stationery Office

831/WO 0211 C12 2/89 452/1 9385/5549/4895 46341

Draft Order laid before Parliament under the Northern Ireland Constitution Act 1973, section 38(5), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

NORTHERN IRELAND

Local Elections (Variation of Limits of Candidates' Election Expenses) (Northern Ireland) Order 1989

Made - - - -

Coming into force

At the Court at , the day of 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament;

Now, therefore, Her Majesty, in pursuance of section 38(1)(a) of the Northern Ireland Constitution Act 1973(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Local Elections (Variation of Limits of Candidates' Election Expenses) (Northern Ireland) Order 1989 and shall come into force on the day after the day on which it is made.

(2) This Order extends to Northern Ireland only.

2. The Interpretation Act (Northern Ireland) 1954(b) shall apply to article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

3. In section 42(1) of the Electoral Law Act (Northern Ireland) 1962 (limit on candidates' election expenses)(c), for the words "£135" and "2.8p" there shall be substituted the words "£162" and "3.2p", respectively.

Clerk of the Privy Council

(a) 1973 c.36; section 38 was amended by the Northern Ireland Act 1982, Schedule 2, paragraph 6.
(b) 1954 c.33 (N.I.).
(c) 1962 c.14 (N.I.); section 42(1) was amended (so far as material) by the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454), article 9.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the maximum amount of a candidate's election expenses at local elections in Northern Ireland. The maximum amount of a candidate's election expenses is made up of a fixed sum (expressed in pounds) plus a sum expressed in pence (and fractions of pence) for each entry in the register of electors.

45p net

ISBN 0 11 098524 9

Printed in the United Kingdom for Her Majesty's Stationery Office

790/WO 0008 C11 2/89 452/1 9385/5514/4883 46341

Draft Regulations laid before Parliament under paragraph 2(6) of Schedule 1 to the European Parliamentary Elections Act 1978, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

REPRESENTATION OF THE PEOPLE

European Parliamentary Elections (Amendment) Regulations 1989

Made - - - -	*1989*
Coming into force	*1989*

Whereas a draft of these Regulations has been approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred upon me by paragraph 2 of Schedule 1 to the European Parliamentary Elections Act 1978**(a)**, I hereby make the following Regulations:

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Amendment) Regulations 1989.

(2) These Regulations shall not extend to Northern Ireland.

2. In the right-hand column of Schedule 1 (application with modifications of provisions of the Representation of the People Acts) to the European Parliamentary Elections Regulations 1986**(b)**:

(a) in subsection (2) of section 76 (limitation of election expenses) of the Representation of the People Act 1983**(c)**, as substituted for the purposes of European Parliamentary elections, for the words "£8,000" and "3.5p" there shall be substituted the words "£10,000" and "4.3p", respectively; and

(b) in the modification of rule 9(1) (deposit) of the rules in Schedule 1 to that Act**(d)**, in its application for those purposes, for the words "£750" there shall be substituted the words "£1,000".

Home Office
1989

One of Her Majesty's Principal Secretaries of State

(a) 1978 c.10; the citation of this Act has been amended by section 3(1)(b) and (2)(b) of the European Communities (Amendment) Act 1986 (c.58) on the coming into force of the Single European Act (Cmnd. 9758) on 1st July 1987.

(b) S.I. 1986/2209; the citation of this instrument has been amended by the provisions referred to in the first footnote to these Regulations.

(c) 1983 c.2.

(d) Rule 9 was amended by section 13(a) of the Representation of the People Act 1985 (c.50).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in Great Britain, amend the European Parliamentary Elections Regulations 1986. They increase the maximum amount of a candidate's election expenses at a European Parliamentary election. The maximum amount of a candidate's election expenses is made up of a fixed sum (expressed in pounds) plus a sum expressed in pence (and fractions of pence) for each entry in the register of electors.

These Regulations also increase from £750 to £1,000 the sum which must be deposited with the returning officer by or on behalf of a candidate at a European Parliamentary election. A person cannot be validly nominated as a candidate at such an election unless this deposit has been made.

45p net

ISBN 0 11 098522 2

Printed in the United Kingdom for Her Majesty's Stationery Office 790/5718 WO 0223 C10 2/89 452/2 3840 PS8250675

Draft Order laid before Parliament under sections 76A(2) and 197(3) of the Representation of the People Act 1983, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

REPRESENTATION OF THE PEOPLE

Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1989

Made - - - -	*1989*
Coming into force	*1989*

Whereas a draft of this Order has been approved by resolution of each House of Parliament:

And whereas in my opinion there has been a change in the value of money since 13th May 1987 justifying the variations made by this Order:

Now, therefore, in exercise of the powers conferred upon me by sections 76A(1) and 197(3) of the Representation of the People Act 1983**(a)**, I hereby make the following Order:–

1.—(1) This Order may be cited as the Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1989 and shall come into force on the day after the day on which it is made.

(2) Articles 4, 5 and 6 of this Order do not extend to Northern Ireland.

(3) In this Order "the Act of 1983" means the Representation of the People Act 1983.

2. The maximum amount of a candidate's election expenses at a parliamentary election in a county constituency shall be varied by substituting, for the words "£3,370" and "3.8p" in section 76(2)(a)(i) of the Act of 1983**(b)**, the words "£3,648" and "4.1p", respectively.

3. The maximum amount of a candidate's election expenses at a parliamentary election in a borough constituency shall be varied by substituting, for the words "£3,370" and "2.9p" in section 76(2)(a)(ii) of the Act of 1983**(b)**, the words "£3,648" and "3.1p", respectively.

4. The maximum amount of a candidate's election expenses at a local government election to which section 76(2)(b)(ii) of the Act of 1983**(b)** applies shall be varied by substituting, for the words "£150" and "3p" in that provision, the words "£162" and "3.2p", respectively.

5. The maximum amount of a candidate's election expenses at a ward election in the City of London shall be varied by substituting for the words "£150" and "3p" in section 197(1) of the Act of 1983**(c)**, the words "£162" and "3.2p", respectively.

(a) 1983 c.2; section 76A was inserted by section 14(4) of the Representation of the People Act 1985 (c.50) and section 197(3) was amended by paragraph 67(b) of Schedule 4 to that Act.

(b) The sums in section 76(2) are as substituted by S.I. 1987/903.

(c) The sums in section 197 are as substituted by S.I. 1987/903.

6. The maximum amount of a candidate's election expenses at an election by liverymen in common hall shall be varied by substituting, for the words "15.8p" in section 197(2) of the Act of 1983**(a)**, the words "17.1p".

7. Articles 2, 3, 5, 6 and 7 of the Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1987**(b)** shall cease to have effect.

Home Office
1989

One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the maximum amounts of candidates' election expenses at parliamentary elections in the United Kingdom (articles 2 and 3), local government elections in Great Britain (article 4) and ward elections (article 5) and elections by liverymen in common hall (article 6) in the City of London.

The increases are such as are justified by the change in the value of money since the last occasion on which those maximum amounts were fixed. The last occasion was 13th May 1987 when the Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1987 was made.

Except in the case of the election by liverymen in common hall, the maximum amount of a candidate's election expenses is made up of a fixed sum (expressed in pounds) plus a sum expressed in pence (and fractions of pence) for, in the case of parliamentary and local government elections, each entry in the register of electors or, in the case of ward elections in the City of London, each elector. The maximum amount of a candidate's election expenses at the election by liverymen in common hall is calculated by allowing an amount in pence (and fractions of pence) for every elector on the common hall register to be used at the election.

(a) The sums in section 197 are as substituted by S.I. 1987/903.
(b) S.I. 1987/903.

45p net

ISBN 0 11 098521 4

Printed in the United Kingdom for Her Majesty's Stationery Office 790/5715 WO 222 C11 2/89 452/2 3840 PS8250675

Draft Regulations laid before Parliament under paragraph 2(6) of Schedule 1 to the European Parliamentary Elections Act 1978, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

REPRESENTATION OF THE PEOPLE

European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1989

Made - - - -	*1989*
Coming into force	*1989*

Whereas a draft of these Regulations has been approved by a resolution of each House of Parliament;

Now, therefore, in exercise of the powers conferred upon me by paragraph 2 of Schedule 1 to the European Parliamentary Elections Act 1978(a), I hereby make the following Regulations:

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 1989.

(2) These Regulations shall extend to Northern Ireland only.

2. In the right-hand column of Schedule 1 (application with modifications of provisions of the Representation of the People Acts) to the European Parliamentary Elections (Northern Ireland) Regulations 1986(b):

(a) in subsection (2) of section 76 (limitation of election expenses) of the Representation of the People Act 1983(c), as substituted for the purposes of European Parliamentary elections, for the words "£8,000" and "3.5p" there shall be substituted the words "£10,000" and "4.3p", respectively; and

(b) in the modification of rule 9(1) (deposit) of the rules in Schedule 1 to that Act(d), in its application for those purposes, for the words "£750" there shall be substituted the words "£1,000".

Northern Ireland Office
1989

One of Her Majesty's Principal Secretaries of State

(a) 1978 c.10; the citation of this Act has been amended by section 3(1)(b) and (2)(b) of the European Communities (Amendment) Act 1986 (c.58) on the coming into force of the Single European Act (Cmnd. 9758) on 1st July 1987.

(b) S.I. 1986/2250; the citation of this instrument has been amended by the provisions referred to in the first footnote to these Regulations.

(c) 1983 c.2.

(d) Rule 9 was amended by section 13(a) of the Representation of the People Act 1985 (c.50).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in Northern Ireland only, amend the European Parliamentary Elections (Northern Ireland) Regulations 1986. They increase the maximum amount of a candidate's election expenses at a European Parliamentary election. The maximum amount of a candidate's election expenses is made up of a fixed sum (expressed in pounds) plus a sum expressed in pence (and fractions of pence) for each entry in the register of electors.

These Regulations also increase from £750 to £1,000 the sum which must be deposited with the returning officer by or on behalf of a candidate at a European Parliamentary election. A person cannot be validly nominated as a candidate at such an election unless this deposit has been made.

45p net

ISBN 0 11 098519 2

Printed in the United Kingdom for Her Majesty's Stationery Office

790 WO007 C11 2/89 452 7102 O/N 46294

Draft Regulations laid before Parliament under section 3(5) of the Access to Personal Files Act 1987, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No. (S.)

RIGHTS OF THE SUBJECT

The Access to Personal Files (Social Work) (Scotland) Regulations 1989

Made - - - -	*1989*
Coming into force	*1st April 1989*

The Secretary of State, in exercise of the powers conferred on him by section 3(1), (2), (3) and (6) of the Access to Personal Files Act 1987(**a**), having consulted in accordance with section 3(4) of that Act such bodies representing social work authorities as he thought appropriate, hereby makes the following Regulations a draft of which has been laid before and approved by resolution of each House of Parliament:–

Citation, extent, commencement and interpretation

1.—(1) These Regulations may be cited as the Access to Personal Files (Social Work) (Scotland) Regulations 1989, shall extend to Scotland only and shall come into force on 1st April 1989.

(2) In these Regulations, unless the context otherwise requires–

"the Act" means the Access to Personal Files Act 1987;

"care" includes examination, investigation and diagnosis;

"dental practitioner" and "medical practitioner" mean, respectively, a person registered under the Dentists Act 1984(**b**) and the Medical Act 1983(**c**);

"health board" means a board constituted under section 2 of the National Health Service (Scotland) Act 1978(**d**);

"health professional" means any person listed in the Schedule to these Regulations;

"social work functions" means the functions of a social work authority specified in section 2(2) of the Social Work (Scotland) Act 1968(**e**);

"social work authority" has the meaning given by paragraph 2(4) of Schedule 2 of the Act.

(3) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

(**a**) 1987 c.37; section 3(6) contains a definition of "prescribed".
(**b**) 1984 c.24.
(**c**) 1983 c.54.
(**d**) 1978 c.29.
(**e**) 1968 c.49.

Rights of access to personal information

2.—(1) Subject to regulations 3, 4, 8, 9 and 10, a social work authority shall be obliged–

(a) to inform any individual whether the accessible personal information(**a**) held by them includes personal information(**b**) of which that individual is the subject, and

(b) to give that individual access to any personal information of which he is the subject.

(2) A social work authority shall have complied with their obligation under paragraph (1)(b) if they supply the individual with a copy of any personal information of which he is the subject, but if the social work authority give the individual access to that information by a means other than supplying him with a copy of it, they shall in addition be obliged to supply the individual with a copy of such part of that information as he may require.

(3) If–

(a) a social work authority supply an individual with a copy of any personal information of which he is subject, and

(b) that information is expressed in terms which are not intelligible without explanation,

the information shall be accompanied by an explanation of those terms.

Request for information

3.—(1) A social work authority shall not be obliged under regulation 2 to inform an individual or to give access to any information, except in response to a request in writing and on payment of such fee (not exceeding £10) as they may require.

(2) A request under both sub-paragraphs of regulation 2(1) shall be treated as a single request and a request to be informed under sub-paragraph (a) of regulation 2(1) shall, in the absence of any indication to the contrary, be treated as extending also to being given access to any personal information under sub-paragraph (b).

Further information required

4. A social work authority shall not be obliged to comply with a request under regulation 3 unless they are supplied with such information as they may reasonably require in order to satisfy themselves as to the identity of the person making the request and to locate the information which he seeks.

Another individual involved

5. If any accessible personal information in respect of which a social work authority have received a request under regulation 3 contains information relating to another individual who can be identified from that information (other than an individual to whom regulation 8(5)(b) or regulation 10(3)(a) applies), the social work authority, within 14 days of receiving the request under regulation 3, or, if later, of receiving the information referred to in regulation 4, shall in writing inform that other individual of the request and that the accessible personal information contains information relating to him, and ask that other individual whether he consents to the information relating to him being disclosed to the person making the request.

Time limit for complying with the request for information

6. A social work authority shall comply with a request under regulation 3 within 40 days of receiving the request or, if later, receiving the information referred to in regulation 4 and, in a case where it is required, the consent asked for in accordance with regulation 5.

Information to which access is to be given

7. The information to which access is to be given pursuant to a request under regulation 3 shall be the information held at the time when the request is received except that it may take into account any amendment or deletion made between that time and the time when access is given being an amendment or deletion that would have been made regardless of the receipt of the request.

(**a**) "Accessible personal information" is defined in section 2(3) of the Act.
(**b**) "Personal information" is defined in section 2(2) of the Act.

Exemption from access to personal health information from a health professional

8.—(1) This regulation applies to information as to the physical or mental health of an individual which–

(a) originated from, or was supplied to the social work authority by or on behalf of, a health professional, or

(b) the social work authority believe to have originated from, or to have been supplied to them by or on behalf of, a health professional.

(2) In this regulation "appropriate health professional" means–

(a) the medical practitioner or dental practitioner who is currently, or was most recently, responsible for the clinical care of the individual who is the subject of the information, in connection with the matters to which the information which is the subject of the request relates; or

(b) where there is more than one such practitioner, the practitioner who is the most suitable to advise on the matters to which the information which is the subject of the request relates; or

(c) where there is no practitioner available falling within sub-paragraph (a) or (b) above, a health professional who has the necessary experience and qualifications to advise on the matters to which the information which is the subject of the request relates.

(3) Within 14 days of receiving a request under regulation 3, or, if later, receiving the information referred to in regulation 4 the social work authority shall in writing inform

(a) the health board concerned, if the information to which this regulation applies originated from or was supplied by, or if the social work authority believe it to have originated from or to have been supplied by, a health professional in the course of his employment (whether under a contract of service or for services) with that health board, and

(b) in any other case, the person who appears to the social work authority to be the appropriate health professional,

that a request has been made and that the accessible personal information contains information to which this regulation applies.

(4) A social work authority shall save as provided by paragraph (5) be exempted from the obligation imposed by regulation 2(1)(b) insofar as it relates to information to which this regulation applies, if before the end of the 40 day period provided for by regulation 6 the health board referred to in paragraph 3(a) or the appropriate health professional informs the social work authority in writing that the information to which this regulation applies must not be disclosed because its disclosure would be likely to–

(a) cause serious harm to the physical or mental health of the individual who is the subject of the information or any other person, or

(b) disclose to the individual who is the subject of the information the identity of another individual (who has not consented to the disclosure of the information) either as a person to whom the information or part of it relates or as the source of the information or enable that identity to be deduced by the individual who is the subject of the information either from the information itself or from a combination of that information and other information which the individual who is the subject of the information has or is likely to have.

(5) If the health board referred to in paragraph 3(a) or the appropriate health professional informs the social work authority in accordance with paragraph (4) that the information to which this regulation applies must not be disclosed, the obligation imposed by regulation 2(1)(b) shall nonetheless apply–

(a) to so much of the information sought by the request as can be supplied without causing such serious harm, or enabling the identity of another individual to be disclosed or deduced, whether by the omission of names or other particulars or otherwise; and

(b) if the only individual whose identity is likely to be disclosed or deduced (as mentioned in paragraph 4(b)) is a health professional who has been involved in the care of the individual who is the subject of the information, and the information relates to the health professional or was supplied by him in that capacity.

Exemptions from access to information from reporters to children's panels

9.—(1) This regulation applies to information in the possession of the social work authority originating from or supplied by a Reporter to a Children's Panel in pursuit of his statutory duties, other than information referred to in paragraph (2).

(2) This regulation does not apply to information which the individual who requests access to it is in any event entitled to receive from the Reporter to the Children's Panel in performance of the Reporter's statutory duties.

(3) Within 14 days of receiving a request under regulation 3 or, if later, receiving the information referred to in regulation 4, the social work authority shall in writing inform the appropriate Reporter to the Children's Panel that request has been made and that the accessible personal information contains information to which this regulation applies.

(4) A social work authority shall, save as provided by paragraph (5), be exempted from the obligation imposed by regulation 2(1)(b) if, before the end of the 40 day period provided for by regulation 6, the Reporter informs that authority in writing that the information to which this regulation applies must not be disclosed, because its disclosure would be likely to–

(a) cause serious harm to the physical or mental health or emotional condition of the individual who is the subject of the information or any other person,

(b) disclose to the individual, who is the subject of the information, the identity of another individual (who has not consented to the disclosure of the information) either as a person to whom the information or part of it relates or as the source of the information or would enable that identity to be deduced by the individual who is the subject of the information either from the information itself or from a combination of that information and other information which the individual, who is the subject of the information, has or is likely to have, or

(c) prejudice the prevention or detection of a crime or the apprehension or prosecution of offenders (where the information is held for these purposes).

(5) If the appropriate Reporter informs the social work authority in accordance with paragraph (4) that the information to which this regulation applies must not be disclosed, the obligation imposed by regulation 2(1)(b) shall nonetheless apply to so much of the information sought by the request as can be supplied, whether by the omission of names or other particulars or otherwise, without causing such serious harm, or enabling the identity of another individual to be disclosed or deduced, or prejudicing the prevention or detection of a crime or the apprehension or the prosecution of offenders.

Exemptions from access to other information

10.—(1) As regards accessible personal information to which regulations 8 and 9 do not apply, a social work authority shall be exempted from the obligation imposed by regulation 2(1)(b) if any of the conditions set out in paragraphs (2) to (7) is met.

(2) The condition in this paragraph is that the carrying out of the social work functions of the social work authority would be likely to be prejudiced by reason of the fact that serious harm to the physical or mental health or emotional condition of the individual who is the subject of the information or any other person would be likely to be caused; but the condition in this paragraph shall not apply to so much of the information sought by the request as can be supplied without causing such serious harm, whether by the omision of names or other particulars or otherwise.

(3) The condition in this paragraph is that the identity of another individual (who has not consented to the disclosure of the information) either as a person to whom the information or part of it relates or as the source of the information, would be likely to be disclosed to or deduced by the individual the subject of the information or any other person who is likely to obtain access to it, either from the information itself or from a combination of that information and other information which the individual the subject of the information or such other person has, or is likely to have; but the condition in this paragraph shall not apply–

(a) if the only individual whose identity would be likely to be disclosed or deduced is or has been employed by the social work authority in connection with their social work functions or has provided to the authority for reward a service similar to a service provided by the social work authority in the exercise of their social work functions and the information relates to him or he supplied the information in his

official capacity, or as the case may be, in connection with the provision of that service, or

(b) to so much of the information sought by the request as can be supplied without enabling the identity of another individual to be disclosed or deduced, (which may be done by the omission of names or other particulars or otherwise).

(4) The condition in this paragraph is that the information is held by the social work authority for the purposes of–

(a) the prevention or detection of crime, or

(b) the apprehension or prosecution of offenders

and the application of regulation 2(1)(b) to the information would be likely to prejudice either or both of the matters mentioned in sub-paragraphs (a) and (b) above.

(5) The condition in this paragraph is that the information consists of a report given or to be given to the court by the social work authority in the course of any proceedings to which the Act of Sederunt (Social Work) Sheriff Court Procedure Rules 1971(**a**) apply where, in accordance with the provision of those Rules, the information may be withheld by the court in whole or in part from the individual who is the subject of the information.

(6) The condition in this paragraph is that the information consists of information the disclosure of which is prohibited or restricted by or which came into the possession of the social work authority by virtue of–

(i) section 45 of the Adoption (Scotland) Act 1978(**b**),

(ii) regulation 24 of the Adoption Agencies (Scotland) Regulations 1984(**c**),

(iii) Rule 230 of the Act of Sederunt (Rules of Court) (Consolidation and Amendment) 1965(**d**),

(iv) paragraphs 9, 24 and 28 of the Act of Sederunt (Adoption of Children) 1984(**e**),

(v) section 60(4) of the Education (Scotland) Act 1980(**f**),

(vi) proviso (bb) to regulation 7(2) of the Education (Record of Needs) (Scotland) Regulations 1982(**g**).

(7) The condition in this paragraph is that the information consists of information in respect of which a claim to confidentiality as between client and professional legal adviser could be maintained in legal proceedings.

Rectification and erasure of inaccurate information

11.—(1) If an individual who is the subject of accessible personal information regards that information, or part of it, as inaccurate, he may by notice in writing require the social work authority holding the information to rectify or erase the information he regards as inaccurate.

(2) A social work authority shall not be obliged to take any action in response to a notice under paragraph (1) unless the notice–

(a) supplies sufficient information for the social work authority to locate the information regarded as inaccurate,

(b) specifies in what respect the individual regards that information as inaccurate, and

(c) specifies how the individual considers the local social work authority should rectify the information or what part of the information he considers the social work authority should erase.

(3) An individual who serves a notice under paragraph (1) shall be entitled to submit with the notice such written evidence of the inaccuracy of the information referred to in the notice as he considers appropriate.

(4) If, following a notice under paragraph (1), a local social work authority is satisfied that the information specified in the notice is inaccurate, that social work authority shall rectify or erase–

(**a**) S.I. 1971/92.
(**b**) 1978 c.28.
(**c**) S.I. 1984/988.
(**d**) S.I. 1965/321; Rule 230 was amended by S.I. 1984/997.
(**e**) S.I. 1984/1013.
(**f**) 1980 c.44; section 60(4) was amended by section 4 of the Education (Scotland) Act 1981 (c.58).
(**g**) S.I. 1982/1222.

(a) the inaccurate information, and

(b) any information held by them containing an expression of opinion which appears to the social work authority to be based on the inaccurate information.

(5) If, following a notice under paragraph (1), the social work authority are not satisfied that the information specified in the notice is inaccurate, the social work authority shall place with the information regarded as inaccurate by the individual who served the notice, a written note that the individual regards that information as inaccurate.

(6) If a social work authority–

(a) rectify any information under paragraph (4), or

(b) place a written note with any information under paragraph (5),

the social work authority shall give the individual who is the subject of the information access to the rectified information or the written note, as the case may be, without the payment of any fee.

(7) A social work authority shall have complied with their obligation under paragraph (6) if they supply the individual with a copy of the rectified information or the note as the case may be, but if the social work authority give the individual access to that rectified information or the written note by a means other than supplying him with a copy of it, they shall in addition be obliged to supply the individual with a copy of such of that rectified information or the written note as he may require.

(8) In this regulation "inaccurate" means incorrect or misleading as to any matter of fact.

Review of decisions

12.—(1) An individual who is the subject of information held by a social work authority and who is aggrieved by any decision of that authority concerning his access to, or rectification or erasure of, that information, may within 28 days of his being notified of the decision require that decision to be reviewed by a committee of three members of that authority appointed for that purpose, not more than one of whom shall be a member of the committee established under section 2(1) of the Social Work (Scotland) Act 1968(**a**).

(2) An individual who under paragraph (1) has required the review of a decision may make representations to the members of the social work authority appointed for the purposes of the review, in writing and, if he so wishes, orally before them.

St. Andrew's House, Edinburgh
1989

Parliamentary Under Secretary of State,
Scottish Office

(**a**) 1968 c.49.

SCHEDULE

Regulation 1

HEALTH PROFESSIONALS

Description	Statutory Derivation (where applicable)
Registered medical practitioner	Medical Act 1983(a), section 55.
Registered dentist	Dentists Act 1984(b), section 53(1) and (3).
Registered optician	Opticians Act 1958(c), section 30(1).
Registered pharmaceutical chemist	Pharmacy Act 1954(d), section 24(1) and (2).
Registered nurse, midwife or health visitor	Nurses, Midwives and Health Visitors Act 1979(e), section 10.
Registered chiropodist, dietician, occupational therapist, orthoptist or physiotherapist (subject to the Note below)	Professions Supplementary to Medicine Act 1960(f), section 1(2).
Clinical psychologist, child psychotherapist or speech therapist	
Art therapist or music therapist employed by a health board	
Scientist employed by such a board as head of department	

Note This category shall be construed as not including any person belonging to a profession specified in the first column which, by virtue of an Order under section 10 of the Professions Supplementary to Medicine Act 1960, is for the time being treated as if it were not mentioned in section 1(2) of that Act and as including any person belonging to a profession not specified therein which is for the time being treated by virtue of such an Order as if it were mentioned therein.

(a) 1983 c.54.
(b) 1984 c.24.
(c) 1958 c.32.
(d) 1954 c.61.
(e) 1979 c.36.
(f) 1960 c.66; Section 1(2) was amended by S.I. 1966/990 and 1986/630.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for individuals to have access to information relating to themselves held by social work authorities.

Provided that an individual applies in writing and pays the appropriate fee (regulation 3) and supplies sufficient information to establish his identity and enable the social work authority to locate the information (regulation 4), a social work authority is obliged to tell him whether they hold any information on him and to give him access to that information (regulation 2).

If the information in respect of which an application has been received refers to another individual, the social work authority must within the specified time, seek the consent of that other individual to the information being disclosed (regulation 5).

The information supplied must be that held at the time the request is made (regulation 7) and must be supplied within the specified time (regulation 6).

Provision is made for certain information to be exempt from disclosure (regulations 8 , 9 and 10), for inaccurate information to be rectified or erased (regulation 11) and for the review of decisions, by members of the social work authority (regulation 12).

£1.60 net

ISBN 0 11 088644 5

Printed in the United Kingdom by Her Majesty's Stationery Office at Edinburgh Press
800 WO A2108 C10 12/88 452/4 19593 PS 8901377 (264475)

Draft Regulations laid before Parliament under section 87 of the Local Government, Planning and Land Act 1980, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989

Made - - - -	*1989*
Coming into force -	*1989*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by section 87 of the Local Government, Planning and Land Act 1980(a) and of all other powers enabling them in that behalf, hereby make the following regulations, a draft of which has been laid before and approved by each House of Parliament:–

Application, citation and commencement

1.—(1) These regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 and shall come into force on the twenty-eighth day after the day on which they are made.

(2) These regulations apply–

(a) to applications for planning permission made on or after the date when they come into operation;

(b) to applications for approval of reserved matters made on or after the date when they come into operation;

(c) to applications for consent for the display of advertisements made on or after the date when they come into operation;

(d) to applications for planning permission deemed to have been made, by virtue of section 88B(3) of the Town and Country Planning Act 1971(b), in connection with an enforcement notice issued on or after the date when they come into operation; and

(e) to applications for planning permission deemed to have been made, by virtue of section 95(6) of the Town and Country Planning Act 1971, in connection with an application for an established use certificate made on or after the date when they come into operation.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires–

"the 1971 Act" means the Town and Country Planning Act 1971;

"the 1984 regulations" means the Town and Country Planning (Control of Advertisements) Regulations 1984(c);

(a) 1980 c.65.

(b) 1971 c.78; section 88B was inserted by the Schedule to the Local Government and Planning (Amendment) Act 1981 (c.41).

(c) S.I. 1984/421.

"the General Development Order" means the Town and Country Planning General Development Order 1988(a);

"dwellinghouse" means a building or part of a building which is used as a single private dwellinghouse and for no other purpose;

"glasshouse" means a building which–

(a) has not less than three-quarters of its total external area comprised of glass or other translucent material;

(b) is designed for the production of flowers, fruit, vegetables, herbs or other horticultural produce; and

(c) is used, or is to be used, solely for the purposes of agriculture;

"outline planning permission" and "reserved matters" have the same meaning as in the General Development Order;

"use for residential purposes" means use as a dwellinghouse;

"use of land" includes use of land for the winning and working of minerals.

(2) Subject to paragraph (3) below, expressions used in these regulations have, unless the context otherwise requires, the meaning which they bear in the 1971 Act.

(3) Expressions used in regulation 11 and Schedule 2 have, unless the context otherwise requires, the meaning which they bear in the 1984 regulations.

(4) References in regulations 7(2)(d), 8(2)(f), 10(5) and 11(10)(e) and in paragraph 5(1) of Schedule 1 to particular provisions of these regulations shall be construed as including references to the corresponding provisions of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1981(b) and the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1983(c).

Fees for planning applications

3.—(1) Subject to regulations 4 to 9, where an application is made to a local planning authority for planning permission for the development of land or for the approval of reserved matters, a fee shall be paid to that authority.

(2) The fee payable in respect of the application shall be calculated in accordance with Schedule 1.

(3) The fee due in respect of an application shall (subject to paragraph 8(2) of Schedule 1) be paid to the local planning authority with whom the application is lodged and shall accompany the application.

(4) Where the local planning authority who receive the fee in accordance with paragraphs (1) to (3) are not the local planning authority who have to determine the application, they shall remit the fee to that authority at the same time as they forward the application to them.

(5) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

Exceptions

4.—(1) Regulation 3 shall not apply where the local planning authority to whom the application is made are satisfied that it relates solely to–

(a) the carrying out of operations for the alteration or extension of an existing dwellinghouse; or

(b) the carrying out of operations (other than the erection of a dwellinghouse) in the curtilage of an existing dwellinghouse,

for the purpose, in either case, of providing means of access to or within the dwellinghouse for a disabled person who is resident in, or is proposing to take up

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(a) S.I. 1988/1813.
(b) S.I. 1981/369.
(c) S.I. 1983/1674.

residence in, that dwellinghouse, or of providing facilities designed to secure his greater safety, health or comfort.

(2) Regulation 3 shall not apply where the local planning authority to whom the application is made are satisfied that it relates solely to the carrying out of operations for the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted (whether on payment or otherwise).

(3) In this regulation, "disabled person" means a person who is within any of the descriptions of persons to whom section 29 of the National Assistance Act 1948(a) applies.

5.—(1) Regulation 3 shall not apply where the local planning authority to whom the application is made are satisfied–

(a) that the application relates solely to development which is within one or more of the classes specified in Schedule 2 to the General Development Order; and

(b) that the permission granted by article 3 of that Order does not apply in respect of that development by reason of (and only by reason of)–

(i) a direction made under article 4 of that Order which is in force on the date when the application is made; or

(ii) the requirements of a condition imposed on a permission granted or deemed to be granted under Part III of the 1971 Act otherwise than by that Order.

(2) The reference in sub-paragraph (1)(a) to an application which relates to development which is within one or more of the classes specified in Schedule 2 to the General Development Order shall be construed as including an application for planning permission for the continuance of a use of land, or the retention of buildings or works, without compliance with a condition subject to which a previous planning permission has been granted, where the condition in question prohibits or limits the carrying out of any development which is within one or more of the said classes.

6. Regulation 3 shall not apply where the local planning authority to whom the application is made are satisfied–

(a) that the application relates solely to the use of a building or other land for a purpose of any class specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987(b); and

(b) that the existing use of that building or other land is for another purpose of the same class; and

(c) that the making of an application for planning permission in respect of the use to which the application relates is necessary by reason of (and only by reason of) the requirements of a condition imposed on a permission granted or deemed to be granted under Part III of the 1971 Act.

7.—(1) Where all the conditions set out in paragraph (2) are satisfied, regulation 3 shall not apply to–

(a) an application for planning permission which is made following the granting of planning permission for development which the local planning authority are satisfied is development of the same character or description as the development to which the application relates, on an application for planning permission made by or on behalf of the same applicant; or

(b) an application for approval of one or more reserved matters which is made following the granting of approval of details relating to the same reserved matters authorised by the same outline planning permission, on an application made by or on behalf of the same applicant.

(a) 1948 c.29.
(b) S.I. 1987/764.

(2) The conditions referred to in paragraph (1) are–

(a) that the application is made within 12 months of the date of the grant of planning permission or grant of approval of details of reserved matters, as the case may be;

(b) that the application relates–

(i) in the case of an application for planning permission, to the same site as that to which the grant of planning permission related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or

(ii) in the case of an application for approval of reserved matters, to the same site as that in respect of which the approval was granted, or to part of that site (and no other land);

(c) in the case of an application for planning permission which is not made in outline, that the planning permission which has been granted is not an outline planning permission;

(d) that no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted from regulation 3 by this regulation.

8.—(1) Where all the conditions set out in paragraph (2) are satisfied, regulation 3 shall not apply to–

(a) an application for planning permission which is made following the withdrawal (before notice of decision was issued) of an application for planning permission made by or on behalf of the same applicant;

(b) an application for planning permission which is made following the refusal of planning permission (whether by the local planning authority or by the Secretary of State on appeal or following the reference of the application to him for determination) on an application for planning permission made by or on behalf of the same applicant;

(c) an application for planning permission which is made following the making of an appeal to the Secretary of State under section 37 of the 1971 Act (appeal in default of planning decision) in relation to an application for planning permission made by or on behalf of the same applicant;

(d) an application for approval of one or more reserved matters which is made following the withdrawal (before notice of decision was issued) of an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters authorised by the same outline planning permission;

(e) an application for approval of one or more reserved matters which is made following the refusal (whether by the local planning authority or by the Secretary of State on appeal or following the reference of the application to him for determination) to approve details relating to the same reserved matters which were submitted in an application made by or on behalf of the same applicant and in relation to the same outline planning permission; or

(f) an application for approval of one or more reserved matters which is made following the making of an appeal to the Secretary of State under section 37 of the 1971 Act in relation to an application made by or on behalf of the same applicant for approval of details relating to the same reserved matters authorised by the same outline planning permission.

(2) The conditions referred to in paragraph (1) are–

(a) that the application is made within 12 months of–

(i) the date when the earlier application was made, in the case of a withdrawn application;

(ii) the date when (by virtue of the relevant provisions of the General

Development Order) the period for the giving of notice of a decision on the earlier application expired, in the case of an application which is made following an appeal under section 37 of the 1971 Act; or

(iii) the date of the refusal, in any other case;

(b) that the application relates–

(i) in the case of an application for planning permission, to the same site as that to which the earlier application related, or to part of that site, and to no other land except land included solely for the purpose of providing a different means of access to the site; or

(ii) in the case of an application for approval of reserved matters, to the same site as that to which the earlier application related, or to part of that site (and no other land);

(c) in the case of an application for planning permission, that the local planning authority to whom the application is made are satisfied that it relates to development of the same character or description as the development to which the earlier application related (and to no other development);

(d) in the case of an application for planning permission which is not made in outline, that the earlier application was also not made in outline;

(e) that the fee payable in respect of the earlier application was paid; and

(f) that no application made by or on behalf of the same applicant in relation to the whole or any part of the site has already been exempted from regulation 3 by this regulation.

9. Regulation 3 shall not apply to impose a fee in relation to an application to a local planning authority for permission to carry out development consisting of the winning and working of minerals where the application–

(a) is for a permission which consolidates two or more subsisting permissions; and

(b) does not seek permission for development which is not authorised by a subsisting permission.

Fees for deemed applications

10.—(1) Subject to paragraphs (3), (5) and (6), a fee shall be paid to the Secretary of State in every case where an application for planning permission is deemed to have been made–

(a) by virtue of section 88B(3) of the 1971 Act (in consequence of an appeal under section 88 of the 1971 Act against an enforcement notice); or

(b) by virtue of section 95(6) of the 1971 Act (in consequence of an appeal under section 95(2) against a decision of a local planning authority on an application for an established use certificate, or in consequence of an application for an established use certificate which has been referred to the Secretary of State under section 95(1)).

(2) Subject to paragraph (14) and regulation 12(2), the fee payable in respect of a deemed application shall be calculated in accordance with Schedule 1.

(3) In the case of an application deemed to have been made by virtue of section 88B(3) of the 1971 Act, a fee shall be paid in respect of that deemed application by every person who has made a valid appeal against the relevant enforcement notice and whose appeal has not been withdrawn before the date on which the Secretary of State issues a notice under paragraph (4).

(4) The fee due in respect of a deemed application shall be paid at such time as the Secretary of State may in the particular case specify by notice in writing to the appellant or applicant.

(5) In the case of an application deemed to have been made by virtue of section 88(B)(3) of the 1971 Act, this regulation shall not apply where the person who has appealed against the relevant enforcement notice had–

(a) before the date when the notice was issued, made an application to the local planning authority for planning permission for the development to which the relevant enforcement notice relates (and had paid to the authority the fee payable in respect of that application); or

(b) before the date specified in the notice as the date on which the notice is to take effect, made an appeal to the Secretary of State against the refusal of the local planning authority to grant such permission,

and at the date when the relevant enforcement notice was issued that application or, in the case of an appeal made before that date, that appeal, had not been determined.

(6) In the case of an application deemed to have been made by virtue of section 95(6) of the 1971 Act, this regulation shall not apply in any case where—

(a) the relevant application or appeal has been withdrawn; or

(b) the applicant or appellant has been informed that the Secretary of State declines jurisdiction on his application or appeal,

before the Secretary of State issues a notice under paragraph (4).

(7) Regulations 4, 5 and 6 shall apply to a deemed application as they apply to an application for planning permission made to the local planning authority, with the following modifications–

(a) references to the local planning authority to whom the application is made shall be construed as references to the Secretary of State; and

(b) references to the development to which the application relates shall be construed as references to the use of land or the operations to which the relevant enforcement notice relates, or to the use of land in respect of which the relevant application for an established use certificate was made, as the case may be.

(8) In the case of an application deemed to have been made by virtue of section 88B(3) of the 1971 Act, in the event that the Secretary of State–

(a) declines jurisdiction on the relevant appeal under section 88(a) of the 1971 Act on the grounds that it does not comply with one or more of the requirements of subsections (1) to (3) of that section;

(b) dismisses the relevant appeal in exercise of the powers contained in section 88(6)(a) of the 1971 Act (on the grounds that the appellant has failed to comply with subsection (4) of that section); or

(c) allows the relevant appeal and quashes the relevant enforcement notice in exercise of the powers contained in section 88(6)(b) of the 1971 Act (on the grounds that the local planning authority have failed to comply with a requirement of any regulations made under subsection (5) of that section),

any fee paid in respect of the deemed application shall be refunded to the appellant by the Secretary of State.

(9)(a) In the event of the relevant appeal under section 88 or 95 of the 1971 Act, or the relevant application which has been referred to the Secretary of State under section 95(1) of that Act, being withdrawn with the result that there are at least 21 days between the date of withdrawal and–

(i) the date (or in the event of postponement, the latest date) appointed for the holding of an inquiry into that appeal or application; or

(ii) in the case of an appeal or application which is being dealt with by way of written representations, the date (or in the event of postponement, the latest date) appointed for the inspection of the site to which the enforcement notice or the application for an established use certificate relates,

any fee paid in respect of the deemed application shall be refunded to the appellant or the applicant by the Secretary of State.

(a) Section 88 was substituted by the Schedule to the Local Government and Planning (Amendment) Act 1981 (c.41).

(b) For the purpose of this paragraph an application or appeal shall be treated as being withdrawn on the date on which notice in writing of the withdrawal is received by the Secretary of State.

(10) The reference in paragraph (9) above to an appeal or application being dealt with by way of written representations shall be construed as a reference to an appeal or application in respect of which neither the appellant or applicant (as the case may be) nor the local planning authority has asked for an opportunity of appearing before and being heard by a person appointed by the Secretary of State and in respect of which no local inquiry is to be held under section 282 of, or Schedule 9 to, the 1971 Act.

(11) In the case of an application which is deemed to have been made by virtue of section 88B(3) of the 1971 Act, any fee paid by an appellant shall be refunded to him by the Secretary of State in the event of the local planning authority withdrawing the relevant enforcement notice before it takes effect or if the Secretary of State decides that the enforcement notice is a nullity.

(12) Save in the case of an application deemed to have been made in connection with an enforcement notice alleging a breach of planning control by the use of land as a caravan site, the fee paid by the appellant in respect of an application deemed to have been made by virtue of section 88B(3) of the 1971 Act shall be refunded to him by the Secretary of State in the event of the Secretary of State allowing the appeal against the relevant enforcement notice on–

(a) grounds set out in section 88(2) (b) to (f) of the 1971 Act; or

(b) the ground that the notice is invalid, or that it contains an informality, defect or error which cannot be corrected in pursuance of his powers under section 88A(2)(a) of the 1971 Act.

(13) In the case of an application which is deemed to have been made by virtue of section 95(6) of the 1971 Act, the fee paid by the applicant or appellant shall be refunded to him by the Secretary of State in the event of the Secretary of State granting him an established use certificate, or modifying the certificate granted by the local planning authority on the application, in pursuance of the provisions of section 95(1) or section 95(2)(a) of the 1971 Act, or determining that he has no power to grant planning permission under section 95(3) of the 1971 Act (whether because there is no subsisting use of the land in relation to which he may grant planning permission or for any other reason).

(14)(a) In the case of an application which is deemed to have been made by virtue of section 88B(3) of the 1971 Act where–

(i) an enforcement notice is varied under section 88A otherwise than to take account of a grant of planning permission under section 88B; and

(ii) the fee calculated in accordance with Schedule 1 would have been a lesser amount if the original notice had been in the terms of the varied notice,

the fee payable shall be that lesser amount and any excess amount already paid shall be refunded.

(b) In determining a fee under sub-paragraph (a) no account shall be taken of any change in fees which takes effect after the making of the deemed application.

Fees for applications for consent for advertisements

11.—(1) Where an application is made to a local planning authority under regulation 17 of the 1984 regulations for consent for the display of an advertisement, a fee shall be paid to that authority in accordance with this regulation.

(2) Where the application relates to the display of one advertisement only the fee payable in respect of the application shall be the amount specified in the table in Schedule 2 for the appropriate category.

(3) Where the application relates to the display of more than one advertisement on the same site a single fee shall be payable in respect of all of the advertisements to be displayed on that site and listed in the application and–

(a) Section 88A was inserted by the Schedule to the Local Government and Planning (Amendment) Act 1981 (c.41).

(a) if all of the advertisements are within the same category the fee payable shall be the amount specified for that category;

(b) if all of the advertisements are within categories 1 and 2 the fee payable shall be the amount specified for category 1;

(c) if one or more of the advertisements is within category 3 the fee payable shall be the amount specified for category 3.

(4) Where the application relates to the display of advertisements on parking meters, litter bins or bus shelters within a specified area, the whole of the area to which the application relates shall be treated as one site for the purpose of this regulation.

(5) Where the application relates to the display of advertisements on more than one site, the fee payable in respect of the application shall be the aggregate of the sums payable in respect of the display of advertisements on each such site.

(6) Where the application is made by or on behalf of a parish council or community council, the fee payable in respect of the application shall be one-half of the amount appropriate to the display of the advertisement to which the application relates.

(7) The fee due in respect of an application shall be paid to the local planning authority with whom the application is lodged and shall accompany the application.

(8) In the case of an application made in relation to a site within a National Park, the amount of fee shall be remitted to the county planning authority when the application is forwarded to that authority for determination.

(9) Where all of the conditions set out in paragraph (10) are satisfied, this regulation shall not apply to–

(a) an application which is made following the withdrawal (before notice of decision was issued) of an application made by or on behalf of the same person; or

(b) an application which is made following the refusal of consent (whether by the local planning authority or by the Secretary of State on appeal) for the display of advertisements on an application made by or on behalf of the same person.

(10) The conditions referred to in paragraph (9) are–

(a) that the application is made within 12 months of–

(i) the date when the earlier application was made, in the case of a withdrawn application; or

(ii) in any other case, the date of refusal;

(b) that the application relates to the same site as that to which the earlier application related, or to part of that site;

(c) that the local planning authority to whom the application is made are satisfied that it relates to an advertisement, or advertisements, of the same description as the advertisement or advertisements to which the earlier application related;

(d) that the fee payable in respect of the earlier application was paid; and

(e) that no previous application has at any time been made by or on behalf of the same applicant which related to–

(i) the same site as the site to which the earlier application related; and

(ii) an advertisement of the same description as the advertisement (or any of the advertisements) to which the earlier application related,

and which was exempted from the provisions of this regulation by paragraph (9).

(11) No fee is payable under this regulation in respect of an application for consent to display an advertisement if the application is occasioned by a direction under regulation 15 of the 1984 regulations disapplying regulation 14 in relation to the advertisement in question.

(12) Any fee paid pursuant to this regulation shall be refunded if the relevant application is rejected as invalidly made.

Revocation

12.—(1) Subject to paragraph (2), the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1983(**a**), the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1985(**b**) and the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1987(**c**) are hereby revoked.

(2) The regulations referred to in paragraph (1) shall continue to apply to applications for planning permission deemed to have been made by virtue of section 88B(3) or section 95(6) of the 1971 Act in connection with an enforcement notice issued or, as the case may be, an application for an established use certificate made before the date when these regulations come into force.

1989 Secretary of State for the Environment

1989 Secretary of State for Wales

SCHEDULE 1

FEES IN RESPECT OF APPLICATIONS AND DEEMED APPLICATIONS FOR PLANNING PERMISSION OR FOR APPROVAL OF RESERVED MATTERS

PART 1

GENERAL PROVISIONS

1.—(1) Subject to paragraphs 3 to 11, the fee payable under regulation 3 or regulation 10 shall be calculated in accordance with the table set out in Part II of this Schedule and paragraphs 2 and 12 to 16.

(2) In the case of an application for approval of reserved matters, references in this Schedule to the category of development to which an application relates shall be construed as references to the category of development authorised by the relevant outline planning permission.

2. Where an application or deemed application relates to the retention of buildings or works or to the continuance of a use of land, the fee payable shall be calculated as if the application or deemed application were one for planning permission to construct or carry out those buildings or works or to institute that use.

3. Where an application or deemed application is made or deemed to be made by or on behalf of a parish council or by or on behalf of a community council, the fee payable shall be one-half of the amount as would otherwise be payable.

4.—(1) Where an application or deemed application is made or deemed to be made by or on behalf of a club, society or other organisation (including any persons administering a trust) which

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(**a**) S.I. 1983/1674.
(**b**) S.I. 1985/1182.
(**c**) S.I. 1987/101.

is not established or conducted for profit and whose objects are the provision of facilities for sport or recreation, and the conditions specified in sub-paragraph (2) are satisfied, the fee payable shall be £76.

(2) The conditions referred to in sub-paragraph (1) are–

(a) that the application or deemed application relates to–

(i) the making of a material change in the use of land to use as a playing field; or

(ii) the carrying out of operations (other than the erection of a building containing floor space) for purposes ancillary to the use of land as a playing field, and to no other development; and

(b) that the local planning authority with whom the application is lodged, or (in the case of a deemed application) the Secretary of State, is satisfied that the development is to be carried out on land which is, or is intended to be, occupied by the club, society or organisation and used wholly or mainly for the carrying out of its objects.

5.—(1) Where an application for planning permission or an application for approval of reserved matters is made not more than 28 days after the lodging with the local planning authority of an application for planning permission or, as the case may be, an application for approval of reserved matters–

(a) made by or on behalf of the same applicant;

(b) relating to the same site; and

(c) relating to the same development or, in the case of an application for approval of reserved matters, relating to the same reserved matters in respect of the same building or buildings authorised by the same outline planning permission,

and a fee of the full amount payable in respect of the category or categories of development to which the applications relate has been paid in respect of the earlier application, the fee payable in respect of the later application shall, subject to sub-paragraph (2), be one-quarter of the amount paid in respect of the earlier application.

(2) Sub-paragraph (1) shall apply only in respect of one application made by or on behalf of the same applicant in relation to the same development or in relation to the same reserved matters (as the case may be).

6.—(1) This paragraph applies where–

(a) an application is made for approval of one or more reserved matters ("the current application"); and

(b) the applicant has previously applied for such approval under the same outline planning permission and paid fees in relation to one or more such applications; and

(c) no application has been made under that permission other than by or on behalf of the applicant.

(2) Where the amount paid as mentioned in sub-paragraph (1)(b) is not less than the amount which would be payable if the applicant were by his current application seeking approval of all the matters reserved by the outline permission (and in relation to the whole of the development authorised by the permission), the fee payable in respect of the current application shall be £76.

(3) Where–

(a) a fee has been paid as mentioned in sub-paragraph (1)(b) at a rate lower than that prevailing at the date of the current application; and

(b) sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date,

the fee in respect of the current application shall be the amount specified in sub-paragraph (2).

7. Where application is made pursuant to section 31A of the 1971 Act the fee payable in respect of the application shall be £38.

8.—(1) This paragraph applies where applications are made for planning permission or for the approval of reserved matters in respect of the development of land lying in the areas of–

(a) two or more local planning authorities in a metropolitan county or in Greater London; or

(b) two or more district planning authorities in a non-metropolitan county; or

(c) one or more such local planning authorities and one or more such district planning authorities.

(2) A fee shall be payable only to the local planning authority or district planning authority in whose area the largest part of the relevant land is situated and the amount payable shall not exceed–

(a) where the applications relate wholly or partly to a county matter within the meaning of paragraph 32 of Schedule 16 to the Local Government Act 1972(a), and all the land is situated in a single non-metropolitan county, the amount which would have been payable if application had fallen to be made to one authority in relation to the whole development;

(b) in any other case, one and a half times the amount which would have been payable if application had fallen to be made to a single authority.

9.—(1) This paragraph applies where application for planning permission is deemed to have been made by virtue of section 88B(3) of the 1971 Act in respect of such land as is mentioned in paragraph 8(1).

(2) The fee payable to the Secretary of State shall be the amount which would be payable by virtue of paragraph 8(2) if application for the like permission had been made to the relevant local or district planning authority on the date on which notice of appeal was given in accordance with section 88(3) of the 1971 Act.

10.—(1) Where–

(a) application for planning permission is made in respect of two or more alternative proposals for the development of the same land; or

(b) application for approval of reserved matters is made in respect of two or more alternative proposals for the carrying out of the development authorised by an outline planning permission,

and application is made in respect of all of the alternative proposals on the same date and by or on behalf of the same applicant, a single fee shall be payable in respect of all such alternative proposals, calculated as provided in sub-paragraph (2).

(2) Calculations shall be made, in accordance with this Schedule, of the fee appropriate to each of the alternative proposals and the single fee payable in respect of all the alternative proposals shall be the sum of–

(a) an amount equal to the highest of the amounts calculated in respect of each of the alternative proposals; and

(b) an amount calculated by adding together the amounts appropriate to all of the alternative proposals, other than the amount referred to in sub-paragraph (i), and dividing that total by the figure of 2.

11. In the case of an application for planning permission which is deemed to have been made by virtue of section 95(6) of the 1971 Act, the fee payable shall be the sum of £76.

12. Where, in respect of any category of development specified in the table set out in Part II of this Schedule, the fee is to be calculated by reference to the site area–

(a) that area shall be taken as consisting of the area of land to which the application relates or, in the case of an application for planning permission which is deemed to have been made by virtue of section 88B(3) of the 1971 Act, the area of land to which the relevant enforcement notice relates; and

(b) where the area referred to in sub-paragraph (a) above is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated as a complete unit.

13.—(1) In relation to development within any of the categories 2 to 4 specified in the table in Part II of this Schedule, the area of gross floor space to be created by the development shall be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

(2) In relation to development within category 2 specified in the said table, where the area of gross floor space to be created by the development exceeds 75 sq metres and is not an exact multiple of 75 sq metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 shall be treated as being 75 sq metres.

(a) 1972 c.70; relevant amendments are made by section 86 of the Local Government, Planning and Land Act 1980 (c.65).

(3) In relation to development within category 3 specified in the said table, where the area of gross floor space exceeds 540 sq metres and the amount of the excess is not an exact multiple of 75 sq metres, the area remaining after division of the number of square metres of that excess area of gross floor space by the figure of 75 shall be treated as being 75 sq metres.

14.—(1) Where an application (other than an outline application) or a deemed application relates to development which is in part within category 1 in the table set out in Part II of this Schedule and in part within category 2, 3 or 4, the following sub-paragraphs shall apply for the purpose of calculating the fee payable in respect of the application or deemed application.

(2) An assessment shall be made of the total amount of gross floor space which is to be created by that part of the development which is within category 2, 3 or 4 ("the non-residential floor space"), and the sum payable in respect of the non-residential floor space to be created by the development shall be added to the sum payable in respect of that part of the development which is within category 1 and, subject to subparagraph (4), the sum so calculated shall be the fee payable in respect of the application or deemed application.

(3) For the purpose of calculating the fee payable under sub-paragraph (2)–

(a) where any of the buildings is to contain floor space which it is proposed to use for the purposes of providing common access or common services or facilities for persons occupying or using that building for residential purposes and for persons occupying or using it for non-residential purposes ("common floor space"), the amount of non-residential floor space shall be assessed, in relation to that building, as including such proportion of the common floor space as the amount of non-residential floor space in the building bears to the total amount of gross floor space in the building to be created by the development;

(b) where the development falls within more than one of categories 2, 3 and 4 an amount shall be calculated in accordance with each such category and the highest amount so calculated shall be taken as the sum payable in respect of all of the non-residential floor space.

(4) Where an application or deemed application to which this paragraph applies relates to development which is also within one or more than one of categories 5 to 13 in the table set out in Part II of this Schedule, an amount shall be calculated in accordance with each such category and if any of the amounts so calculated exceeds the amount calculated in accordance with sub-paragraph (2) that higher amount shall be the fee payable in respect of all of the development to which the application or deemed application relates.

15.—(1) Subject to paragraph 14 and sub-paragraph (2), where an application or deemed application relates to development which is within more than one of the categories specified in the table set out in Part II of this Schedule–

(a) an amount shall be calculated in accordance with each such category; and

(b) the highest amount so calculated shall be the fee payable in respect of the application or deemed application.

(2) Where an application is for outline planning permission and relates to development which is within more than one of the categories specified in the said table, the fee payable in respect of the application shall be £76 for each 0.1 hectares of the site area, subject to a maximum of £1,900.

16. In the case of an application for planning permission which is deemed to have been made by virtue of section 88B(3) of the 1971 Act, references in this Schedule to the development to which an application relates shall be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates; references to the amount of floor space or the number of dwellinghouses to be created by the development shall be construed as references to the amount of floor space or the number of dwellinghouses to which that enforcement notice relates; and references to the purposes for which it is proposed that floor space be used shall be construed as references to the purposes for which floor space was stated to be used in the enforcement notice.

PART II

SCALE OF FEES

Category of development	*Fee payable*
I. Operations	
1. The erection of dwellinghouses (other than development within category 6 below).	(a) Where the application is for outline planning permission, £76 for each 0.1 hectare of the site area, subject to a maximum of £1,900; (b) in other cases, £76 for each dwellinghouse to be created by the development, subject to a maximum of £3,800.
2. The erection of buildings (other than buildings coming within categories 1, 3, 4, 5 or 7).	(a) Where the application is for outline planning permission, £76 for each 0.1 hectare of the site area, subject to a maximum of £1,900; (b) in other cases– (i) where no floor space is to be created by the development, £38; (ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £38; (iii) where the area of gross floor space to be created by the development exceeds 40 sq metres but does not exceed 75 sq metres, £76; and (iv) where the area of gross floor space to be created by the development exceeds 75 sq metres, £76 for each 75 sq metres, subject to a maximum of £3,800.
3. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings coming within category 4).	(a) Where the application is for outline planning permission, £76 for each 0.1 hectare of the site area, subject to a maximum of £1,900; (b) in other cases– (i) where the area of gross floor space to be created by the development does not exceed 465 sq metres, nil; (ii) where the area of gross floor space to be created by the development exceeds 465 sq metres but does not exceed 540 sq metres, £76; (iii) where the area of gross floor space to be created by the development exceeds 540 sq metres, £76 for the first 540 sq metres and £76 for each 75 sq metres in excess of that figure, subject to a maximum of £3,800.
4. The erection of glasshouses on land used for the purposes of agriculture.	(a) Where the area of gross floor space to be created by the development does not exceed 465 sq metres, nil; (b) where the area of gross floor space to be created by the development exceeds 465 sq metres, £450.

SCHEDULE 1: Part 2—*continued*

Category of development	*Fee payable*
5. The erection, alteration or replacement of plant or machinery.	£76 for each 0.1 hectare of the site area, subject to a maximum of £3,800.
6. The enlargement, improvement or other alteration of existing dwellinghouses.	(a) Where the application relates to one dwellinghouse, £38; (b) where the application relates to 2 or more dwellinghouses, £76.
7. (a) The carrying out of operations (including the erection of a building) within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or (b) the construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£38.
8. The carrying out of any operations connected with exploratory drilling for oil or natural gas.	£76 for each 0.1 hectare of the site area, subject to a maximum of £5,700.
9. The carrying out of any operations not coming within any of the above categories.	£38 for each 0.1 hectare of the site area, subject to a maximum of– (a) in the case of operations for the winning and working of minerals, £5,700; (b) in other cases, £380.
II. Uses of Land	
10. The change of use of a building to use as one or more separate dwellinghouses.	(a) Where the change is from a previous use as a single dwellinghouse to use as two or more single dwellinghouses, £76 for each additional dwellinghouse to be created by the development, subject to a maximum of £3,800; (b) in other cases, £76 for each dwellinghouse to be created by the development, subject to a maximum of £3,800.
11. (a) The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land; or (b) the use of land for the storage of minerals in the open.	£38 for each 0.1 hectare of the site area, subject to a maximum of £5,700.
12. The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories).	£76.

Category of development	*Fee payable*
13. The continuance of a use of land, or the retention of buildings or works on land, without compliance with a condition subject to which a previous planning permission has been granted (including a condition requiring the discontinuance of the use or the removal of the building or works at the end of a specified period).	£38.

SCHEDULE 2

SCALE OF FEES IN RESPECT OF APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

Category of advertisement	*Fee Payable*
1. Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters– (a) the nature of the business or other activity carried on on the premises; (b) the goods sold or the services provided on the premises; or (c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.	£21
2. Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site.	£21
3. All other advertisements.	£76.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations consolidate, with amendments, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1983, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1985 and the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 1987. They make provision for the payment of fees to local planning authorities in respect of applications made under Part III of the Town and Country Planning Act 1971 for planning permission for development or for approval of matters reserved by an outline planning permission and in respect of applications for consent for the display of advertisements; and for the payment of fees to the Secretary of State in respect of applications for planning permission which are deemed to have been made, by virtue of the provisions of section 88B(3) or 95(6) of the Act of 1971, in connection with an appeal against an enforcement notice or in connection with an application for an established use certificate.

The main changes made by these Regulations are–

(a) all fees are increased by approximately 15%;

(b) the exception from fees for deemed applications is extended (regulation 10(5));

(c) a 21 day time limit is inserted in regulation 10(9) (repayment of fee on withdrawal of appeal under section 88 or 95 of the 1971 Act).

Some drafting amendments have also been made.

£2.60 net

ISBN 0 11 088645 3

Printed in the United Kingdom for Her Majesty's Stationery Office

850 WO2109 C25 12/88 452/3 4235 PS 8901375 883037F

Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

AGRICULTURE

The Set-Aside (Amendment) Regulations 1989

Made - - - -	*1989*
Coming into force -	*1989*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by the said section 2(2) and all other powers enabling them in that behalf, hereby make the following Regulations, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Set-Aside (Amendment) Regulations 1989 and shall come into force on the day after the day on which these Regulations are made.

Amendment of the Set-Aside Regulations 1988

2. The Set-Aside Regulations 1988(c) shall be amended in accordance with regulations 3 to 9 below.

3. In regulation 2(1) thereof (interpretation)–

(a) in the definition of "arable land" there shall be inserted at the end the words "or for rotational fallow";

(b) in the definition of "eligible person" the words "comprising arable land" shall be omitted;

(c) there shall be inserted after the definition of "eligible person" the following definition–

"grazing land" does not include land grazed by horses unless they are kept for food or use in the farming of land;";

(d) in the definition of "the set-aside area" the word "arable" shall be omitted;

(e) in the definition of "the set-aside obligations" there shall be inserted in paragraph (a) after the words "regulation 3" the words "or 12";

(f) there shall be substituted for the definition of "to set aside" the following definition–

"to set aside" means, in relation to land, to withdraw it from agricultural production;".

(a) S.I. 1972/1811.
(b) 1972 c.68.
(c) S.I. 1988/1352.

4. In regulation 3 thereof (aid for set-aside of arable land)–

(a) in paragraph (1) there shall be substituted for sub-paragraph (a) the following sub-paragraph–

"(a) to set aside on his holding an area of land which–

(i) is arable land or temporary grassland at the time the undertaking is given;

(ii) was arable land in the reference period; and

(iii) is equal in size to at least 20 per cent of the relevant arable land on that holding in the reference period but does not exceed an area equal in size to such relevant arable land; and";

(b) in paragraph (2)–

(i) in sub-paragraph (a) there shall be inserted after the words "arable land" (where they first occur) the words "or temporary grassland";

(ii) in sub-paragraph (b) there shall be inserted after the words "paragraph (1)(b)" the words "(ii) to (iv)";

(c) in paragraph (3)–

(i) there shall be inserted after the words "arable land" (where they first occur) the words "or temporary grassland";

(ii) in sub-paragraph (a) the word "arable" shall be omitted;

(iii) in sub-paragraph (b) there shall be inserted after the words "paragraph (1)(b)" the words "(ii) to (iv)";

(iv) in sub-paragraph (c) there shall be substituted for the words "the acquired arable land" the words "that acquired land".

5. In regulation 5(2) thereof (applications for aid) the word "arable" shall be omitted.

6. In regulation 11(1) thereof (change of use of set-aside land) there shall be inserted after the words "regulation 3(1)(b)" the words "(ii) to (iv)".

7. In regulation 12(2)(a) thereof (change of occupation) there shall be inserted after the words "arable land" the words "or temporary grassland".

8. In Schedule 1 thereto (arable crops)–

(a) there shall be inserted in List A at the end the following crops–

"Forage roots and tubers, except potatoes
Lucerne/alfalfa, except when grown as part of a grass mixture
Sainfoin, except when grown as part of a grass mixture
Clover, except when grown as part of a grass mixture
Lupins
Vetches, except when grown as part of a grass mixture
Fodder kale
Fodder rape
Fodder maize
Seed of a kind listed under the heading *Gramineae* (Grasses) in Schedule 1 to the Fodder Plant Seeds Regulations 1985(a) where the crop from which the seed is obtained has been the subject of an official examination within the meaning of those Regulations";

(b) there shall be omitted from List B the words from "Forage roots and tubers" to the end.

9. In Schedule 2 thereto (requirements relating to the management of set-aside land) there shall be inserted after paragraph 7 the following paragraph–

"**7A.** Notwithstanding the requirements in paragraphs 6 and 7 above, the appropriate Minister may authorise a beneficiary to apply an inorganic fertiliser to

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(a) S.I. 1985/975, amended by S.I. 1987/1092.

any land to which the requirements in this Schedule apply where he is satisfied that the land is located in an area normally used as a feeding-ground by over-wintering migratory geese. The beneficiary shall manage any land to which an inorganic fertiliser is applied pursuant to such authorisation in such a way as to provide a feeding-ground for such geese.".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1989.

Minister of Agriculture, Fisheries and Food

1989

Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Set-Aside Regulations 1988, implementing Title 01 of Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p. 1) on improving the efficiency of agricultural structures, as amended by Council Regulations (EEC) No. 1760/87 (OJ No. L167, 26.6.87, p. 1) and 1094/88 (OJ No. L106, 27.4.88, p. 28) as regards the set-aside of arable land, and Commission Regulation (EEC) No. 1272/88 (OJ No. L121, 11.5.88, p. 36), which laid down detailed rules for the set-aside of arable land.

The Regulations–

(a) add to the list of relevant arable crops (regulation 8);

(b) widen the definition of "arable land" to include rotational fallow (regulation 3(a));

(c) provide that temporary grassland may be set aside in certain circumstances (regulation 4), and make consequential amendments (regulations 3(b), (d) and (f), 5 and 7);

(d) provide that the area of land set aside and eligible for payments of aid must not exceed an area equal in size to the relevant arable land on the holding in the reference period (regulation 4(a));

(e) insert a definition of "grazing land" (regulation 3(c));

(f) enable the appropriate Minister to authorise the application of inorganic fertilisers on set-aside land in certain circumstances (regulation 9);

(g) make some minor drafting amendments (regulations 3(e), 4 and 6).

Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

AGRICULTURE

The Set-Aside (Amendment) Regulations 1989

90p net

ISBN 0 11 098555 9

Printed in the United Kingdom for Her Majesty's Stationery Office

845 WO815 C14 6/89 452/3 4235 46378 891528G

Draft Order laid before Parliament under section 1(2) of the Sea Fisheries Regulation Act 1966 on 19 January 1989; draft to lie for forty days pursuant to section 6(1) of the Statutory Instruments Act 1946, during which period either House of Parliament may resolve that the Order be not made.

DRAFT STATUTORY INSTRUMENTS

1989 No.

SEA FISHERIES

The Southern Sea Fisheries District Order 1989

Made - - - -	*1989*
Coming into force	*1989*

The Minister of Agriculture, Fisheries and Food, on the application of the local fisheries committee for the Southern Sea Fisheries District and after consultation with every council concerned, in the exercise of the powers conferred by sections 1, 2(1) and (5) and 18(1) of the Sea Fisheries Regulation Act 1966(a), and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has lain before Parliament for forty days prior to its being made:–

Title, commencement and interpretation

1.—(1) This Order may be cited as the Southern Sea Fisheries District Order 1989 and shall come into force the day after the day on which it is made.

(2) In this Order –

"the Act" means the Sea Fisheries Regulation Act 1966;

"the quadrennial period" means the period of four years beginning on 1st July 1989 and every fourth anniversary of that day.

Sea Fisheries District

2.—(1) There shall continue to be a sea fisheries district comprising so much of the sea within the national waters of the United Kingdom adjacent to England and so much of the sea within three nautical miles from the baselines from which the breadth of the territorial sea of the United Kingdom adjacent to England is measured, with the adjoining coast, as lies within the following limits, namely, on the east, a line drawn along the western side of the road-bridge leading from Langston to Hayling Island in the county of Hampshire and continued from the southern extremity of the said bridge straight to the flagstaff of the Hayling Island coastguard station, and thence seawards in a true southerly direction, being the western boundary of the Sussex Sea Fisheries District; and on the west, a line drawn true south from the seaward extremity of the boundary between the counties of Dorset and Devon near Lyme Regis, being the eastern boundary of the Devon Sea Fisheries District.

(2) Save as provided in article 2(3) below, the sea fisheries district shall not extend above a line drawn at or near the mouth of every river or stream flowing into the sea or into any estuary, or of any estuary within the limits of the said district, as follows:–

(a) 1966 c.38, amended by the Local Government Act 1985 (c.51), section 16 and Schedule 8, paragraph 19.

A line at or near the mouth of the River Avon drawn true south-east from the south-easternmost corner of Haven House Inn, Mudeford Quay near Christchurch to a point distant two thousand feet therefrom, thence continued straight in a north-easterly direction to a point true south of, and distant two thousand feet from, the south-westernmost corner of the building known as Highcliffe Castle, and thence continued straight to such south-westernmost corner;

A line at or near the mouth of the River Trent or Piddle across the said river, along the eastern side of the road-bridge leading from Wareham to Wareham Railway Station;

A line at or near the mouth of the River Frome across the said river, along the eastern side of the road-bridge leading from Wareham to Stoborough;

A straight line at or near the mouth of the River Wey from the seaward extremity of the outer pier or breakwater at the mouth of the Nothe to the seaward extremity of the Pile Pier;

A straight line across every such river or stream not herein before specified, such line being drawn at the limit of ordinary high water.

(3) The sea fisheries district shall extend north of a line from Hill Head to Stansore Point to include the port of Southampton as defined in section 5 of the Southampton Harbour Act 1887(a) (except that for the purposes of this Order the port shall include the River Hamble above Bursledon bridge so far as it is tidal) and shall include such part of the area of the sea known as "The Fleet" as extends from Portland Harbour to the eastern boundary of the parish of Abbotsbury, being the boundary of that parish for the purposes of the Local Government Act 1972(b), at the date of the making of this Order.

(4) In respect of such rivers, streams and estuaries above the lines beyond which the sea fisheries district does not extend the South West Water Authority, the Southern Water Authority and the Wessex Water Authority shall each within their respective areas have the powers of a local fisheries committee.

(5) The sea fisheries district shall continue to be known as the outhern Sea Fisheries District.

Local Fisheries Committee

3.—(1) There shall continue to be a local fisheries committee constituted for the regulation of the sea fisheries carried on within the Southern Sea Fisheries District.

(2) The Committee shall be a joint committee of the Councils referred to in column 1 of Schedule 1 to this order and shall consist of twenty members. The number of members appointed by each constituent Council shall be the number which is set out in column 2 of that Schedule opposite the reference to such Council. Eight additional members shall be appointed by the Minister of Agriculture, Fisheries and Food and one additional member each by the Southern Water Authority and the Wessex Water Authority.

(3) Subject to paragraph (5) of this article the persons who were members of the Committee immediately before the coming into force of this Order shall continue to hold office until the end of June 1989. After that date the members shall come into office on the day specified in the instrument appointing them and shall hold office until the end of the quadrennial period in which that day falls.

(4) Retiring members shall be eligible for re-appointment.

(5) Where for any reason whatsoever there occurs a casual vacancy in the Committee, the body by whom the vacating member was appointed may fill the vacancy by the appointment of a new member. It shall be the duty of the Clerk of the Committee forthwith to notify every such vacancy to the appointing body.

(a) 1887 c.lii. (b) 1972 c.70.

(6) No act or proceeding of the Committee shall be questioned on account of any vacancy in the Committee, and no defect in the appointment of any person acting as a member of the Committee shall vitiate any proceedings of the Committee in which he has taken part.

(7) No Council shall make, vary or revoke any regulation or standing order respecting the quorum or proceedings of the Committee or as to the area within which it is to exercise its authority, except that any Council may make a regulation requiring the Committee to submit to such Council once in each year an estimate of expenses proposed to be incurred by it under the Act, and once in each year an abstract of its accounts for the preceding year, and to afford to any person appointed for the purpose by the Council access at all reasonable times to the books containing its accounts.

(8) Subject to any restriction or condition made under section 10 of the Act, the Committee shall not be required to report its proceedings to any Council, nor shall its acts or proceedings be submitted to any Council for approval.

(9) The Committee shall hold four quarterly meetings in each year for the transaction of general business, in addition to any special or adjourned meetings.

(10) Five members shall be a quorum at any meeting of the Committee.

(11) The Committee may from time to time appoint a sub-committee or sub-committees and may assign to such sub-committee or sub-committees such duties as it may from time to time determine.

Expenses

4. The expenses of the Committee shall be chargeable to the constituent Councils in the respective proportions set out in column 3 of Schedule 1 to this Order opposite the reference to each constituent Council and the precepts which the Committee shall from time to time issue to the several Councils for the sums required to defray their estimated or actual expenditure shall be calculated accordingly and such sums shall be expenses for general county purposes.

Revocation

5. The Orders specified in Schedule 2 to this Order are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1989.

Minister of Agriculture, Fisheries and Food

SCHEDULE 1

Articles 3 and 4

CONSTITUTION AND EXPENSES

Column 1	Column 2	Column 3
Constituent Councils	Number of Representatives	Proportion of Expenses (per cent)
Dorset County Council	4	40
Hampshire County Council	4	40
Isle of Wight County Council	2	20

SCHEDULE 2

Article 5

ORDERS REVOKED

Order	References
The Order made by the Board of Trade on 26 August 1889 which conferred the powers of a local fisheries committee on the Southampton Harbour Board	SR & O 1889 of the 26 August
The Order made by the Board of Trade on 7 June 1893 which created the Southern Sea Fisheries District and constituted a local fisheries committee for the regulation of the sea fisheries within that district	SR & O 1893/247
The Order made by the Board of Agriculture and Fisheries on 30 January 1904 which varied the Order made on 7 June 1893	SR & O 1904/325
Southern Sea Fisheries District (Extension of District) Order 1954	SI 1955/77
Southern Sea Fisheries District (Expenses) Order 1959	SI 1959/679
Southern Sea Fisheries District (Constitution of Committee and Expenses) (Variation) Order 1973	SI 1973/2202
Southern Sea Fisheries District (Variation) Order 1978	SI 1978/1715

EXPLANATORY NOTE

(This note is not part of the Order)

This Order which re-enacts with amendments an Order made by the Board of Trade on 7 June 1893 as amended makes new provision for the composition of the Southern Sea Fisheries District and for the ratio in which expenses are to be borne by the constituent Councils in consequence of the inclusion of Southampton Water in the Sea Fisheries District.

£1.30 net

ISBN 0 11 098505 2

Printed in the United Kingdom for Her Majesty's Stationery Office

845 WO66 C10 1/89 452 7102 PS8250671

Draft Order laid before Parliament under section 12(6) of the Industrial Training Act 1982 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

INDUSTRIAL TRAINING

The Industrial Training Levy (Engineering Board) Order 1989

Made - - - - *1989*

Coming into force on the fourteenth day after the day on which it is made.

Whereas proposals made by the Engineering Industry Training Board for the raising and collection of a levy have been submitted to, and approved by, the Training Commission under section 11(1) of the Industrial Training Act 1982 (a) ("the 1982 Act") and thereafter submitted by the said Commission to the Secretary of State under that subsection;

And whereas in pursuance of section 11(3) of the 1982 Act the said proposals include provision for the exemption from the levy of employers who, in view of the small number of their employees, ought in the opinion of the Secretary of State to be exempted from it;

And whereas the Secretary of State is satisfied that proposals made in pursuance of section 11(4)(a) of the 1982 Act and falling within section 11(5)(a) of the said Act ("the relevant proposals") are necessary as mentioned in the said section 11(5), and that the condition mentioned in section 11(6)(a) of the 1982 Act is satisfied in the case of the relevant proposals;

And whereas the Secretary of State considers that the amount which, disregarding any exemption, will be payable by virtue of the following Order by certain employers in the engineering industry and which he estimates will exceed an amount which he estimates as equal to one per cent. of relevant emoluments, is appropriate in all the circumstances, and the following Order therefore falls within section 11(7)(b) of the Act;

And whereas a draft of the following Order was laid before Parliament in accordance with section 12(6) of the 1982 Act and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 11(2), 12(3) and (4) of the 1982 Act and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Industrial Training Levy (Engineering Board) Order 1989 and shall come into force on the fourteenth day after the day on which it is made.

(a) 1982 c.10.

Interpretation

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

(a) "agriculture" has the same meaning as in section 109(3) of the Agriculture Act 1947(**a**) or, in relation to Scotland, as in section 86(3) of the Agriculture (Scotland) Act 1948(**b**);

(b) "assessment" means an assessment of an employer to the levy;

(c) "the Board" means the Engineering Industry Training Board;

(d) "business" means any activities of industry or commerce;

(e) "charity" has the same meaning as in section 360 of the Income and Corporation Taxes Act 1970(**c**);

(f) "the twenty-fifth base period" means the period of twelve months that commenced on 6th April 1988;

(g) "the twenty-fifth levy period" means the period commencing with the day upon which this Order comes into force and ending on 31st August 1989;

(h) "emoluments" means all emoluments assessable to income tax under Schedule E of the Income and Corporation Taxes Act 1970 (other than pensions), being emoluments from which tax under that Schedule is deductible, whether or not tax in fact falls to be deducted from any particular payment thereof and any emoluments or payments intended to be disbursed as emoluments payable under any agreement (whether or not a contract of service) for the preparation of engineering drawings in connection with engineering construction activities or under any labour-only agreement in respect of engineering construction activities;

(i) "employer" (except in Article 2(2) of this Order) means a person who is an employer in the engineering industry at any time in the twenty-fifth levy period;

(j) "engineering establishment" means an establishment in Great Britain engaged in the twenty-fifth base period wholly or mainly in the engineering industry for a total of twenty-seven or more weeks or, being an establishment that commenced to carry on business in the twenty-fifth base period, for a total number of weeks exceeding one half of the number of weeks in the part of the said period commencing with the day on which business was commenced and ending on the last day thereof;

(k) "the engineering industry" does not include any activities of an establishment which have been transferred from the industry of the Board to the industry of another industrial training board by one of the transfer orders but save as aforesaid means any one or more of the activities which, subject to the provisions of paragraph 2 of Schedule 1 to the industrial training order, are specified in paragraph 1 of that Schedule as activities of the engineering industry or, in relation to an establishment whose activities have been transferred to the industry of the Board by one of the transfer orders, any activities so transferred;

(l) "engineering construction activities" means any one or more of the activities which, subject to the provisions of paragraph 2 of Schedule 1 to the industrial training order, are activities of the engineering industry by virtue of paragraph 1(j) of that Schedule and any related or administrative activities of a kind to which paragraph 1(m) of that Schedule applies undertaken in relation thereto;

(m) "exemption certificate" means a certificate issued by the Board under section 14 of the Industrial Training Act 1982;

(n) "the industrial training order" means the Industrial Training (Engineering Board) Order 1964(**d**);

(o) "labour-only agreement" means agreement or arrangement, either written or oral, made between an employer and any other person or persons under which services (including any incidental use of tools) of each person or persons or of any other person or persons were rendered to the employer in his trade or business;

(p) "the levy" means the levy imposed by the Board in respect of the twenty-fifth levy period;

(q) "notice" means a notice in writing;

(**a**) 1947 c.48. (**b**) 1948 c.45. (**c**) 1970 c.10. (**d**) S.I. 1964/1086, amended by S.I. 1980/1273.

(r) "site employee" means an employee the activities of whose employment take place wholly or mainly at a site where activities falling under paragraph 1*(j)* of Schedule 1 to the industrial training order are carried on;

(s) "the transfer orders" means–

(i) the Industrial Training (Transfer of the Activities of Establishments) Order 1974(**a**);

(ii) the Industrial Training (Transfer of the Activities of Establishments) (No. 2) Order 1974(**b**);

(iii) the Industrial Training (Transfer of the Activities of Establishments) Order 1975(**c**);

(iv) the Industrial Training (Transfer of the Activities of Establishments) (No. 2) Order 1975(**d**);

(v) the Industrial Training (Transfer of the Activities of Establishments) Order 1976(**e**);

(vi) the Industrial Training (Transfer of the Activities of Establishments) (No. 2) Order 1976(**f**);

(vii) the Industrial Training (Transfer of the Activities of Establishments) Order 1977(**g**);

(viii) the Industrial Training (Transfer of the Activities of Establishments) Order 1978(**h**);

(ix) the Industrial Training (Transfer of the Activities of Establishments) (No. 2) Order 1978(**i**);

(x) the Industrial Training (Transfer of the Activities of Establishments) (No. 3) Order 1978(**j**);

(xi) the Industrial Training (Transfer of the Activities of Establishments) Order 1979(**k**);

(xii) the Industrial Training (Transfer of the Activities of Establishments) Order 1980(**l**);

(xiii) the Industrial Training (Transfer of the Activities of Establishments) (No. 2) Order 1980(**m**); and

(xiv) the Industrial Training (Transfer of the Activities of Establishments) Order 1981(**n**);

(2) In reckoning the amount of emoluments for the purpose of this Order no regard shall be had to the emoluments of any person–

(a) undergoing a course of training as a seagoing officer or rating under an agreement in writing with an employer in the shipping industry, or with any organisation of employers in that industry or with any association of such organisations;

(b) employed by London Regional Transport or its subsidiaries wholly in activities specified in paragraph 1(m) of Schedule 1 to the industrial training order, not being design or drawing or the training of employees or apprentices;

(c) engaged wholly in agriculture; or

(d) engaged wholly in the supply of food or drink for immediate consumption.

(3) Any reference in this Order to an establishment that commences to carry on business or that ceases to carry on business shall not be taken to apply where the location of the establishment is changed but its business is continued wholly or mainly at or from the new location, or where the suspension of activities is of a temporary or seasonal nature.

(4) In this Order an establishment shall be taken to be wholly or mainly engaged in engineering construction activities if it is so engaged during the twenty-fifth base period for a total of twenty-seven or more weeks, or, being an establishment that commenced to carry on business in the twenty-fifth base period, for a total number of weeks exceeding one half of the number of weeks in the part of the said period commencing with the day on which business was commenced and ending on the last day thereof.

(**a**) S.I. 1974/1154. (**b**) S.I. 1974/1495. (**c**) S.I. 1975/434. (**d**) S.I. 1975/1157.
(**e**) S.I. 1976/396. (**f**) S.I. 1976/1635. (**g**) S.I. 1977/1951. (**h**) S.I. 1978/448.
(**i**) S.I. 1978/1225. (**j**) S.I. 1978/1643. (**k**) S.I. 1979/793. (**l**) S.I. 1980/586.
(**m**) S.I. 1980/1753. (**n**) S.I. 1981/1041.

(5) In this Order employees shall be taken to be wholly or mainly engaged in or in connection with engineering construction activities during any week in the twenty-fifth base period in which they are so engaged if but only if they are so engaged for more than half the total number of weeks in which they are employed by the employer during the twenty-fifth base period.

Imposition of the levy

3.—(1) Subject to the provisions of Article 11 of this Order, the levy to be imposed by the Board on employers in respect of the twenty-fifth levy period shall be assessed in accordance with the provisions of this Article.

(2) The levy shall be assessed by the Board separately in respect of each relevant establishment (that is to say, each engineering establishment other than an establishment of an employer who is exempt by virtue of the provisions of Article 4 or Article 5 of this Order, or, subject to the provisions of Article 6, one which is an establishment in respect of which an exemption certificate has been issued to the employer) but in agreement with the employer one assessment may be made in respect of any number of establishments, in which case such establishments shall be deemed for the purposes of that assessment to constitute one establishment.

(3) The levy assessed in respect of an establishment which is not wholly or mainly engaged in engineering construction activities shall be an amount equal to 1 per cent. of the sum of the emoluments of all persons employed in the twenty-fifth base period at or from the establishment by the employer.

(4) The levy assessed in respect of an establishment wholly or mainly engaged in engineering construction activities shall be the aggregate of–

(a) an amount equal to 1.12 per cent. of the sum of the emoluments of all site employees employed in the twenty-fifth base period at or from the establishment by the employer in so far as that sum exceeds £50,000; and

(b) an amount equal to 1 per cent. of the sum of the emoluments of all employees other than site employees employed in the twenty-fifth base period at or from the establishment by the employer.

Exemption of charities

4. A charity shall be exempted from the levy.

Exemption of small employers

5.—(1) An employer shall be exempted from the levy in respect of any establishment of his which is not wholly or mainly engaged in engineering construction activities where the number of all the persons employed by him at or from the establishment on 1st April 1989 does not exceed 40.

(2) An employer shall be exempted from the levy in respect of any establishment of his which is wholly or mainly engaged in engineering construction activities in respect of any portion of the levy attributable to the emoluments of any employees of his, other than site employees, who were wholly or mainly engaged in engineering construction activities where the total number of such employees employed by him (including those employed under any labour-only agreement) at or from any engineering establishment or establishments of his in the twenty-fifth base period does not exceed 30.

Disapplication exemption certificate

6.—(1) An exemption certificate issued by the Board shall not exempt any employer from–

(a) any portion of the levy which is to be assessed under Article 3(4)(a) above or

(b) that portion of the levy which is equal to 0.15 per cent. of the sum of the emoluments upon which the levy is to be assessed under Article 3(4)(b) above.

(2) An exemption certificate issued by the Board shall not exempt any employer from that portion of the levy which is equal to 0.07 per cent. of the sum of the emoluments upon which the levy is to be assessed under Article 3(3) above.

Assessment notices

7.—(1) The Board shall serve an assessment notice on every employer assessed to the levy, but one notice may comprise two or more assessments.

(2) The amount of any assessment payable under an assessment notice shall be rounded down to the nearest £1.

(3) An assessment notice shall state the Board's address for the service of a notice of appeal or of an application for an extension of time for appealing.

(4) An assessment notice may be served on the person assessed to the levy either by delivering it to him personally or by leaving it, or sending it to him by post, at his last known address or place of business in the United Kingdom, or if that person is a corporation, by leaving it, or sending it by post to the corporation, at such address or place of business or at its registered or principal office.

Payment of the levy

8.—(1) Subject to the following provisions of this Order, the amount of each assessment appearing in an assessment notice served by the Board (the date of which shall not be earlier than 31st August 1989) shall be due and payable by the employer to the Board one month after the date of the notice.

(2) The amount of an assessment shall not be recoverable by the Board until there has expired the time allowed for appealing against the assessment by Article 10(1) of this Order and any further period or periods of time that the Board or an industrial tribunal may have allowed for appealing under paragraph (2) or (3) of that Article or where an appeal is brought, until the appeal is decided or withdrawn.

Withdrawal of assessment

9.—(1) The Board may, by a notice served on the person assessed to the levy in the same manner as an assessment notice, withdraw an assessment if that person has appealed against that assessment under the provisions of Article 10 of this Order and the appeal has not been entered in the Register of Appeals kept under the appropriate Regulations specified in paragraph (4) of that Article.

(2) The withdrawal of an assessment shall be without prejudice to the power of the Board to serve a further assessment notice in respect of any establishment to which that assessment relates.

Appeals

10.—(1) A person assessed to the levy may appeal to an industrial tribunal against the assessment within one month from the date of the service of the assessment notice or within any further period or periods of time that may be allowed by the Board or an industrial tribunal under the following provisions of this Article.

(2) The Board by notice may for good cause allow a person assessed to the levy to appeal to an industrial tribunal against the assessment at any time within the period of four months from the date of the service of the assessment notice or within such further period or periods as the Board may allow before such time as may then be limited for appealing has expired.

(3) If the Board shall not allow an application for extension of time for appealing, an industrial tribunal shall upon application made to the tribunal by the person assessed to the levy have the like powers as the Board under the last foregoing paragraph.

(4) An appeal or an application to an industrial tribunal under this Article shall be made in accordance with the Industrial Tribunals (England and Wales) Regulations 1965(**a**) except where the establishment to which the relevant assessment relates is wholly in Scotland in which case the appeal or application shall be made in accordance with the Industrial Tribunals (Scotland) Regulations 1965(**b**).

(5) The powers of an industrial tribunal under paragraph (3) of this Article may be exercised by the President of the Industrial Tribunals (England and Wales) or by the President of the Industrial Tribunals (Scotland) as the case may be.

(**a**) S.I. 1965/1101, amended by S.I. 1967/301.

(**b**) S.I. 1965/1157, amended by S.I. 1967/302.

Cessation of business

11.—(1) The provisions of this Article shall apply in relation to an establishment that ceases to carry on business in the twenty-fifth levy period on or before 30th August 1989.

(2) The amount of the levy imposed in respect of the establishment shall be in the same proportion to the amount that would otherwise be due under the provisions of Article 3 of this Order as the number of days between the commencement of the twenty-fifth levy period and the date of cessation of business (both dates inclusive) bears to the number of days in the said levy period.

(3) Article 8(1) of this Order shall have effect as if the words in parenthesis were omitted.

Evidence

12.—(1) Upon the discharge by a person assessed to the levy of his liability under an assessment the Board shall if so requested issue to him a certificate to that effect.

(2) The production in any proceedings of a document purporting to be certified by the Secretary of the Board or any other person, being a member, officer or servant of the Board authorised to act in that behalf, to be a true copy of an assessment or other notice issued by the Board or purporting to be a certificate such as is mentioned in the foregoing paragraph of this Article shall, unless the contrary is proved, be sufficient evidence of the document and of the facts stated therein.

Signed by order of the Secretary of State.

Parliamentary Under Secretary of State,
Department of Employment

1989

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to proposals of the Engineering Industry Training Board which were submitted to and approved by the Training Commission and thereafter submitted by the Training Commission to the Secretary of State. The proposals are for the imposition of a levy on employers in the engineering industry for the purpose of raising money towards meeting the expenses of the Board.

The levy is to be imposed in respect of the twenty-fifth levy period commencing on the day upon which this Order comes into force and ending on 31st August 1989.

The levy will be assessed by the Board and there will be a right of appeal against an assessment to an industrial tribunal.

£1.30 net

ISBN 0 11 098504 4

Printed in the United Kingdom for Her Majesty's Stationery Office

831/WO 0039 C10 1/89 452/1 9385/4892/4560 PS 8910371

Draft Order laid before Parliament under section 148(3) of the Employment Protection (Consolidation) Act 1978 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Protection (Variation of Limits) Order 1989

Laid before Parliament in draft

Made - - - - *1989*

Coming into force *1st April 1989*

Whereas in accordance with section 148 of the Employment Protection (Consolidation) Act 1978**(a)** ("the 1978 Act") the Secretary of State has reviewed the limits referred to in sections 15 and 122(5) of, and the limits imposed by paragraph 8(1) of Schedule 14 to, the 1978 Act**(b)**:

And whereas the Secretary of State having regard to the considerations mentioned in section 148(2) of the 1978 Act has determined that certain of those limits shall be varied as hereinafter provided:

And whereas a draft of the following Order was laid before Parliament in accordance with section 148(3) of the 1978 Act and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State in exercise of the powers conferred on him by sections 15(5), 122(6), 148, 154(3) and 154(4) of, and paragraph 8(2), (3) and (4) of Schedule 14 to, the 1978 Act**(c)** and of all other powers enabling him in that behalf hereby makes the following Order:–

Citation, commencement and revocation

1.—(1) This Order may be cited as the Employment Protection (Variation of Limits) Order 1989 and shall come into force on 1st April 1989.

(2) Subject to article 3(6) below, the Employment Protection (Variation of Limits) Order 1988**(d)** is revoked.

Variation of limits

2. Subject to article 3 below, each limit specified in columns 1 and 2 of the Table below is varied by the substitution of the new figure in column 3 for the old figure in column 4.

(a) 1978 c.44.
(b) These limits were last varied by S.I. 1988/276.
(c) Paragraph 8(3) was amended by paragraph 30(3) of Schedule 3 to the Employment Act 1982 (c.46).
(d) S.I. 1988/276.

Provision	*Nature of Limit*	*New figure*	*Old figure*
1. Section 15(1) of the 1978 Act.	Limit on amount of guarantee payment payable to an employee in respect of any day.	£11.85	£11.30
2. Section 122(5) of the 1978 Act.	Limit on amount payable to an employee in respect of any debt mentioned in section 122(3) of the 1978 Act where that debt is referable to a period of time.	£172.00	£164.00
3. Paragraph 8(1)(a) of Schedule 14 to the 1978 Act.	Limit on amount of "a week's pay" for the purpose of calculating additional award of compensation where employer fails to comply with order for reinstatement or re-engagement under section 69 of the 1978 Act.	£172.00	£164.00
4. Paragraph 8(1)(b) of Schedule 14 to the 1978 Act.	Limit on amount of "a week's pay" for the purpose of calculating basic award of compensation for unfair dismissal under section 73 of the 1978 Act.	£172.00	£164.00
5. Paragraph 8(1)(c) of Schedule 14 to the 1978 Act.	Limit on amount of "a week's pay" for the purpose of calculating redundancy payment.	£172.00	£164.00

Supplementary and transitional provisions

3.—(1) The variation specified in item 1 of the Table in article 2 above shall have effect as respects any day in respect of which an employee becomes entitled to a guarantee payment after this Order comes into force.

(2) The variation specified in item 2 of the Table in article 2 above shall have effect where the relevant date (as defined in section 122(2) of the 1978 Act**(a)**) falls after this Order comes into force.

(3) The variation specified in item 3 of the Table in article 2 above shall have effect as respects an employer's failure to comply with an order for reinstatement or re-engagement where the date (specified under section 69(2)(c) or, as the case may be, section 69(4)(f) of the 1978 Act) by which the order must be complied with falls after this Order comes into force.

(4) The variation specified in item 4 of the Table in article 2 above shall have effect where the effective date of termination as defined in section 55(4) or, where applicable, section 55(5) or 55(6) of the 1978 Act**(b)** falls after this Order comes into force.

(5) The variation specified in item 4 of the Table in article 2 above shall likewise have effect where the appropriate date falls after this Order comes into force. "Appropriate date" means:–

(a) in the case of a complaint presented under section 4 of the Employment Act 1980**(c)** (complaint of unreasonable exclusion or expulsion from a trade union) the date of the refusal of the application for, or the expulsion from, membership of a trade union, as the case may be; or

(b) in the case of a complaint presented under section 4 of the Employment Act 1988**(d)** (complaint of unjustifiable discipline by a trade union) the date of the determination which the individual claims constituted an infringement of his right.

(a) Section 122(2) was amended by section 218(3) of the Insolvency Act 1985 (c.65).
(b) Section 55(5) was amended, and section 55(6) inserted, by paragraph 1 of Schedule 3 to the Employment Act 1982.
(c) 1980 (c.42).
(d) 1988 (c.19).

(6) The variation specified in item 5 of the Table in article 2 above shall have effect–

(a) as respects a lay-off or a keeping on short-time where the relevant date (as defined in section 90(2) of the 1978 Act) falls after this Order comes into force; and

(b) as respects a dismissal where the relevant date (as defined in section 90(1) or 90(3) of the 1978 Act) falls after this Order comes into force.

(7) Nothing in this Order affects any limit otherwise than as provided by the foregoing provisions of this article and accordingly the limits operative under the Order mentioned in article 1(2) above continue to apply in cases not falling within those provisions.

Signed by order of the Secretary of State.

Parliamentary Under Secretary of State,
Department of Employment

1989

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 1st April 1989, varies certain of the limits which are required to be reviewed annually by the Secretary of State under section 148 of the Employment Protection (Consolidation) Act 1978. The limit on the amount of guarantee payment payable under section 15(1) of the 1978 Act in respect of any day is increased from £11.30 to £11.85. The limit on the amount for the purpose of calculating the sum payable by the Secretary of State under section 122 of the 1978 Act in respect of a debt due to an employee whose employer becomes insolvent is increased from £164 to £172. The limits on the amount of "a week's pay" for the purposes of calculating redundancy payments and basic and additional awards of compensation for unfair dismissal are increased from £164 to £172.

DRAFT STATUTORY INSTRUMENTS

1989 No.

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Protection (Variation of Limits) Order 1989

85p net

ISBN 0 11 098501 X

Printed in the United Kingdom for Her Majesty's Stationery Office 831/5638 WO 0021 C13 1/89 452/2 3840 PS8901373

Draft Order laid before Parliament under section 75(2) of the Employment Protection (Consolidation) Act 1978, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

TERMS AND CONDITIONS OF EMPLOYMENT

The Unfair Dismissal (Increase of Compensation Limit) Order 1989

Laid before Parliament in draft

Made - - - - *1989*

Coming into force *1st April 1989*

Whereas a draft of the following Order was laid before Parliament in accordance with section 75(2) of the Employment Protection (Consolidation) Act 1978(**a**) ("the 1978 Act") and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 75(2), 154(3) and 154(4) of the 1978 Act and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and revocation

1.—(1) This Order may be cited as the Unfair Dismissal (Increase of Compensation Limit) Order 1989 and shall come into force on 1st April 1989.

(2) Subject to Article 3(2), the Unfair Dismissal (Increase of Compensation Limit) Order 1986(**b**) ("the 1986 Order") is revoked.

Increase of limits

2. Subject to Article 3, the limit of compensation specified in section 75(1) of the 1978 Act is increased to £8,925.

Transitional provisions

3.—(1) The increase specified in Article 2 shall have effect where the appropriate date falls on or after 1st April 1989.

(2) Notwithstanding the revocation of the 1986 Order, the limits set by or, as the case may be, preserved by Articles 3 and 4 of that Order shall continue to have effect as provided by that Order where the appropriate date falls before 1st April 1989.

(3) In this Article, "the appropriate date" means–

(a) in the case of a complaint presented under section 67 of the 1978 Act (complaint of unfair dismissal), the effective date of termination;

(b) in the case of a complaint presented under section 4 of the Employment Act 1980(**c**) (complaint of unreasonable exclusion or expulsion from a trade union), the date of the refusal of the application for, or of the expulsion from, membership, as the case may be; or

(**a**) 1978 c.44.

(**b**) S.I. 1986/2284; this Order last increased the limit in section 75(1) of the 1978 Act; previous Orders increasing the limit in that section were S.I. 1978/1778, S.I. 1979/1723, S.I. 1982/76, S.I. 1982/1868 and S.I. 1984/2020.

(**c**) 1980 c.42.

(c) in the case of a complaint presented under section 4 of the Employment Act 1988(**a**) (complaint of unjustifiable discipline by a trade union), the date of the determination which the individual claims constituted an infringement of his right;

(d) in the case of a complaint presented under section 65 of the Sex Discrimination Act 1975(**b**) or under section 56 of the Race Relations Act 1976(**c**), the date on which the act complained of was done.

and "effective date of termination" has the same meaning as in section 55(4) of the 1978 Act except in a case in which section 55(5) or (6) of that Act(**d**) would have effect so as to treat a later date as the effective date of termination, in which case that later date shall be the effective date for the purposes of this Article.

Signed by order of the Secretary of State.

Parliamentary Under Secretary of State,
Department of Employment

1989

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 1st April 1989, increases from £8,500 to £8,925 the limit on the amount of compensation which can be awarded by an industrial tribunal in claims for unfair dismissal as the compensatory award or as compensation for failure fully to comply with the terms of an order for reinstatement or re-engagement. The increase also affects the maximum amount of compensation that shall be awarded by a tribunal in respect of a complaint under section 4 of the Employment Act 1980 (unreasonable exclusion or expulsion from a trade union) or of a complaint under section 4 of the Employment Act 1988 (unjustifiable discipline by a trade union).

(**a**) 1988 c.19. (**b**) 1975 c.65. (**c**) 1976 c.74.
(**d**) Section 55(5) was amended, and section 55(6) inserted, by section 21(2) of and paragraph 1 of Schedule 3 to the Employment Act 1982 (c.46).

45p net

ISBN 0 11 098502 8

Printed in the United Kingdom for Her Majesty's Stationery Office

831/WO 0022 C13 1/89 452/1 9385/4836/4533 PS 8910371

Draft Order laid before Parliament under sections 73(4B) and 75A(7) of the Employment Protection (Consolidation) Act 1978, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

TERMS AND CONDITIONS OF EMPLOYMENT

The Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order 1989

Laid before Parliament in draft

Made - - - - *1989*

Coming into force *1st April 1989*

Whereas a draft of the following Order was laid before Parliament in accordance with sections 73(4B) and 75A(7) of the Employment Protection (Consolidation) Act 1978**(a)** ("the 1978 Act") and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 73(4B), 75A(7), 154(3) and 154(4) of the 1978 Act and of all other powers enabling him in that behalf, hereby makes the following Order:–

Citation, commencement and revocation

1.—(1) This Order may be cited as the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order 1989 and shall come into force on 1st April 1989.

(2) Subject to Article 3(2), the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order 1988**(b)** ("the 1988 Order") is revoked.

Increase of limits

2.—(1) Subject to Article 3, the minimum award of £2,400 provided for by section 73(4A) of the 1978 Act is increased to £2,520.

(2) Subject to Article 3, the sum of £11,950 specified in section 75A(1) of the 1978 Act is increased to £12,550.

(3) Subject to Article 3, the sum of £23,850 specified in section 75A(1) of the 1978 Act is increased to £25,040.

(4) Subject to Article 3, the sum of £17,900 specified in section 75A(2) of the 1978 Act is increased to £18,795.

Transitional provisions

3.—(1) The increases specified in Article 2 shall have effect where the appropriate date falls on or after 1st April 1989.

(2) Notwithstanding the revocation of the 1988 Order, the limits set by or, as the case may be, preserved by Articles 3 and 4 of that Order shall continue to have effect as provided by that Order where the appropriate date falls before 1st April 1989.

(a) 1978 c.44; sections 73(4A) and 73(4B) were inserted by section 4(1) of the Employment Act 1982 (c.46), and section 75A was inserted by section 5(3) of the Employment Act 1982.
(b) S.I. 1988/277; this Order last increased the limits in sections 73(4A), 75A(1) and 75A(2) of the 1978 Act; previous Orders increasing the limits in those sections were S.I. 1984/2021, S.I. 1985/2033 and S.I. 1986/2281.

(3) In this Article, "the appropriate date" means–

(a) in the case of a complaint presented under section 67 of the 1978 Act (complaint of unfair dismissal), the effective date of termination;

(b) in the case of a complaint presented under section 4 of the Employment Act 1980(a) (complaint of unreasonable exclusion or expulsion from a trade union), the date of the refusal of the application for, or of the expulsion from, membership, as the case may be; or

(c) in the case of a complaint presented under section 4 of the Employment Act 1988(b) (complaint of unjustifiable discipline by a trade union), the date of the determination which the individual claims constituted an infringement of his right;

and "effective date of termination" has the same meaning as in section 55(4) of the 1978 Act except in a case in which section 55(5) or (6) of that Act(c) would have effect so as to treat a later date as the effective date of termination, in which case that later date shall be the effective date for the purposes of this Article.

Signed by order of the Secretary of State.

Parliamentary Under Secretary of State,
Department of Employment

1989

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 1st April 1989, increases from £2,400 to £2,520 the minimum basic award (before appropriate reductions) and increases the limits of £11,950, £23,850 and £17,900 to £12,550, £25,040 and £18,795 respectively, applicable to calculation of the special award. These limits and the minimum basic award are relevant to dismissals which are to be regarded as unfair by virtue of section 58 or 59(a) of the Employment Protection (Consolidation) Act 1978. The increase in the minimum basic award also affects the minimum amount of compensation that shall be awarded by the Employment Appeal Tribunal in respect of a complaint under section 4 of the Employment Act 1988 (unjustifiable discipline by a trade union).

(a) 1980 c.46. (b) 1988 c.19.
(c) Section 55(5) was amended, and section 55(6) inserted, by section 21(2) of and paragraph 1 of Schedule 3 to the Employment Act 1982.

45p net

ISBN 0 11 098500 1

Printed in the United Kingdom for Her Majesty's Stationery Office 831/5637 WO 20 C11 1/89 452/2 3840 PS8901373

Draft Order in Council laid before the House of Commons under the Inheritance Tax Act 1984, s.158(4), for an Address to Her Majesty from that House praying that the Order be made.

DRAFT STATUTORY INSTRUMENTS

1989 No.

INHERITANCE TAX

The Double Taxation Relief (Taxes on Estates of Deceased Persons and Inheritances and on Gifts) (Sweden) Order 1989

Made - - - - *1989*

At the Court at , the day of 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order was laid before the House of Commons in accordance with the provisions of section 158(4) of the Inheritance Tax Act 1984(a), and an Address has been presented to Her Majesty by that House praying that an Order may be made in the terms of that draft:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 158 of the said Act, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

1. This Order may be cited as the Double Taxation Relief (Taxes on Estates of Deceased Persons and Inheritances and on Gifts) (Sweden) Order 1989.

2. It is hereby declared–

(a) that the arrangements specified in the Protocol set out in the Schedule to this Order, which vary the arrangements set out in the Schedule to the Double Taxation Relief (Taxes on Estates of Deceased Persons and Inheritances and on Gifts) (Sweden) Order 1981(b), have been made with the Government of the Kingdom of Sweden, with a view to affording relief from double taxation in relation to capital transfer tax or inheritance tax and taxes of a similar character imposed by the laws of the Kingdom of Sweden; and

(b) that it is expedient that those arrangements should have effect.

Clerk of the Privy Council

(a) 1984 c.51; section 158 was amended by section 70(2) of the Finance Act 1987 (c.16). By virtue of section 100(1) and (2) of the Finance Act 1986 (c.41) on and after 25th July 1986 the Capital Transfer Tax Act may be cited as the Inheritance Tax Act 1984, and any reference in that Act to capital transfer tax is to have effect as a reference to inheritance tax, except where the reference relates to a liability arising before that date. (b) S.I. 1981/840.

SCHEDULE

PROTOCOL AMENDING THE CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF SWEDEN FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON ESTATES OF DECEASED PERSONS AND INHERITANCES AND ON GIFTS, SIGNED IN STOCKHOLM ON 8 OCTOBER 1980

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Sweden;

Desiring to conclude a Protocol to amend the Convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Estates of Deceased Persons and Inheritances and on Gifts, signed in Stockholm on 8 October 1980 (hereinafter referred to as "the Convention");

Have agreed as follows:

ARTICLE I

(1) Paragraph (1)(a) of Article 2 of the Convention shall be deleted and replaced by the following:

"(a) in the United Kingdom, the capital transfer tax and the inheritance tax;".

(2) Paragraph (2) of that Article shall be amended by the substitution for the words "the existing taxes" of the words "the taxes referred to above".

ARTICLE II

Paragraph (1) of Article 3 of the Convention shall be deleted and replaced by the following:

"(1) In this Convention, unless the context otherwise requires:

(a) the term "United Kingdom" means Great Britain and Northern Ireland;

(b) the term "Sweden" means the Kingdom of Sweden;

(c) the term "national" means:

(i) in relation to the United Kingdom, any British citizen or any British subject not possessing the citizenship of any other Commonwealth country or territory provided he had the right of abode in the United Kingdom at the time of the death or transfer or at any other time at which his domicile falls to be determined;

(ii) in relation to Sweden, any individual possessing Swedish nationality;

(d) the term "tax" means:

(i) the capital transfer tax or the inheritance tax imposed in the United Kingdom; or

(ii) the inheritance tax or the gift tax imposed in Sweden; or

(iii) any other tax imposed by a Contracting State to which this Convention applies by virtue of the provisions of paragraph (2) of Article 2, as the context requires;

(e) the terms "a Contracting State" and "the other Contracting State" mean the United Kingdom or Sweden as the context requires;

(f) the term "competent authority" means, in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorised representative, and, in the case of Sweden, the Minister of Finance, his authorised representative or the authority duly designated as competent authority for the purposes of this Convention.".

ARTICLE III

Paragraph (1) of Article 4 of the Convention shall be deleted and replaced by the following:

"(1) For the purposes of this Convention, a person was domiciled:

(a) in the United Kingdom, if he was domiciled in the United Kingdom in accordance with its law or is treated as so domiciled for the purposes of a tax which is the subject of this Convention;

(b) in Sweden, if he was a resident of Sweden in accordance with its law governing a tax which is the subject of this Convention or if he was a national of Sweden.".

ARTICLE IV

In paragraph (2) of Article 6 of the Convention, the word "buildings," shall be inserted before the word "livestock".

ARTICLE V

Paragraph (1) of Article 11 of the Convention shall be amended by the deletion of the words "or a national of".

ARTICLE VI

(1) Each of the Contracting States shall notify to the other the completion of the procedure required by its law for the bringing into force of this Protocol.

(2) The Protocol shall enter into force immediately after the expiration of thirty days following the date of the later of these notifications and shall thereupon have effect:

(a) in the United Kingdom, in respect of property by reference to which there is a charge to tax which arises after 17 March 1986;

(b) in Sweden, as regards inheritance tax, in respect of estates of persons who die after 17 March 1986, and, as regards gift tax, in respect of gifts by reference to which there is a charge to tax which arises after 17 March 1986.

(3) Where any greater relief from tax would have been afforded by any provision of the Convention before amendment by this Protocol than is due under the Convention as amended by this Protocol, any such provision shall continue to have effect for any charge to tax which arises before the entry into force of this Protocol.

ARTICLE VII

This Protocol shall cease to be effective at such time as the Convention ceases to be effective in accordance with Article 18 of the Convention.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Protocol.

Done in duplicate at London this 21st day of December 1987 in the English and Swedish languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

Lynda Chalker

For the Government of the Kingdom of Sweden:

Leif Leifland

EXPLANATORY NOTE

(This note is not part of the Order)

The Protocol scheduled to this Order makes certain alterations to the Convention set out in the Schedule to the Double Taxation Relief (Taxes on Estates of Deceased Persons and Inheritances and on Gifts) (Sweden) Order 1981.

The principal amendments are as follows.

The United Kingdom's inheritance tax is added to the list of taxes covered by the Convention and the provision for extending the Convention to substantially similar taxes is clarified.

Amendments are made to the definitions of "national" in relation to the United Kingdom, "competent authority" in relation to Sweden and "immovable property". The first two amendments are necessary because the definitions in the Convention are now out of date. The third amendment makes it plain that the term includes buildings. This clarifies Sweden's right to tax such property, which is treated as movable property under its domestic laws.

The scope of fiscal domicile in relation to the Convention is now redefined separately for the United Kingdom and for Sweden, since there is no Swedish counterpart to the term "domicile" in the United Kingdom.

The Protocol enters into force 30 days after notification by the later of the two countries to complete the procedures required by its law to bring the Protocol into force that those procedures have been completed. It will then take effect for transfers after 17th March 1986. There is a transitional provision to allow the benefits of the existing Convention (before amendment by the Protocol) to apply for transfers up to the date of entry into force if this is to the taxpayer's advantage.

90p net

ISBN 0 11 098541 9

Printed in the United Kingdom for Her Majesty's Stationery Office

745/WO 0688 C14 4/89 452/1 9385/6050/5147 46341

Draft Order in Council laid before Parliament under section 2(3) of the Summer Time Act 1972, for an Address to Her Majesty from each House of Parliament praying that the Order be made.

DRAFT STATUTORY INSTRUMENTS

1989 No.

SUMMER TIME

Summer Time Order 1989

Made - - - - *1989*

Coming into force *1989*

At the Court at Buckingham Palace, the day of 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas copies of the draft of this Order were laid before Parliament and, in accordance with section 2(3) of the Summer Time Act 1972(a), each House of Parliament has presented an Address to Her Majesty praying that this Order be made:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 2(1)(a) of that Act, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

1.—(1) This Order may be cited as the Summer Time Order 1989 and shall come into force on the fourteenth day after the day on which it is made.

(2) This Order shall have effect in Great Britain, Northern Ireland and the Bailiwick of Guernsey.

(3) In this Order "the Act" means the Summer Time Act 1972.

2. In relation to the year 1990, the period of summer time for the purposes of the Act shall be the period beginning at one o'clock, Greenwich mean time, in the morning of 25th March 1990 and ending at one o'clock, Greenwich mean time, in the morning of 28th October 1990 instead of the period specified in section 1 of the Act.

3. In relation to the year 1991, the period of summer time for the purposes of the Act shall be the period beginning at one o'clock, Greenwich mean time, in the morning of 31st March 1991 and ending at one o'clock, Greenwich mean time, in the morning of 27th October 1991 instead of the period specified in section 1 of the Act.

4. In relation to the year 1992, the period of summer time for the purposes of the Act shall be the period beginning at one o'clock, Greenwich mean time, in the morning of 29th March 1992 and ending at one o'clock, Greenwich mean time, in the morning of 25th October 1992 instead of the period specified in section 1 of the Act.

Clerk of the Privy Council

(a) 1972 c.6.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the periods of summer time in the years 1990, 1991 and 1992 during which the time for general purposes in the United Kingdom will be one hour in advance of Greenwich mean time. The Order applies also to the Bailiwick of Guernsey, but not to the Bailiwick of Jersey or the Isle of Man which have their own legislation on the subject.

50p net

ISBN 0 11 098543 5

Printed in the United Kingdom for Her Majesty's Stationery Office

790 WO700 4/89 452 7102 O/N 46294

Draft Order laid before Parliament under section 128A of the Magistrates' Courts Act 1980, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

1989 No.

MAGISTRATES' COURTS

Magistrates' Courts (Remands in Custody) Order 1989

Made - - - -	*1989*
Coming into force	*1989*

Whereas a draft of the following Order was laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the power conferred upon him by section 128A(1) of the Magistrates' Courts Act 1980(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Magistrates' Courts (Remands in Custody) Order 1989 and shall come into force on the twenty first day after the day on which it is made.

Application of section 128A Magistrates' Courts Act 1980 to certain areas and proceedings

2. Section 128A of the Magistrates' Courts Act 1980 (remands in custody for more than eight days) shall have effect in criminal proceedings in any magistrates' court in the following areas, which are petty sessions areas within the meaning of section 4 of the Justices of the Peace Act 1979(b)–

The petty sessional division of East Central

The outer London borough of Croydon

The metropolitan district of Manchester

The petty sessional division of Nottingham.

Home Office

1989

One of Her Majesty's Principal Secretaries of State

(a) 1980 c.43. Section 128A was inserted by the Criminal Justice Act 1988 (c.33), section 155(1).
(b) 1979 c.55, as amended by the Local Government Act 1985 (c.51), section 12.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that section 128A of the Magistrates' Courts Act 1980, which enables courts in areas specified by the Secretary of State to remand an accused person in custody for a period exceeding 8 clear days, shall have effect in the petty sessions areas of East Central, Croydon, Manchester and Nottingham.

Section 128A of the Magistrates' Court Act 1980 was inserted by section 155 of the Criminal Justice Act 1988, and came into force on 12th October 1989 (S.I. 1988/1676).

50p net

ISBN 0 11 098544 3

Printed in the United Kingdom for Her Majesty's Stationery Office

790/WO 0701 C10 4/89 452/1 9385/5941/5089 46341

Order made by the Secretary of State for Scotland, subject to special parliamentary procedure, and laid before Parliament under section 1 of the Statutory Orders (Special Procedure) Act 1945 on 4th April 1989, together with the statement required by sections 2(5) and 10(2) of that Act.

STATUTORY INSTRUMENTS

1989 No. (S.)

HARBOURS, DOCKS, PIERS AND FERRIES

The Orkney Islands Council Harbour Revision Order 1989

Made - - - -	*11th March 1989*
Laid before Parliament	*4th April 1989*
Coming into force	*1989*

The Secretary of State, in exercise of the powers conferred on him by section 14 of the Harbours Act 1964(**a**), and of all other powers enabling him in that behalf, and on the application of the Orkney Islands Council, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Orkney Islands Council Harbour Revision Order 1989.

(2) This Order shall come into force on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(**b**).

Additional Harbour Areas

2. The limits of the harbour areas, in respect of which Orkney Islands Council is the harbour authority, as set out in the Schedule to the Orkney County Council Act 1974(**c**), are hereby altered to include the additional areas described in the Schedule to this Order. The said Act is amended by including at the end of the Schedule thereto the words contained in the Schedule to this Order.

Costs of Order

3. The costs, charges and expenses of and incidental to the preparing for and obtaining of this Order or otherwise in relation thereto (other than costs, charges and expenses which any person is lawfully ordered to pay by the Secretary of State or a Joint Committee of both Houses of Parliament or any costs incurred in opposing this Order) shall be paid by the Orkney Islands Council.

(**a**) 1964 c.40, section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4 and 14.
(**b**) 1945 c.18 (9 & 10 Geo.6); 1965 c.43.
(**c**) 1974 c.xxx.

St. Andrew's House, Edinburgh
11th March 1989

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

SCHEDULE

Article 2

LOTH

The area of tidal waters in that part of Eday Sound adjacent to Loth on the island of Sanday comprising an area within 500 metres in any direction from the level of high water at a point, at latitude 5911'30" North, longitude 241'36" West.

RAPNESS

The area of tidal waters in that part of Rapness Sound adjacent to Rapness on the island of Westray comprising an area within 500 metres in any direction from the level of high water at a point at latitude 5914'57" North, longitude 251'38" West.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order adds two areas to the Schedule of the Orkney County Council Act 1974 and thereby confers jurisdiction as a harbour authority on Orkney Islands Council within those areas together with the powers contained in the said Act of 1974.

The Order being subject to special parliamentary procedure, the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965 determine the date upon which it comes into force.

The applicants for this Order are the Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY.

45p net

ISBN 0 11 098539 7

Printed in the United Kingdom by Her Majesty's Stationery Office at Edinburgh Press
800 WO 0588 C9 4/89 452/4 19593 PS 9901487 (267410)

This Draft Order supersedes the draft published on 10 March 1989 and is issued free of charge to all known recipients of that Draft.
Draft Order laid before the House of Commons under Section 102(5) of the Finance (No. 2) Act 1987 for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

1989 No.

FEES AND CHARGES

The Medicines (Fixing of Fees Relating to Medicinal Products for Human Use) Order 1989

Made - - - - *1989*

Coming into force -

Whereas a draft of this Order has been approved by a resolution of the House of Commons in pursuance of section 102(5) of the Finance (No. 2) Act 1987(a):

Now, therefore, the Secretaries of State for health, for Wales, for Scotland and for Northern Ireland and the Minister of Agriculture, Fisheries and Food, being the Ministers of the Crown determined by the Treasury to be the appropriate authority in relation to the power to fix fees under section 1(1) of the Medicines Act 1971(b) acting jointly in exercise of the powers conferred by section 102 of that Act, hereby make the following Order:-

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Medicines (Fixing of Fees Relating to Medicinal Products for Human Use) Order 1989 and shall come into force on the day after the day on which it is made.

(2) In this Order–

"the 1968 Act" means the Medicines Act 1968(c);

"the 1971 Act" means the Medicines Act 1971(d);

"the 1987 Act" means the Finance (No. 2) Act 1987;

"medicinal product" includes any substance or article specified in any order made under section 104 or 105(1)(a) of the 1968 Act which directs that Part II of that Act shall have effect in relation to such substance or article;

and other expressions have the same meaning as in the 1968 Act.

Functions the costs of which are to be taken into account in fixing fees under the 1971 Act

2. In relation to the power of the Ministers under section 1(1) of the 1971 Act to make regulations providing for the payment of such fees as are prescribed by the regulations with regard to the matters specified in that subsection, the functions specified for the purpose of section 102(3) of the 1987 Act are, as respects matters relating to medicinal products for human use, those functions set out in Schedule 1 to this Order.

(a) 1987 c.51.
(b) *See* section 102(2)(b) of the Finance (No. 2) Act 1987.
(c) 1968 c.67.
(d) 1971 c.69 as amended by section 21 of the Health and Medicines Act 1988 (c.49).

Matters to be taken into account in determining the costs of functions specified in Schedule 1 hereto

3. In relation to each of the functions specified by Article 2 of, and Schedule 1 to, this Order for the purposes of Section 102(3) of the 1987 Act, the matters specified for the purposes of section 102(4) of that Act are those set out in Schedule 2 to this Order.

1989 Secretary of State for Health

1989 Secretary of State for Wales

1989 Secretary of State for Scotland

1989 Secretary of State for Northern Ireland

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereto affixed on 1989.

L.S.

Minister of Agriculture, Fisheries and Food

SCHEDULE 1

Article 2

FUNCTIONS THE COSTS OF WHICH ARE TO BE TAKEN INTO ACCOUNT IN FIXING FEES UNDER THE 1971 ACT

1. Functions of the Ministers under Parts I, II, III, V, VI and, subject to paragraph 11 below, VIII of the 1968 Act and under the 1971 Act.

2. Functions of the Licensing Authority under Part II of the 1968 Act.

3. Functions (except those under Part VII of the 1968 Act) of the Medicines Commission established under section 2 of the 1968 Act.

4. Functions of the following Committees established under section 4 of the 1968 Act: the Committee on Safety of Medicines, the Committee on Review of Medicines and the Committee on Dental and Surgical Materials.

5. Functions of the Ministers or the Licensing Authority in relation to anything done by the European Communities or any of their institutions with respect to the control of medicinal products.

6. Functions of the Ministers or the Licensing Authority in relation to anything done by the World Health Organisation with respect to the control of medicinal products.

7. Without prejudice to paragraphs 5 and 6, functions of the Ministers or the Licensing Authority arising under any international instrument relating to the control of medicinal products.

8. Functions of persons appointed under the 1968 Act.

9. Functions of the Medicines Testing Laboratory of the Royal Pharmaceutical Society of Great Britain under arrangements made with Ministers in respect of work relating to enforcement of the 1968 Act.

10. Without prejudice to the generality of the foregoing paragraphs, the following functions of the Ministers:–

(a) review of the functioning of the laws relating to the control of medicinal products (including whether or not a product or class of articles or substances should be made subject to such control) and development of proposals for legislation relating thereto;

(b) maintenance of relations with persons and organisations both within the United Kingdom and abroad in respect of matters relating to the control of medicinal products;

(c) subject to paragraph 11 below, enforcement of the 1968 Act and regulations and orders made under it, including investigation and prosecution of offences thereunder;

(d) the conduct of civil proceedings for the recovery of debt arising in relation to any of the functions otherwise specified in this Schedule.

11. Paragraphs 1 and 10(c) above do not apply to the function of Ministers under the 1968 Act to enforce that Act and regulations and orders made under it in so far as that function consists of the enforcement of provisions relating to the retail sale, or supply in circumstances corresponding to retail sale, of medicinal products.

SCHEDULE 2

Article 3

MATTERS TO BE TAKEN INTO ACCOUNT IN DETERMINING THE COST OF FUNCTIONS SPECIFIED IN SCHEDULE 1

1. All costs (including capital costs) incurred by the Ministers, the Licensing Authority, the Medicines Commission, the Committees established under section 4 of the 1968 Act specified in paragraph 4 of Schedule 1 above, appointed persons referred to in paragraph 8 of Schedule 1 above, and the Royal Pharmaceutical Society of Great Britain which are directly attributable to the functions specified in Schedule 1 above.

2. That proportion of the costs (including capital costs), not falling within paragraph 1 above, incurred by or on behalf of any of the persons or organisations specified in paragraph 1 above in relation to staff, equipment, premises, facilities and matters connected therewith (whether directly or indirectly), being the proportion which falls to be attributed to any of the functions specified in Schedule 1 above.

3.—(1) In so far as the capital cost of any capital asset employed wholly by any of the persons or organisations referred to in paragraph 1 above in relation to any of the functions specified in Schedule 1 to this Order has not been taken into account under that paragraph, an allowance, calculated in accordance with sub-paragraph (3) below for depreciation of that asset.

(2) In so far as the capital cost of any capital asset employed partly by any of the persons or organisations referred to in paragraph 1 above in relation to any of the functions specified in Schedule 1 to this Order has not been taken into account under paragraph 2 above, an allowance, calculated in accordance with sub-paragraph (3) below for depreciation of that asset.

(3) The allowance for depreciation of a capital asset referred to in sub-paragraphs (1) and (2) above shall be calculated at a rate which takes into account the anticipated useful future life of the asset in question and the current replacement cost of that asset.

4. A return on the resources employed in carrying out any of the functions specified in Schedule 1 above.

5. The allocation of a sum in respect of matters which would otherwise be covered by insurance, the allocation of a sum in respect of superannuation payments and provision for bad debts in relation to any of the functions specified in Schedule 1 above.

6. The recovery of any past deficits in relation to any of the functions specified in Schedule 1 above.

7. The allocation over a period of years of an initial or exceptional cost in relation to any of the functions specified in Schedule 1 above.

8. In respect of any function of any of the persons or organisations specified in paragraph 1 above consisting of the payment or remittance of any sum or amount, both the sum or amount in question and the cost incurred in effecting the payment or remittance.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies functions and matters which are to be taken into account in the determination of the fees prescribed under the Medicines Act 1971 in respect of applications for, variations or renewals of, or inspections related to, licences, certificates or directions for medicinal products under Part II of the Medicines Act 1968.

85p net

ISBN 0 11 098538 9

Printed in the United Kingdom for Her Majesty's Stationery Office

880 WO547 C15 3/89 452/3 4235 46378 890881C

Draft Regulations laid before Parliament under section 167(1) of the Social Security Act 1975 for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

1989 No.

SOCIAL SECURITY

The Social Security (Contributions) Amendment Regulations 1989

Made - - - -	*1989*
Coming into force	*6th April 1989*

Whereas a draft of the following Regulations was laid before Parliament in accordance with the provisions of section 167(1) of the Social Security Act 1975**(a)** and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in conjunction with the Treasury**(b)**, in exercise of powers conferred by sections 129(1) and 166(2) of, and Schedule 20 to, the Social Security Act 1975**(c)** and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it**(d)**, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Contributions) Amendment Regulations 1989 and shall come into force on 6th April 1989.

Amendment to Regulations

2. In regulation 98 of the Social Security (Contributions) Regulations 1979**(e)** (modification of provisions of the Social Security Act 1975 in relation to share fishermen), in paragraph (c) (weekly rate of any Class 2 contributions payable by share fishermen) for "£6.55" there shall be substituted "£5.80".

Signed by authority of the Secretary of State for Social Security.

1989 Department of Social Security

1989 Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1975 c.14; section 167(1) was amended by the Social Security Act 1986 (c. 50), section 62(3).
(b) *See* Social Security Act 1975, section 166(5).
(c) Schedule 20 is cited because of the meaning ascribed to the word "Regulations".
(d) *See* section 61(1)(b) of the Social Security Act 1986 (c.50).
(e) S.I. 1979/591; the relevant amending instrument is S.I. 1986/198.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend regulation 98 (which relates to share fishermen) of the Social Security (Contributions) Regulations 1979. They amend paragraph (c) in that regulation by reducing the special rate of Class 2 contributions payable by share fishermen from £6.55 to £5.80.

45p net

ISBN 0 11 098523 0

Printed in the United Kingdom for Her Majesty's Stationery Office 880/5728 WO 225 C12 2/89 452/2 3840 PS8250675

Draft Order laid before Parliament under section 143(8) of the Local Government Finance Act 1988 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

RATING AND VALUATION

The Water Undertakers (Rateable Values) Order 1989

Made - - - -

Coming into force

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 140(4), 143(1) and 146(6) of and paragraph 3(2) of Schedule 6 to the Local Government Finance Act 1988(**a**), and of all other powers enabling them in that behalf, hereby make the following Order in the terms of a draft laid before, and approved by resolution of, each House of Parliament:—

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Water Undertakers (Rateable Values) Order 1989 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order–

"the Act" means the Local Government Finance Act 1988;

"class of hereditaments" means a class of water hereditaments in relation to which an amount is specified in each column of the Schedule;

"intermediate year", in relation to a class of hereditaments to which paragraph (a) or (b) of article 6 applies, means any year beginning on or after 1st April 1992 and ending no later than the end of the year in which the rateable value of that class first falls by virtue of any provision in Part II to be determined in accordance with the standard formula;

"relevant year" means any year for which a rateable value falls to be determined in accordance with this Order, and "relevant preceding year" means the year preceding a relevant year;

"water hereditaments" means non-domestic hereditaments required by virtue of Part 6 of the Schedule to the Central Rating Lists Regulations 1989(**b**) to be shown in a central rating list;

(**a**) 1988 c. 41. Paragraph 3(2) of Schedule 6 is amended by paragraph 38(13) of Schedule 5 to the Local Government and Housing Act 1989, c. 42.
(**b**) S.I. 1989/2263.

"water undertaker" means any body mentioned in the Schedule;

"year" means a chargeable financial year;

any reference to hereditaments occupied by a water undertaker includes a reference to hereditaments which, if unoccupied, are owned by that undertaker, references to occupation being construed accordingly; and

any reference to a water undertaker by name is to the person bearing that name at the date of the Central Rating Lists Regulations 1989.

Rounding of numbers

3. Where (apart from this article) any rateable value determined under this Order would include a fraction of a pound–

(a) the fraction shall be made up to one pound if it would exceed 50p, and

(b) the fraction shall be ignored if it would be 50p or less.

Disapplication of normal basis of valuation

4. In the case of water hereditaments, paragraphs 2 to 2B of Schedule 6 to the Act(a) shall not apply, and the rateable values of such hereditaments shall be as determined under the rules in the following provisions of this Order.

PART II

INITIAL RATEABLE VALUES

Interpretation

5. In this Part–

(a) in any formula–

B is the figure applicable in relation to the relevant year for the purposes of paragraph 5(3) of Schedule 7 to the Act;

C is the figure applicable in relation to the relevant year for the purposes of paragraph 5(4) of Schedule 7 to the Act;

I is the figure for the retail prices index for September in the relevant preceding year;

and in relation to any class of hereditaments–

R is the recalculation factor applicable to that class determined under Part IV in respect of the relevant preceding year;

RV is the rateable value of that class in the relevant preceding year; and

(b) T is the amount specified in relation to a class of hereditaments in column 1 of the Schedule;

U is the recalculation factor applicable to that class determined in accordance with Part IV in respect of the relevant year; and

"the standard formula" means the formula T + U.

Rateable values in 1990/91

6. In relation to each class of hereditaments–

(a) where T is greater than the relevant maximum amount calculated in relation to that class under article 7, the rateable value of that class in the year beginning on 1st April 1990 shall be the relevant maximum amount;

(b) where T is less than the relevant minimum amount calculated in relation to that class under article 7, the rateable value of that class in the year beginning on 1st April 1990 shall be the relevant minimum amount;

(a) Paragraph 2 is amended and paragraphs 2A and 2B inserted by paragraph 38(3) to (11) of Schedule 5 to the Local Government and Housing Act 1989.

(c) where neither paragraph (a) nor paragraph (b) applies, the rateable value of that class in that year shall be T.

7. The relevant maximum amount in respect of a class of hereditaments is the amount produced by calculating in accordance with the formula–

$$\frac{1.2A}{M}$$

and the relevant minimum amount in respect of a class of hereditaments is the amount produced by calculating in accordance with the formula–

$$\frac{0.895A}{M}$$

where A is the amount specified in relation to that class in column 2 of the Schedule, and M is the non-domestic rating multiplier applicable to that class in pursuance of paragraph 2 of Schedule 7 to the Act.

Increasing rateable values

8.—(1) This article applies to any class of hereditaments in relation to which the rateable value in the year beginning on 1st April 1990 is determined as provided in paragraph (a) of article 6.

(2) The rateable value in the year beginning on 1st April 1991 of any class of hereditaments to which this article applies shall be determined in accordance with paragraph (3).

(3) For the purposes of paragraph (2), where in relation to a class of hereditaments a calculation in respect of that year according to formula 1, that is to say–

$$RV \times 1.2\left(1 + \frac{I - B}{C}\right) + U$$

produces an amount less than that produced by a calculation in accordance with the standard formula, the rateable value of that class of hereditaments in that year shall be the amount calculated in accordance with formula 1; and in any other case it shall be the amount calculated in accordance with the standard formula.

9.—(1) This article applies to any class of hereditaments in relation to which the rateable value in the year beginning on 1st April 1991 falls in pursuance of article 8 to be determined in accordance with formula 1.

(2) The rateable value in any intermediate year of any class of hereditaments to which this article applies shall be determined in accordance with paragraph (3).

(3) Where in relation to a class of hereditaments and any such year a calculation in respect of that year according to formula 2, that is to say–

$$(RV - R) \times 1.2\left(1 + \frac{I - B}{C}\right) + U$$

produces an amount less than that produced by a calculation in respect of that year in accordance with the standard formula, the rateable value of that class of hereditaments in that year shall be the amount calculated in accordance with formula 2; and in any other case it shall be the amount calculated in accordance with the standard formula.

Decreasing rateable values

10.—(1) This article applies to any class of hereditaments in relation to which the rateable value in the year beginning on 1st April 1990 is determined as provided in paragraph (b) of article 6.

(2) The rateable value in the year beginning on 1st April 1991 of any class of hereditaments to which this article applies shall be determined in accordance with paragraph (3).

(3) For the purposes of paragraph (2), where in relation to a class of hereditaments a calculation in respect of that year according to formula 3, that is to say–

$$RV \times 0.87\left(1 + \frac{I - B}{C}\right) + U$$

produces an amount greater than that produced by a calculation in accordance with the

standard formula, the rateable value of that class of hereditaments shall be the amount calculated in accordance with formula 3; and in any other case it shall be the amount calculated in accordance with the standard formula.

11.—(1) This article applies to any class of hereditaments in relation to which the rateable value in the year beginning on 1st April 1991 falls in pursuance of article 10 to be determined in accordance with formula 3.

(2) The rateable value in any intermediate year of any class of hereditaments to which this article applies shall be determined in accordance with paragraph (3).

(3) Where in relation to a class of hereditaments and any such year a calculation according to formula 4, that is to say–

$$(RV - R) \times 0.87 \left(1 + \frac{I - B}{C}\right) + U$$

produces an amount greater than that produced by a calculation in accordance with the standard formula, the rateable value of that class of hereditaments in that year shall be the amount calculated in accordance with formula 4; and in any other case it shall be the amount calculated in accordance with the standard formula.

PART III

GENERAL PROVISION FOR RATEABLE VALUES

12. In the case of–

(a) any class of hereditaments to which paragraph (c) of article 6 applies, in any year beginning on or after 1st April 1991,

(b) any class of hereditament the rateable value of which falls in pursuance of article 8(3) or 10(3) to be determined in accordance with the standard formula, in any year beginning on or after 1st April 1992, and

(c) any class of hereditaments to which article 9 or 11 applies, in any year beginning after an intermediate year,

the rateable value of that class in such a year shall be the amount produced by calculating in respect of that year in accordance with the standard formula.

PART IV

ANNUAL RECALCULATION OF RATEABLE VALUES

Interpretation

13.—(1) In this Part, in relation to each class of hereditaments–

(a) in any formula–

T is the amount specified in relation to that class in column 1 of the Schedule;

y is the relevant amount of water in relation to the period of three years ending immediately before the relevant preceding year;

Y, subject to article 14(3), is the relevant amount of water in relation to the period of three years ending on 31st March 1989;

(b) "relevant amount of water" in relation to a relevant undertaker and any period of three years means the amount calculated in accordance with paragraph (2); and

in relation to a class of hereditaments "relevant undertaker" means the water undertaker in occupation of those hereditaments.

(2) The relevant amount of water in relation to a relevant undertaker and any year is the annual average, over the three years being considered, expressed in megalitres to the nearest tenth part of a megalitre, of the amount estimated in accordance with sub-paragraph (a) less the amount estimated in accordance with sub-paragraph (b); that is to say–

(a) the estimated annual average amount of water put into supply by that undertaker in the period of three years, being water supplied both–

(i) to any other person in bulk, that is to say for the purpose of augmenting or constituting the supply to be given by that person and

(ii) otherwise,

less half the estimated annual average amount of non-potable water so supplied otherwise than in bulk; less

(b) half the annual average amount estimated to have been taken or supplied in bulk during that period of three years.

(3) Where the relevant undertaker did not supply water throughout any year in a period of three years, paragraph (2) shall apply as if for the reference to the annual average over three years there were substituted a reference to the number of years throughout which water was supplied; and for the purposes of this paragraph any temporary suspension of supply shall be disregarded.

Recalculation factors

14.—(1) Where in relation to any class of hereditaments and any year the value attributable to y is less than that produced by calculating in accordance with the formula–

$$Y\left(\frac{102}{100}\right)$$

("the upper threshold") and greater than that produced by calculating in accordance with the formula–

$$Y\left(\frac{98}{100}\right)$$

("the lower threshold"), the recalculation factor applicable to that class–

(a) in the first such year shall be 0, and

(b) in any subsequent such year, shall be a figure equal to the recalculation factor applicable in accordance with this article in the relevant preceding year.

(2) Where in relation to any year the value attributable to y in respect of any class of hereditaments is equal to or exceeds the upper threshold or is equal to or lower than the lower threshold, the recalculation factor applicable to that class in that year shall be the figure produced by calculating in accordance with the formula–

$$T\left(\frac{y - Y}{1.5\ Y}\right).$$

(3) In relation to any class of hereditaments and any year beginning after the year in which paragraph (2) first applies to that class, paragraph (1) shall apply as if for Y there were substituted Z, where Z is a number having the same value as y in the last foregoing year in relation to which the applicable recalculation factor for that class was determined in accordance with paragraph (2).

1989 Secretary of State for the Environment

1989 Secretary of State for Wales

SCHEDULE

Regulations 5 to 7

Classes of water hereditaments	*Specified amounts in millions*	
	Column 1 £	*Column 2* £
PART I. HEREDITAMENTS TO BE ENTERED IN THE CENTRAL RATING LIST FOR ENGLAND		
Anglian Water Services Limited	41.42	11.55086
Dwr Cymru Cyfyngedig	1.221	0.427172
Northumbrian Water Limited	12.129	6.037436
North West Water Limited	61.128	26.381368
Severn Trent Water Limited	45.461	19.05058
Southern Water Services Limited	12.571	5.461776
South West Water Services Limited	15.335	4.407296
Thames Water Utilities Limited	53.056	26.699864
Wessex Water Services Limited	7.358	3.477632
Yorkshire Water Services Limited	37.273	19.075328
Bournemouth and District Water Company	1.5605	0.453857
Bristol Waterworks Company	7.8747	4.335634
Cambridge Water Company	1.7375	0.718338
Chester Waterworks Company	0.4266	0.311202
Cholderton and District Water Company Limited	0.0149	0.004842
Colne Valley Water Company	4.4286	2.382802
East Anglian Water Company	1.8361	0.883254
Eastbourne Water Company	1.7083	0.6102
East Surrey Water Company	2.5504	0.595028
East Worcestershire Water Company	1.6845	0.581901
Essex Water Company	8.668	4.993716
Folkestone and District Water Company	1.1941	0.490226
Hartlepools Water Company	0.9177	0.683906
Lee Valley Water Company	6.5027	3.107165
Mid Kent Water Company	4.0942	1.206088
Mid Southern Water Company	5.0178	1.5517
Mid Sussex Water Company	1.9477	0.643018
Newcastle and Gateshead Water Company	5.5082	2.682145
North Surrey Water Company	3.1585	0.884149
Portsmouth Water Company	4.3207	1.574188
Rickmansworth Water Company	4.1594	1.571498
South Staffordshire Water Company	7.9767	3.108887
Sunderland and South Shields Water Company	3.5644	1.979087
Sutton District Water Company	1.6023	0.362397
Tendring Hundred Waterworks Company	0.7737	0.360245
West Hampshire Water Company	1.7318	0.76353
West Kent Water Company	0.9234	0.257917
Wrexham and East Denbighshire Water Company	0.0265	0.010648
York Waterworks Company	1.079	0.331731
PART II. HEREDITAMENTS TO BE ENTERED IN THE CENTRAL RATING LIST FOR WALES		
Chester Waterworks Company	0.0311	0.023688
Dwr Cymru Cyfyngedig	27.853	9.7378
North West Water Limited	1.12	0.4842
Severn Trent Water Limited	2.748	1.15132
Wrexham and East Denbighshire Water Company	1.1275	0.478951

EXPLANATORY NOTE

(This note is not part of the Order)

Under paragraph 3(2) of Schedule 6 to the Local Government Finance Act 1988, the Secretary of State may by order provide in the case of non-domestic hereditaments to be shown in the central rating lists for England and for Wales that the normal rules of valuation for rating contained in paragraphs 2 to 2B of that Schedule are not to apply to such hereditaments, and instead their rateable value shall be such as is specified, or determined in accordance with rules set out, in the order.

Water supply hereditaments occupied (or, if unoccupied, owned) by water undertakers named in Part 6 of the Schedule to the Central Rating Lists Regulations 1989 (S.I. 1989/2263) are required by those Regulations to be shown on those lists. This Order provides (article 4) that paragraphs 2 to 2B shall not apply in respect of such hereditaments, and sets out rules according to which their rateable values are to be determined.

Part II sets out formulae for determining the rateable values of water supply hereditaments by reference to the figures in columns 1 and 2 of the Schedule to the Order. The amount specified in column 1 (the target amount) provides the basis for calculating the rateable value for each such class of hereditament, and column 2 specifies an amount (the base amount) which has been calculated by reference to the amount payable in respect of each undertaker's hereditaments by way of rates in the financial year 1989/90.

For 1990/91 the rateable value of any class of hereditaments is the target amount, unless that amount exceeds by more than 20 per cent (or is less than 89.5 per cent of) the base amount divided by the national non-domestic rating multiplier applicable for that year under the 1988 Act, in which case it is the latter. Where the target amount does not apply in 1990/91, the transitional provisions of articles 8 to 11 apply for later years until the year in which they produce an amount which falls below (or exceeds) the amount produced by the standard formula (the target figure adjusted for that year in accordance with Part IV). For that year and later years the standard formula applies.

Part IV provides for annual adjustment by reference to variations in water supply.

Draft Order laid before Parliament under section 143(8) of the Local Government Finance Act 1988 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

RATING AND VALUATION

The Water Undertakers (Rateable Values) Order 1989

£1.65 net

ISBN 0 11 098628 8

Printed in the United Kingdom by Her Majesty's Stationery Office at Edinburgh Press
850 WO 1981 C11 12/89 452/4 19593 PS 9901487 (274647)

Draft Regulations laid before Parliament under section 32(3)(a) of the Northern Ireland (Emergency Provisions) Act 1978, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

NORTHERN IRELAND

The Northern Ireland (Emergency Provisions) (Amendment) Regulations 1989

Made - - - -	*1989*
Coming into force	*22nd March 1989*

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament;

Now, therefore, in exercise of the powers conferred upon me by section 27(1) of the Northern Ireland (Emergency Provisions) Act 1978(a), I hereby make the following Regulations:

1. These Regulations may be cited as the Northern Ireland (Emergency Provisions) (Amendment) Regulations 1989 and shall come into force on 22nd March 1989.

2. The Northern Ireland (Emergency Provisions) Regulations 1978(b) shall be amended as follows:

(a) for regulation 4 (funerals) there shall be substituted—

"**4.** Where it appears to an officer of the Royal Ulster Constabulary not below the rank of chief inspector that a funeral may—

(a) occasion a breach of the peace or serious public disorder, or

(b) cause undue demands to be made on Her Majesty's forces or the police,

he may, where it appears to him to be necessary for the preservation of public order, give directions requiring persons taking part in the funeral to travel in vehicles."; and

(b) regulation 5 (closing of licensed premises, clubs etc.) shall be deleted.

Northern Ireland Office

1989

One of Her Majesty's Principal Secretaries of State

(a) 1978 c.5.
(b) The Regulations are contained in Schedule 3 to the 1978 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Northern Ireland (Emergency Provisions) Regulations 1978 by removing the Secretary of State's power to order the closure of licensed premises, clubs etc. and by confining the power of the Royal Ulster Constabulary in relation to funerals to directions that those taking part in a funeral must travel in vehicles.

45p net

ISBN 0 11 098530 3

Printed in the United Kingdom by Her Majesty's Stationery Office

790/WO010 C10 3/89 3185286

Draft Order laid before Parliament under section 32(3) (a) of the Northern Ireland (Emergency Provisions) Act 1978 and section 26(5) (a) of the Northern Ireland (Emergency Provisions) Act 1987, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

NORTHERN IRELAND

The Northern Ireland (Emergency Provisions) Acts 1978 and 1987 (Continuance) Order 1989

Made - - - -	*1989*
Coming into force	*22nd March 1989*

Whereas a draft of this Order has been approved by resolution of each House of Parliament;

Now, therefore, in exercise of the powers conferred upon me by section 33(3)(a) of the Northern Ireland (Emergency Provisions) Act 1978(a) and section 26(4)(a) of the Northern Ireland (Emergency Provisions) Act 1987(b), I hereby make the following Order:

1. This Order may be cited as the Northern Ireland (Emergency Provisions) Acts 1978 and 1987 (Continuance) Order 1989 and shall come into force on 22nd March 1989.

2. In this Order—

(a) "the temporary provisions of the 1978 Act"(c) means all the provisions of the Northern Ireland (Emergency Provisions) Act 1978, except sections 5 and 28 to 36, Part III of Schedule 4, Schedules 5 and 6 and, so far as they relate to offences which are scheduled offences by virtue of the said Part III, sections 2, 6 and 7; and

(b) "the temporary provisions of the 1987 Act" means Parts II and III of the Northern Ireland (Emergency Provisions) Act 1987.

3. The temporary provisions of the 1978 Act except section 12, Schedule 1 and section 24, and the temporary provisions of the 1987 Act, shall continue in force for a period of twelve months beginning with 22nd March 1989.

Northern Ireland Office

1989 One of Her Majesty's Principal Secretaries of State

(a) 1978 c.5. Section 33 is amended by section 13 of the Northern Ireland (Emergency Provisions) Act 1987.
(b) 1987 c.30.
(c) Some of the temporary provisions of the 1978 Act are amended by Part I and section 25 of 1987 c.30.

EXPLANATORY NOTE

(This note is not part of the Order)

Apart from this Order, the temporary provisions of the Northern Ireland (Emergency Provisions) Acts 1978 and 1987 would expire with 21st March 1989. They are currently in force by virtue of the Northern Ireland (Emergency Provisions) Acts 1978 and 1987 (Continuance) Order 1988 (S.I. 1988/426). This Order continues in force the temporary provisions of the 1978 and 1987 Acts for a period of twelve months beginning with 22nd March 1989, except for certain provisions of the 1978 Act. These are section 12 and Schedule 1 (which relate to the detention of terrorists) and section 24 (which makes it an offence to fail to disperse when required to do so by a commissioned officer of HM forces or an officer not below the rank of Chief Inspector of the Royal Ulster Constabulary).

45p net

ISBN 0 11 098529 X

Printed in the United Kingdom by Her Majesty's Stationery Office

790/WO009 C10 3/89 3185279

Draft Order in Council laid before Parliament on 13th November 1989 under section 6(2) of the Statutory Instruments Act 1946 (superseding part of section 1(2) of the Census Act 1920) for it to lie for forty days pursuant to section 6(1) of that Act of 1946, during which period either House of Parliament may resolve that the draft be not submitted to Her Majesty.

The particulars printed in italics in Schedules 2 and 3 and Article 6, to the extent that it relates to those particulars, require specific approval under the proviso to section 1(2) of the Census Act 1920, by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

CENSUS

The Census Order 1989

Laid before Parliament in draft

Made - - - 1989

At the Court at , the day of 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order was laid before Parliament in accordance with the provisions of section 1(2) of the Census Act 1920**(a)** and section 6(2) of the Statutory Instruments Act 1946**(b)**, and both Houses of Parliament have by resolution approved so much of the Order as prescribes particulars with respect to the matters mentioned in paragraph 6 of the Schedule to the Census Act 1920 (any other matters with respect to which it is desirable to obtain statistical information with a view to ascertaining the social or civil condition of the population) and during the period of forty days beginning with the day on which a copy of the draft of the Order was laid before each House of Parliament neither House resolved that so much of the draft as does not prescribe such particulars should not be submitted to Her Majesty:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 1(1) of the Census Act 1920 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

Citation

1. This Order may be cited as the Census Order 1989.

Interpretation

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

"the Act" means the Census Act 1920;

"census day" means 21st April 1991;

"census night" means the night of 21st to 22nd April 1991.

(a) 1920 c.41.
(b) 1946 c.36.

(2) In this Order, unless the context otherwise requires:–

(a) any reference to a numbered article or Schedule is a reference to the article or Schedule bearing that number in this Order,

(b) any reference in an article or Schedule to a numbered paragraph is a reference to the paragraph of that article or Schedule bearing that number, and

(c) any reference to a Group is a reference to that Group as specified in Schedule 1.

Date on which census is to be taken

3. A census shall be taken for Great Britain on 21st April 1991.

Persons with respect to whom the returns are to be made

4.—(1) For the purpose of that census, returns shall be made in accordance with the provisions of this Order with respect to:–

(a) all persons in Great Britain,

(b) all other persons who are usually resident in Great Britain in a dwelling or part of a dwelling (including a caravan, houseboat or other temporary building or structure used as living accommodation) occupied by a private household (whether consisting of one or more persons) but who do not spend census night in Great Britain, and

(c) the persons specified in paragraph (2)

who are alive at midnight ending census day.

(2) The persons referred to in paragraph (1)(c) as being specified in this paragraph are persons who spend census night on one of Her Majesty's ships or vessels as defined by the Naval Discipline Act 1957**(a)**, which is within the territorial sea adjacent to Great Britain at midnight ending census day.

(3) A return with respect to any person to whom paragraph (1) applies shall be made in accordance with the provisions of this Order relating to each premises, vessel or other place in column (1) of Schedule 1 at which that person spends census night or, as the case may be, arrives or is usually resident as mentioned in column (2) of that Schedule, and the return shall be so made in the form prescribed by regulations made under section 3 of the Act.

Persons by whom the returns are to be made

5.—(1) Where a dwelling or part of a dwelling to which column (1) of Group I applies is occupied by a private household consisting of one person, that person shall make a return with respect to himself and with respect to every other person specified in column (2) of Group I.

(2) Where a dwelling or part of a dwelling to which column (1) of Group I applies is occupied by a private household consisting of more than one person:–

(a) the head or joint heads, or the person or persons for the time being acting as head or joint heads of that household, or

(b) if there is no head or acting head of that household, and if there are no joint heads or acting joint heads of that household, the members of that household who are aged 16 years or over,

shall make a return with respect to every person specified in column (2) of Group I, except that the obligation to make the return shall be satisfied in respect of the joint heads or acting joint heads of the household, or, as the case may be, the members of the household aged 16 years or over if any one of their number completes such a return on their behalf.

(3) Any person with respect to whom a return falls to be made in accordance with paragraph (1) or (2) who:–

(a) is aged 16 years or over on census day, and

(b) is himself capable of completing the form of return,

may elect to make an individual return, and any person who makes such an election shall make a return with respect to himself.

(a) 1957 c.53.

(4) Every person specified in column (2) of Groups II, III, IV, V and, subject to paragraph (5), Group VI shall make a return with respect to himself, but where any such person is, for any reason, incapable of making a return:–

(a) if he is a person specified in column (2) of Group II, the manager or other person for the time being in charge of the hotel or boarding-house shall make a return with respect to that person or may arrange for the return to be made by a relative or other person accompanying that person;

(b) if he is a person specified in column (2) of Group III, the return shall be made with respect to him by the chief resident officer or other person for the time being in charge of the premises;

(c) if he is a person specified in column (2) of Group IV, the return shall be made with respect to him by the commanding officer or other person for the time being in charge of the premises or vessel;

(d) if he is a person specified in column (2) of Group V, the return shall be made with respect to him by the captain or master or other person for the time being in charge of the vessel;

(e) if he is a person specified in column (2) of Group VI, the return may be made with respect to him by any other person capable of doing so on his behalf.

(5) As regards a person specified in column (2) of Group VI who is of no fixed abode, the return referred to in paragraph (4) may be made with respect to him by any other person authorised by him to do so on his behalf.

(6) In the case of any premises or vessel specified in Group II, III or V, the manager, chief resident officer or other person for the time being in charge of the premises or the captain, master or other person for the time being in charge of the vessel and in the case of any premises or vessel specified in Group IV the commanding officer or other person for the time being in charge of the premises or vessel, shall make a return in accordance with Article 6(3).

Particulars to be stated in the returns

6.—(1) Every return referred to in paragraphs (1) to (5) of Article 5 shall state with respect to each person required to be included in that return the particulars specified in items 1–14 of Schedule 2 except that:–

(a) in the case of any person who is a member of a naval, military or air force, the return shall not state the particulars specified at items 14(a) (i)–(iii) or (v) of Schedule 2 but shall state "Armed Forces" together with whether the person is a commissioned officer, and, if the force of which he is a member is not a United Kingdom force, the country of whose forces he is a member;

(b) in the case of a person who in accordance with Article 5(3) makes a return with respect to himself, the return which falls to be made in accordance with paragraph (1) or (2) of Article 5 shall state, with respect to that person, only the particulars specified in items 1, 5 and 6 of Schedule 2;

(c) in the case of any return referred to in paragraphs (3), (4) or (5) of Article 5 the particulars specified in item 6 of Schedule 2 shall not be stated.

(2) Every return made in accordance with paragraphs (1) and (2) of Article 5 shall state also the particulars specified in items 15–19 of Schedule 2.

(3) Every return referred to in paragraph (6) of Article 5 shall state:–

(a) in the case of any premises mentioned in column (1) of Group II the particulars specified in item 1 of Schedule 3 with respect to all persons mentioned in column (2) of that Group, together with the particulars specified in items 2 and 3 of that Schedule;

(b) in the case of any premises mentioned in column (1) of Group III or IV the particulars specified in item 1 of Schedule 3 with respect to all persons mentioned in column (2) of those Groups, together with the particulars specified in item 2 of that Schedule;

(c) in the case of any vessel mentioned in column (1) of Group IV or V the particulars specified in item 1 of Schedule 3 with respect to all persons mentioned in column (2) of those Groups.

(4) In Wales, every return referred to in paragraphs (1) to (5) of Article 5 shall state the additional particulars specified in item 20 of Schedule 2, except that in the case of a person who, in accordance with Article 5(3) makes a return with respect to himself, the return which falls to be made in accordance with paragraph (1) or (2) of Article 5 shall not include those additional particulars with respect to that person.

(5) In Scotland:–

(a) every return referred to in paragraphs (1) to (5) of Article 5 shall state the additional particulars specified in item 21 of Schedule 2, except that in the case of a person who, in accordance with Article 5(3) makes a return with respect to himself, the return which falls to be made in accordance with paragraph (1) or (2) of Article 5 shall not include those additional particulars with respect to that person; and

(b) every return referred to in paragraphs (1) and (2) of Article 5 shall state the additional particulars specified in item 22 of Schedule 2.

Clerk of the Privy Council.

SCHEDULE 1

Article 4(3)

(1) Premises, vessel or other place	(2) Persons
GROUP I	
Any dwelling or part of a dwelling, (including a caravan, houseboat or other temporary building or structure used as living accommodation) occupied by a private household (whether consisting of one or more persons).	Every person who– (a) spends census night in the dwelling or the part of the dwelling whether as a member of the household, guest, paying guest or boarder or as an employee of any such person; (b) arrives at the dwelling or the part of the dwelling at any time during the day immediately following census day but before the returns with respect to the persons in the dwelling are collected, who was in Great Britain at midnight ending census day and who has not been included as present in any other return; (c) not being a person to whom paragraph (a) or (b) above refers, is usually resident in the dwelling or the part of the dwelling but who does not spend census night there.
GROUP II	
Any hotel or boarding-house.	Every person who– (a) spends census night in the premises; (b) arrives at the premises at any time during the day immediately following census day but before the returns with respect to the persons in the premises are collected, who was in Great Britain at midnight ending census day and who has not been included as present in any other return.

(1) Premises, vessel or other place	(2) Persons
GROUP III	
Any hospital, nursing home, religious or charitable community, residential school or college, civil prison or other place of detention or other residential establishment whatsoever, not being an establishment mentioned elsewhere in this Schedule.	Every person who– (a) spends census night in the premises; (b) arrives at the premises at any time during the day immediately following census day but before the returns with respect to the persons in the premises are collected, who was in Great Britain at midnight ending census day and who has not been included as present in any other return.
GROUP IV	
Any vessel, barracks, station or other premises under naval, military or air force discipline.	Every person who– (a) spends census night on the vessel or in the premises; (b) arrives at the vessel or premises at any time during the day immediately following census day but before the returns with respect to the persons on the vessel or in the premises are collected, who was in Great Britain at midnight ending census day and who has not been included as present in any other return.
GROUP V	
Any vessel not included in Group IV.	Every person who– (a) spends census night on the vessel; (b) arrives at the vessel at any time during the day immediately following census day but before the returns with respect to the persons on the vessel are collected, who was in Great Britain at midnight ending census day and who has not been included as present in any other return.
GROUP VI	
Any other place not included in the above Groups.	Every person who spends census night in any such place.

SCHEDULE 2

Article 6(1), (2), (4) and (5)

Particulars to be stated in returns

1. Name and surname.

2. Sex.

3. Date of birth.

4. Whether single, married, widowed or divorced, *and if married whether first or subsequent subsisting marriage.*

5.—(a) For any person specified in column (2) of Group I, relationship to head of household or, where there are joint heads of the household, to the first head named in the return; or where there is no head or there are no joint heads of the household, to the first person named in the return; or if unrelated to the head or first named head or first person named in the return, position in household.

(b) For any person specified in column (2) of Groups II–V, position in establishment.

6. *Whether, at midnight ending census day:–*

(a) present in the dwelling or part of the dwelling occupied by the private household to which the return relates or travelling overnight to that dwelling or absent from that dwelling but intending to return to it after working overnight, or,

(b) if not present or absent as aforesaid, whether elsewhere in Great Britain or outside of Great Britain.

7. Usual residence, *and, in respect of any student or schoolchild who does not reside at that usual residence during term time, the current or most recent term time address.*

8. In respect of any person whose usual residence on 21st April 1990 was not the same as on census day, the usual residence on 21st April 1990.

9. Country of birth.

10. As regards ethnic group, whether:–

(a) white,

(b) black Caribbean,

(c) black African,

(d) of another black ethnic group, if so stating which,

(e) Indian,

(f) Pakistani,

(g) Bangladeshi,

(h) Chinese, or

(i) of any other ethnic group, if so stating which.

11. Whether suffering from any long-term illness, health problem or handicap which limits his daily activities or the work he can do.

12. In respect of any person aged 18 years or over, the academic, professional or vocational qualifications obtained after attaining that age, and for each qualification the subject or subjects in which the qualification was obtained, the name of the institution which awarded the qualification and the year the award was made.

13. In respect of any person aged 16 years or over, whether that person was at any time during the week preceding census day:–

(a) looking after the home or family;

(b) engaged in full-time remunerative work as an employed person, and for this purpose that person is engaged in full-time work as an employed person if he usually works more than 30 hours per week in any one such employment (the hours to be reckoned excluding overtime and meal breaks);

(c) engaged in part-time remunerative work as an employed person, and for this purpose that person is engaged in part-time work as an employed person if he usually works 30 hours or less per week in any one such employment (the hours to be reckoned excluding overtime and meal breaks);

(d) engaged in remunerative work as a self-employed person, and if so whether or not employing others;

(e) waiting to take up remunerative work already accepted;

(f) seeking remunerative work or prevented by temporary sickness or holiday from seeking remunerative work;

(g) permanently sick or disabled;

(h) wholly retired from remunerative work;

(i) at school or a full-time student (excluding training provided by an employer);

(j) receiving training or temporarily employed under arrangements made by the Secretary of State;

(k) occupied otherwise than as mentioned above, and if so how occupied,

and for the purpose of paragraphs (b), (c) and (d) above, a person shall be treated as being engaged in remunerative work during the week preceding census day notwithstanding that at any time during that week he was absent from work because he was engaged in a trade dispute, or because he was on holiday or incapable of work by reason of sickness, or because he was laid off work temporarily by his employer.

14.—(a) In respect of any person aged 16 years or over engaged in remunerative work at any time during the week preceding census day, in respect of the work or as the case may be the main work in that week:–

(i) the name and nature of business of employer if an employee, or, if self-employed, name of business of self-employed person and nature of that business;

(ii) occupation to which that work relates;

(iii) description of work done in that occupation;

(iv) the hours usually worked (excluding overtime and meal breaks);

(v) the address of the place of the work;

(vi) the main method of travel used for daily journey to the work, or whether working mainly at home.

(b) In respect of any person aged 16 years or over not engaged in remunerative work at any time during the week preceding census day, whether engaged in remunerative work at any time during the 10 years preceding census day, and if so, in respect of the most recent of such work, the particulars specified in paragraph 14(a)(i) to (iv).

15. Number of rooms occupied by the private household to which the return relates excluding any kitchen which is less than 2 metres wide, and excluding any bathroom and water closet.

16. Whether the living accommodation occupied by the private household to which the return relates is:–

(a) in a caravan or in any other mobile or temporary structure, or

(b) the whole of a house or bungalow, and if so whether detached, semi-detached or terraced, or

(c) the whole of a purpose built flat or maisonette, and if so, whether in a purpose built block of flats or maisonettes or in a commercial building, or

(d) part of a house, bungalow or flat, and if so:–

(i) whether the entrance to the house, bungalow or building which contains the flat is shared with any other household,

(ii) whether the accommodation consists of one room or more than one room (excluding any kitchen which is less than 2 metres wide and excluding any bathroom and water closet), and

(iii) whether the accommodation has, enclosed behind its own front door, the exclusive use of all the following, that is to say, kitchen facilities, bathroom or shower, and water closet.

17. Whether any person usually resident in the accommodation to which the return relates:–

(a) (i) In England and Wales, owns the freehold of the accommodation or has a lease of it for a term exceeding 21 years, and if so whether the accommodation is subject to a mortgage or legal charge executed at the time that that person acquired the freehold or leasehold interest and for the purpose of enabling him to do so, or

(ii) in Scotland, owns the dominium utile of the accommodation or has a lease of it for a term exceeding 20 years and if so whether the accommodation is subject to a heritable security granted at the time that that person acquired the dominium utile or the lease and for the purpose of enabling him to do so;

(b) occupies the accommodation pursuant to a lease which in England and Wales is for a term of 21 years or less or which in Scotland is not a registrable lease, or rent free or at a rental, either:–

(i) by virtue of the employment of that person, or with a shop, farm or other business,

(ii) from a local authority,

(iii) from a new town development corporation, the Commission for the New Towns or a housing action trust,

(iv) from a housing association or charitable trust,

(v) from Scottish Homes, or

(vi) from any other person or body, and if so whether furnished or unfurnished; or

(c) occupies the accommodation in some other way, and if so stating the nature of that occupation.

18. Whether the private household to which the return relates:–

(a) has the use of:–

(i) a bath or shower and if so whether such use is exclusive or shared;

(ii) a water closet with entrance inside the building and

—if so, whether such use is exclusive or shared, and

—if not, whether it has the use of a water closet with entrance outside the building;

(b) has central heating in the living rooms and bedrooms, and if so whether in all such rooms or not.

19. The number of cars and vans normally available for the use of the members of the private household to which the return relates.

Additional particulars to be stated in returns made in Wales

20. In respect of any person aged 3 years or over, whether:–
(a) speaking Welsh;
(b) reading Welsh;
(c) writing Welsh.

Additional particulars to be stated in returns made in Scotland

21. In respect of any person aged 3 years or over, whether able to:–
(a) speak Scottish Gaelic;
(b) read Scottish Gaelic;
(c) write Scottish Gaelic.

22. In respect of any dwelling, or part of a dwelling, occupied by the private household to which the return relates, the lowest floor level on which any of the household's living accommodation is situated.

SCHEDULE 3

Article 6(3)

Particulars to be stated in returns to which Article 6(3) relates

1. Name.
2. Nature of premises.
3. Number of rooms in the premises other than kitchens, bathrooms, water closets and rooms used as offices or for storage.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the taking of a census for Great Britain on 21st April 1991. The Order specifies the persons by whom and with respect to whom the census returns are to be made and sets out the particulars to be stated in the returns.

The Order implements the European Community Council Directive of 26th May 1987 on the synchronization of general population censuses in 1991 (87/287/EEC).

£1.65 net

ISBN 0 11 098609 1

Printed in the United Kingdom for Her Majesty's Stationery Office

880 WO1796 C13 11/89 452/3 4235 46378 895473·1C

Draft Regulations laid before Parliament under section 6(2) of the Statutory Instruments Act 1946 (superseding section 12(2) of the Public Records (Scotland) Act 1937) on 16th November 1989; draft to lie for forty days pursuant to section 6(1) of the said Act of 1946, during which period either House of Parliament may resolve that the Regulations be not made.

DRAFT STATUTORY INSTRUMENTS

1990 No. (S.)

REGISTERS AND RECORDS, SCOTLAND

The Disposal of Court Records (Scotland) Regulations 1990

Made - - - -	*1990*
Coming into force	*1st February 1990*

Whereas a draft of these Regulations has been laid before each House of Parliament and neither House has resolved that they be not made:

Now, therefore, in exercise of the powers conferred on him by section 12 of the Public Records (Scotland) Act 1937(a) and of all other powers enabling him in that behalf, the Lord Justice General and Lord President hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disposal of Court Records (Scotland) Regulations 1990.

(2) They shall come into force on 1st February 1990.

Revocation

2. The following Regulations are revoked:–

(a) the Regulations made by the Lord Justice General and Lord President and the Secretary of State in 1940 relating to the disposal of documents(b) in so far as they relate to court records;

(b) the Preservation of Sheriff Court Record Regulations 1969(c).

Application

3. These Regulations apply to court records dated in or after the year 1707 which are of insufficient value to justify their preservation by the Keeper of the Records of Scotland ("the Keeper"), or which would more appropriately be in the custody of some other person, body or institution.

Disposal of court records

4. Subject to regulation 5, the Keeper may authorise the disposal of any court records to which these Regulations apply either by destroying them or in appropriate cases by transferring them to another person, body or institution.

(a) 1937 c.43; section 12 was amended by the National Heritage (Scotland) Act 1985 (c.16), section 19(3).
(b) S.R. & O. 1940/2107.
(c) S.I. 1969/1756.

Procedure for disposal

5. Before authorising the disposal of any such court records the Keeper shall for that purpose consult with and obtain the agreement of–

(a) in relation to records of the Court of Session, the Lord President;

(b) in relation to records of the High Court of Justiciary, the Lord Justice General;

(c) in relation to records of any sheriff court, the Sheriff Principal of that court;

(d) in relation to records of the Scottish Land Court, the Chairman of that court;

(e) in relation to all such records, the Scottish Records Advisory Council.

Edinburgh

1990 Lord Justice General and Lord President

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Regulations made by the Lord Justice General and Lord President and the Secretary of State in 1940 relating to disposal of court records by the Keeper of the Records of Scotland and also the Preservation of Sheriff Court Regulations 1969, and make new provision for the disposal of court records by the Keeper.

50p net

ISBN 0 11 098608 3

Printed in the United Kingdom by Her Majesty's Stationery Office at Edinburgh Press
800 WO 1809 C9 11/89 452/4 19593 PS 9901487 (273617)

Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972 for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

1989 No.

ROAD TRAFFIC

The Driving Licences (Community Driving Licence) Regulations 1989

Made - - - -	*1989*
Coming into force -	*1st April 1990*

Whereas both Houses of Parliament have approved a draft of this instrument, the Secretary of State for Transport, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, and of all other enabling powers, hereby makes the following Regulations:

1. These Regulations may be cited as the Driving Licences (Community Driving Licence) Regulations 1989 and shall come into force on 1st April 1990.

2.—(1) The Road Traffic Act 1988(c) shall be amended as provided in Schedule 1 to these Regulations.

(2) The Road Traffic Offenders Act 1988(d) shall be amended as provided in Schedule 2 to these Regulations.

(3) The Road Traffic (Driver Licensing and Information Systems) Act 1989(e) shall be amended as provided in Schedule 3 to these Regulations.

(4) The Criminal Justice Act 1972(f) and the Powers of Criminal Courts Act 1973(g) shall be amended as provided in Schedule 4 to these Regulations.

3. The amendments mentioned in regulation 2 above shall have effect only in relation to driving licences which come into force on or after 1st June 1990 (or, in their application to licences to drive a motor vehicle granted under the law of Northern Ireland, to such licences which come into force on or after 1st January 1991).

Signed by authority of
the Secretary of State for Transport

Parliamentary Under Secretary of State,
Department of Transport

1989

(a) S.I. 1981/1536.
(b) 1972 c.68.
(c) 1988 c.52.
(d) 1988 c.53.
(e) 1989 c.22.
(f) 1972 c.71.
(g) 1973 c.62.

SCHEDULE 1 Regulation 2(1)

AMENDMENTS TO THE ROAD TRAFFIC ACT 1988

1. In section 88(6) (application of enactments to foreign permits and their holders), after the word "licences" there shall be inserted the words ", counterparts of licences".

2. In section 93 (revocation of licence because of disability)–

(a) in subsection (2)(b), after the word "revoked" there shall be inserted the words "and its counterpart";

(b) in subsection (3), after the words "the licence" there shall be inserted the words "and its counterpart"; and

(c) in subsection (4)–

(i) after the words "his licence" there shall be inserted the words "or its counterpart",

(ii) for the word "it" in both places where it occurs there shall be substituted the word "them", and

(iii) for the word "its" there shall be substituted the word "their".

3. In section 97(1) (conditions for grant of licences), in paragraph (c)–

(a) after the words "1st June 1970" there shall be inserted the words "and its counterpart"; and

(b) for the word "it" there shall be substituted the word "them".

4. 'In section 98 (form of driving licence)–

(a) in subsection (1)–

(i) in paragraph (b), at the end, there shall be inserted the word "and", and

(ii) paragraph (d) and the word "and" preceding it shall be omitted;

(b) in subsection (2)–

(i) for the words "licence which, apart from this subsection," there shall be substituted the words "person who holds a licence which", and

(ii) for the words "shall also authorise him to" there shall be substituted the word "may"; and

(c) in subsection (3), for the words "A licence shall not by virtue of subsection (2) above" there shall be substituted the words "Subsection (2) above does not".

5. In section 99 (duration of licences)–

(a) in subsection (3)–

(i) for paragraph (a) there shall be substituted the following paragraphs–

"(a) that a licence granted by him to any person was granted in error or with an error or omission in the particulars specified in the licence, or

(aa) that the counterpart of a licence granted by him to any person is required to be endorsed in pursuance of any enactment or was issued with an error or omission in the particulars specified in the counterpart or required to be so endorsed on it, or",

(ii) in paragraph (b), after the word "person" there shall be inserted the words "or in its counterpart", and

(iii) in the words following paragraph (b), after the word "licence" in the second place where it occurs there shall be inserted the words "and its counterpart";

(b) in subsection (4), after the words "surrender the licence" there shall be inserted the words "and its counterpart";

(c) in subsection (6)–

(i) after the word "licence" in the first place where it occurs there shall be inserted the words "and its counterpart",

(ii) for the words "the licence" there shall be substituted the word "them",

(iii) for the word "it" there shall be substituted the word "them",

(iv) after the word "licence" in the last place where it occurs there shall be inserted the words "and its counterpart", and

(v) for the word "its" there shall be substituted the word "their"; and

(d) in subsection (7)–

(i) after the words "a licence" there shall be inserted the words "and its counterpart", and

(ii) for the words "or is" there shall be substituted the words "or the licence and its counterpart are".

6. In section 105(2) (regulations about driving licences)–

(a) in paragraph (a), after the word "licences" there shall be inserted the words "and counterparts of licences";

(b) in paragraph (b), after the words "suspended or" there shall be inserted the words "whose counterparts of licences are"; and

(c) in paragraph (e), for the words "a new licence in the place of a licence" there shall be substituted the words "new licences and counterparts of licences in the place of licences or counterparts of licences".

7. In section 108(1) (interpretation of Part III), in the definition of "licence", after the word "Act" there shall be inserted the words "and "counterpart", in relation to a licence, means a document in such form as the Secretary of State may determine, issued with the licence, containing such information as he determines and designed for the endorsement of particulars relating to the licence".

8. In section 109 (provisions as to Northern Ireland drivers' licences)–

(a) in subsection (2)–

(i) for the words "as if it had been a licence granted under this Part of this Act" there shall be substituted the words "and its counterpart as if they had respectively been a licence granted under this Part of this Act and the counterpart to such a licence", and

(ii) after the words "production of licences" there shall be inserted the words "and counterparts of licences";

(b) in subsection (3)–

(i) after the word "him" there shall be inserted the words "and its counterpart",

(ii) after the word "licence" in the last place where it occurs there shall be inserted the words "and its counterpart", and

(iii) for the word "it" there shall be substituted the word "them"; and

(c) in subsection (4), after the word "licence" there shall be inserted the words "and its counterpart".

9. In section 164 (production of driving licences to constables)–

(a) in subsection (1), in the words following paragraph (d)–

(i) after the word "licence" in the first place where it occurs there shall be inserted the words "and its counterpart", and

(ii) for the words "it was" there shall be substituted the words "they were";

(b) in subsection (3)–

(i) after the words "fails to deliver it" there shall be inserted the words "and its counterpart",

(ii) for the words "produce it" there shall be substituted the words "produce the licence and its counterpart",

(iii) for the word "its" there shall be substituted the word "their", and

(iv) for the word "it" in the last two places where it occurs there shall be substituted the word "them";

(c) in subsection (4), after the word "it" there shall be inserted the words "and its counterpart";

(d) in subsection (5)–

(i) after the words "a licence" there shall be inserted the words "and its counterpart",

(ii) for the word "it" in each place where it occurs there shall be substituted the word "them", and

(iii) for the word "its" there shall be substituted the word "their";

(e) in subsection (6), after the word "licence" there shall be inserted the words "and its counterpart";

(f) in subsection (7)–

(i) after the word "licence" immediately preceding paragraph (a) there shall be inserted the words "and its counterpart",

(ii) in paragraph (a), after the word "licence" in both places where it occurs there shall be inserted the words "and its counterpart", and for the word "its" there shall be substituted the word "their", and

(iii) in paragraph (b), after the word "licence" there shall be inserted the words "and its counterpart", and for the word "its" there shall be substituted the word "their";

(g) in subsection (8)–

(i) after the word "licence" in both places where it occurs there shall be inserted the words "and its counterpart",

(ii) for the word "it" in the second, third and fifth places where it occurs there shall be substituted the word "them", and

(iii) for the word "its" there shall be substituted the word "their"; and

(h) in subsection (11), after the word "'"licence"'" there shall be inserted the word ", "counterpart"'".

10. In section 167 (power of arrest in Scotland for reckless or careless driving or cycling), in paragraph (a), after the word "Act" in the second place where it occurs there shall be inserted the words "and the counterpart of the licence".

11. In section 173 (forgery of documents, etc)–

(a) in subsection (2)(a), at the end there shall be inserted the words "or, in the case of a licence to drive, any counterpart of such a licence,"; and

(b) after subsection (3) there shall be inserted the following subsection–

"(4) In this section "counterpart", in relation to a licence to drive under Part III of this Act, has the same meaning as in that Part.".

12. In section 176 (power to seize articles in respect of which certain offences may have been committed)–

(a) after subsection (1) there shall be inserted the following subsection–

"(1A) Where a licence to drive or a counterpart of a licence may be seized by a constable under subsection (1) above, he may also seize the counterpart or the licence, as the case may be, produced with it.";

(b) after subsection (3) there shall be inserted the following subsection–

"(3A) An order under subsection (3) above respecting the disposal of a licence to drive or a counterpart of a licence may include an order respecting the disposal of any document seized under subsection (1A) above."; and

(c) after subsection (7) there shall be inserted the following subsection–

"(8) In this section "counterpart", in relation to a licence to drive under Part III of this Act, has the same meaning as in that Part.".

SCHEDULE 2

Regulation 2(2)

AMENDMENTS TO THE ROAD TRAFFIC OFFENDERS ACT 1988

1. In section 7 (production of licence to clerk of court), after paragraph (c) there shall be inserted the words "and the foregoing obligations imposed on him as respects the licence also apply as respects the counterpart to the licence.".

2. In section 26 (interim disqualification on committal for sentence)–

(a) in subsection (2)–

(i) after the words "held by him" there shall be inserted the words "and its counterpart", and

(ii) after the words "such licence" there shall be inserted the words "and its counterpart"; and

(b) in subsection (4)–

(i) after the word "licence" in paragraph (a) and paragraph (b) there shall be inserted the words "and its counterpart", and

(ii) for the word "its" there shall be substituted the word "their".

3. In section 27 (production of licence to court)–

(a) in subsections (1) and (2), after the words "require the licence" there shall be inserted the words "and its counterpart";

(b) in subsection (3), after the word "it" in the first three places where it occurs there shall be inserted the words "and its counterpart", and for the words "it is" there shall be substituted the words "it and its counterpart are"; and

(c) in subsection (4)–

(i) in paragraph (a), after the word "licence" there shall be inserted the words "and its counterpart",

(ii) after the words "and produces the licence" there shall be inserted the words "and its counterpart", and

(iii) for the word "its" there shall be substituted the word "their".

4. In section 29(1) (penalty points), after the words "endorsed on" there shall be inserted the words "the counterpart of".

5. In section 30 (penalty points where fixed penalty also)–

(a) in subsection (1)(b), after the word "that" there shall be inserted the words "the counterpart of"; and

(b) in subsection (2)(b), after the words "endorsed on" there shall be inserted the words "the counterpart of".

6. In section 31(1) (endorsements may be taken into consideration)–

(a) for the word "is" in the second place where it occurs there shall be substituted the words "and its counterpart are"; and

(b) after the word "on" there shall be inserted the words "the counterpart of".

7. In section 32 (court in Scotland may take extract from licensing records into account)–

(a) in subsection (1), for the word "is" in the second place where it occurs there shall be substituted the words "and its counterpart are"; and

(b) in subsection (2)(b), after the words "endorsed on" there shall be inserted the words "the counterpart of".

8. In section 36(4) (licence issued to disqualified person after passing another test), for the words "endorsed particulars of the disqualification" there shall be substituted the words "particulars of the disqualification endorsed on the counterpart of the licence".

9. In section 42(5) (removal of disqualification), after the words "endorsed on" there shall be inserted the words "the counterpart of".

10. In section 44(1) (endorsement of licences), after the words "endorsed on" there shall be inserted the words "the counterpart of".

11. In section 45 (effect of endorsement)–

(a) in subsection (1)–

(i) after the words "endorsed on" there shall be inserted the words "the counterpart of",

(ii) after the words "operate as an order that" there shall be inserted the words "the counterpart of", and

(iii) after the words "issued to him" there shall be inserted the words "with its counterpart";

(b) in subsection (2)–

(i) after the words "endorsed on" there shall be inserted the words "the counterpart of",

(ii) after the words "entered on" there shall be inserted the words "the counterpart of", and

(iii) after the words "issued to him" there shall be inserted the words "with its counterpart";

(c) in subsection (3)–

(i) after the word "person" there shall be inserted the words "the counterpart of", and

(ii) after the words "issued to him" there shall be inserted the words "with its counterpart"; and

(d) in subsection (4)–

(i) for the words from the beginning to "effective," there shall be substituted the words "A person the counterpart of whose licence has been ordered to be endorsed is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective a new licence with a counterpart free from the endorsement if", and

(ii) after the words "subsisting licence" there shall be inserted the words "and its counterpart".

12. In section 46(2) (certain convictions to be taken into account in determining punishment or disqualification for later offence), after the words "endorsed on" there shall be inserted the words "the counterpart of".

13. In section 47 (court, on ordering endorsement, to send licence to Secretary of State)–

(a) in subsection (2)–

(i) after the words "endorsement of" there shall be inserted the words "the counterpart of",

(ii) for the words "licence, on its" there shall be substituted the words "licence and its counterpart, on their", and

(iii) after the words "send the licence" there shall be inserted the words "and its counterpart"; and

(b) in subsection (4), after the word "licence" there shall be inserted the words "and the counterpart of a licence".

14. In section 48 (exemption in certain cases), in paragraph (b), after the words "endorsed on" there shall be inserted the words "the counterpart of".

15. In section 54 (notices on-the-spot or at police station)–

(a) in subsection (3), after the words "his licence" in paragraph (a), the words "the licence" in paragraph (b) and the words "his licence" in paragraph (c) there shall be inserted the words "and its counterpart";

(b) in subsection (4)–

(i) in paragraph (b), after the words "his licence" there shall be inserted the words "and its counterpart", and

(ii) in the words following that paragraph, after the words "his licence" there shall be inserted the words "and its counterpart";

(c) in subsection (5)–

(i) after the words "his licence" there shall be inserted the words "and its counterpart",

(ii) in paragraph (a), after the word "licence" there shall be inserted the words "and its counterpart", and

(iii) in paragraph (b), after the words "his licence" there shall be inserted the words "and its counterpart"; and

(d) in subsection (7), after the word "licence" there shall be inserted the words "and a counterpart of a licence".

16. In section 56 (licence receipts)–

(a) in subsection (1)–

(i) after the words "his licence" there shall be inserted the words "and its counterpart", and

(ii) after the words "the licence" there shall be inserted the words "and its counterpart";

(b) in subsection (2)–

(i) after the words "his licence" there shall be inserted the words "and its counterpart", and

(ii) for the words "the licence" there shall be substituted the word "them"; and

(c) in subsection (3), after the word "licence" there shall be inserted the words "and its counterpart".

17. In section 57 (endorsement without hearing)–

(a) in subsection (1)–

(i) after the word "licence" in the second place where it occurs there shall be inserted the words "and its counterpart", and

(ii) after the word "Act," there shall be inserted the words "the counterpart of";

(b) in subsection (2), at the beginning there shall be inserted the words "The counterpart of";

(c) in subsection (3) and subsection (4)–

(i) after the words "particulars on the" there shall be inserted the words "counterpart of the", and

(ii) after the word "it" there shall be inserted the words "together with the licence"; and

(d) in subsection (6), after the word "endorsing" there shall be inserted the words "the counterpart of".

18. In section 58 (effect of endorsement without hearing)–

(a) in subsection (1), after the word "Where" there shall be inserted the words "the counterpart of"; and

(b) in subsection (2), after the words "endorsement of" there shall be inserted the words "the counterpart of".

19. In section 61 (mistaken fixed penalty notice)–

(a) in subsection (1), after the word "licence" where it first occurs there shall be inserted the words "and its counterpart"; and

(b) in subsection (2)–

(i) after the words "endorse the" there shall be inserted the words "counterpart of the", and

(ii) after the word "it" there shall be inserted the words "together with the licence".

20. In section 72 (invalidity of on-the-spot or police station notice)–

(a) in subsection (4)–

(i) after the words "a licence" there shall be inserted the words "and its counterpart", and

(ii) for the words "that licence" there shall be substituted the words "that counterpart"; and

(b) in subsection (6)(a)–

(i) after the words "endorsement of" there shall be inserted the words "the counterpart of", and

(ii) after the words "the licence" there shall be inserted the words "and its counterpart".

21. In section 75(7) (conditional offer in Scotland)–

(a) in paragraph (a)(ii), after the word "licence" there shall be inserted the words "and its counterpart"; and

(b) in paragraph (b)–

(i) for the words "licence is" there shall be substituted the words "licence and its counterpart are", and

(ii) for the words "the licence" there shall be substituted the word "them".

22. In section 76(5) (effect of payment of penalty)–

(a) in paragraph (a), after the word "licence" there shall be inserted the words "and its counterpart";

(b) in paragraph (b), after the word "licence" there shall be inserted the words "and counterpart"; and

(c) in paragraph (i), after the word "licence" there shall be inserted the words "and its counterpart".

23. In section 77 (endorsement where penalty paid)–

(a) in subsection (1)–

(i) after the words "his licence" there shall be inserted the words "and its counterpart",

(ii) after the words "the licence" where they first occur there shall be inserted the words "and its counterpart",

(iii) after the words "particulars on" there shall be inserted the words "the counterpart of", and

(iv) at the end there shall be inserted the words "together with the licence.";

(b) in subsection (2), after the words "section on" there shall be inserted the words "the counterpart of";

(c) in subsection (4)(a), after the word "from" there shall be inserted the words "the counterpart of";

(d) in subsection (7), after the word "Where" there shall be inserted the words "the counterpart of"; and

(e) in subsection (8), after the words "endorsement of" there shall be inserted the words "the counterpart of".

24. In section 83(1) (clerk deceived: powers)–

(a) in paragraph (a), after the word "endorsing" there shall be inserted the words "the counterpart of"; and

(b) in paragraph (b)–

(i) after the word "endorsing" there shall be inserted the words "the counterpart of", and

(ii) for the words "without endorsing it" there shall be substituted the words "and its counterpart without endorsing the counterpart".

25. In section 98(1) (interpretation), in the definition of "licence", at the end, there shall be inserted the words "and "counterpart", in relation to such a licence, has the same meaning as in that Part of that Act,".

26. In Schedule 1 (offences to which particular provisions of the Road Traffic Offenders Act 1988 apply)–

(a) in the table, in the entry for section 99 of the Road Traffic Act 1988 ("RTA"), in column 2, after the words "surrender licence" there shall be inserted the words "and counterpart"; and

(b) in the table, in the entry for section 164(6) of the Road Traffic Act 1988 ("RTA"), in column 2, after the word "licence" there shall be inserted the words "and counterpart".

27. In Schedule 2 (prosecution and punishment of offences)–

(a) in the entry for section 99 of the Road Traffic Act 1988 ("RTA"), in column 2, after the words "surrender licence" there shall be inserted the words "and counterpart";

(b) in the entry for section 109 of the Road Traffic Act 1988 ("RTA"), in column 2, after the word "licence" there shall be inserted the words "and counterpart";

(c) in the entry for section 164 of the Road Traffic Act 1988 ("RTA"), in column 2, after the word "licence" there shall be inserted the words "and counterpart";

(d) in the entry for section 26 of the Road Traffic Offenders Act 1988, in column 2, after the word "licence" there shall be inserted the words "and counterpart"; and

(e) in the entry for section 27 of the Road Traffic Offenders Act 1988, in column 2, after the word "licence" there shall be inserted the words "and counterpart".

28. In Schedule 5 (Scotland: additional offences open to conditional offer), in the entry for section 99(5) of the Road Traffic Act 1988 ("RTA"), in column 2, after the words "surrender licence" there shall be inserted the words "and counterpart".

SCHEDULE 3

Regulation 2(3)

AMENDMENTS TO THE ROAD TRAFFIC (DRIVER LICENSING AND INFORMATION SYSTEMS) ACT 1989

1. In section 5 (refusal or revocation of licences on grounds of physical unfitness)–

(a) in subsection (4), in the new subsection (7C) to be inserted in section 92 of the Road Traffic Act 1988, after the words "the licence" there shall be inserted the words "and its counterpart"; and

(b) in subsection (10)(b), in the new subsection (4A) to be inserted in section 98 of the Road Traffic Act 1988, for the words "A licence shall not by virtue of subsection (2) above" there shall be substituted the words "Subsection (2) above does not".

2.—(1) The following amendments shall be made in Schedule 2 (provisions to be inserted as a new Part IV in the Road Traffic Act 1988).

(2) In the inserted section 118 (surrender of revoked or suspended licences)–

(a) in subsection (1), after the words "the licence" in the second place where they occur there shall be inserted the words "and its counterpart";

(b) in subsection (2)(a), after the words "the licence" in the second place where they occur there shall be inserted the words "and its counterpart";

(c) in subsection (2)(b)–

(i) for the words "licence has" there shall be substituted the words "licence and its counterpart have", and

(ii) for the words "the licence" in the third place where they occur there shall be substituted the word "them";

(d) in subsection (4), after the word "licence" in the first place where it occurs there shall be inserted the words "and its counterpart"; and

(e) for subsection (5) there shall be substituted the following subsection–

"(5) On the delivery of a suspended licence and its counterpart to a traffic commissioner, the traffic commissioner must endorse the counterpart of the licence with particulars of the suspension and return the licence and its counterpart to the holder.".

(3) In the inserted section 121 (interpretation), there shall be inserted at the appropriate place in alphabetical order the following definition–

" "counterpart", in relation to a licence to drive under Part III of this Act, has the same meaning as in that Part;".

(4) In the inserted section 122(3) (surrender of revoked Northern Ireland licence)–

(a) for the word "is" there shall be substituted the words "and its counterpart are"; and

(b) for the word "it" there shall be substituted the word "them".

3.—(1) The following amendments shall be made in Schedule 3 (minor, consequential and further amendments).

(2) In paragraph 2 (amendments to Public Passenger Vehicles Act 1981**(a)**)–

(a) for sub-paragraph (b) there shall be substituted the following sub-paragraph–

"(b) in subsection (2)–

(i) after the words "endorsed upon" there shall be inserted the words "the counterpart of", and

(ii) for the words "section 22 of this Act" there shall be substituted the words "Part III of the Road Traffic Act 1988";"; and

(b) there shall be inserted after sub-paragraph (b) the following sub-paragraph–

"(bb) in subsection (3)–

(i) after the words "custody of the licence" there shall be inserted the words "and its counterpart", and

(ii) for the words "the licence" in the second place where they occur there shall be substituted the word "them"; and".

(3) Paragraph 11(a), and paragraph 25(b) and the word "and" preceding it shall be omitted.

(4) In paragraph 27(d), after the words "surrender it" there shall be inserted the words "and its counterpart".

(5) In paragraph 28–

(a) in sub-paragraph (a)–

(i) in the entry for section 92(7C) of the Road Traffic Act 1988 ("RTA"), in column 2, after the words "section 92(7A)" there shall be inserted the words "and counterpart", and

(ii) in the entry for section 93(3) of the Road Traffic Act 1988 ("RTA"), in column 2, after the word "licence" there shall be inserted the words "and counterpart";

(b) in sub-paragraph (b)(ii), after the words "surrender it" there shall be inserted the words "and its counterpart"; and

(c) in paragraph (c), in the entry for section 118 of the Road Traffic Act 1988 ("RTA"), in column 2, after the word "licence" there shall be inserted the words "and counterpart".

(6) In paragraph 30(a), after the words "surrender it" there shall be inserted the words "and its counterpart".

SCHEDULE 4

Regulation 2(4)

AMENDMENTS TO THE CRIMINAL JUSTICE ACT 1972 AND THE POWERS OF CRIMINAL COURTS ACT 1973

1. In section 24(3) of the Criminal Justice Act 1972**(b)** (driving disqualification where vehicle used for purposes of crime)–

(a) after the words "held by him" there shall be inserted the words "together with its counterpart";

(b) in paragraph (a), after the words "the licence" there shall be inserted the words "and its counterpart"; and

(c) in paragraph (b), after the words "endorsed on" there shall be inserted the words "the counterpart of".

2. In section 44(3) of the Powers of Criminal Courts Act 1973**(c)** (driving disqualification where vehicle used for purposes of crime)–

(a) after the words "held by him" there shall be inserted the words "together with its counterpart";

(b) in paragraph (a), after the words "the licence" there shall be inserted the words "and its counterpart"; and

(c) in paragraph (b), after the words "endorsed on" there shall be inserted the words "the counterpart of".

(a) 1981 c.14. **(b)** 1972 c.71. **(c)** 1973 c.62.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Traffic Act 1988, the Road Traffic Offenders Act 1988, the Road Traffic (Driver Licensing and Information Systems) Act 1989, the Criminal Justice Act 1972 and the Powers of Criminal Courts Act 1973 so as to give further effect to Article 2 of Council Directive (EEC) No. 80/1263 of 4th December 1980**(a)** on the introduction of a Community driving licence.

The principal effect of the amendments is, in the case of driving licences granted to come into force on or after 1st June 1990 (or in the case of licences granted under the law of Northern Ireland on or after 1st January 1991)–

(a) to delete the requirement in section 98 of the Road Traffic Act 1988 that the licence contain a statement as to the classes of vehicles the holder is entitled to drive as if he were the holder of a provisional licence for these classes of vehicles, and

(b) to substitute for the requirement that particulars of convictions, penalty points and disqualifications be endorsed on the licence a requirement that such particulars be endorsed upon a separate document known as a counterpart.

The counterpart to the licence will be issued with the licence and that document will contain the statement as to the licence holder's provisional driving entitlement.

(a) O.J. No. L375, 4.12.1980, p.1.

£1.95 net

ISBN 0 11 098617 2

Printed in the United Kingdom for Her Majesty's Stationery Office

880 WO1885 C19 12/89 452/3 4235 46378 895666B

Draft Order laid before Parliament under section 8(1) of the Industrial Organisation and Development Act 1947, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

INDUSTRIAL ORGANISATION AND DEVELOPMENT

The Apple and Pear Development Council (Dissolution) Order 1989

Made - - - - 1989

Coming into force in accordance with article 1

Whereas the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly have consulted the development council known as the Apple and Pear Development Council and the organisations appearing to them to be representative of substantial numbers of persons carrying on business in the industry of the growing of apples and pears in England and Wales for sale or for processing into an apple or pear product with a view to its sale by way of trade or business and the organisation representative of persons employed in those industries appearing to them to be appropriate:

Now, therefore, the Minister and the Secretary of State, acting jointly, in the exercise of the powers conferred by section 8 of the Industrial Organisation and Development Act 1947(a) and now vested in them(b) and all other powers enabling them in that behalf, hereby make the following Order a draft of which has been laid before and approved by resolution of each House of Parliament:–

Title and commencement

1. This Order may be cited as the Apple and Pear Development Council (Dissolution) Order 1989 and shall come into force on the seventh day after the day on which it is made.

Interpretation

2. In this Order, unless the context otherwise requires–

"the Act" means the Industrial Organisation and Development Act 1947;

"the Council" means the Apple and Pear Development Council established under the provisions of the principal Order;

"the dissolution date" has the meaning given to it by article 3(1) of this Order;

"the industry" has the meaning given to it in article 2 of the principal Order;

"the Minister" means the Minister of Agriculture, Fisheries and Food; and

"the principal Order" means the Apple and Pear Development Council Order 1986(c).

(a) 1947 c.40, which is to be read with section 40 of the Criminal Justice Act 1982 (c.48) and S.I. 1984/447.
(b) By virtue of S.I. 1978/272.
(c) S.I. 1986/1372.

Winding up of the Apple and Pear Development Council

3.—(1) On the day on which this Order comes into force (hereinafter referred to as "the dissolution date"), the property, rights and liabilities which immediately before that date were property, rights and liabilities of the Council shall, by virtue of this article, vest in the Minister of Agriculture, Fisheries and Food and the Council shall be dissolved.

(2) Any legal proceedings to which the Council are a party immediately before the dissolution of the Council may be continued after the dissolution by or in relation to the Minister.

(3) A requirement imposed by the Council under article 8 or 11(2) of the principal Order which remains unfulfilled on the dissolution date shall, as from that date, have effect as if the reference to the Council or any officer in relation to that requirement were a reference to the Minister.

Final accounts of the Council

4.—(1) The accounts of the Council shall be prepared for the period commencing on 1st August 1988 and terminating on 30th September 1989, which shall be the Council's last financial year, and shall be delivered to the Minister not later than the dissolution date.

(2) Special liquidation accounts, in such form as the Minister may direct, relating to the financial transactions of the Council between 30th September 1989 and the dissolution date shall be separately prepared by the Council and delivered to the Minister on the dissolution date.

Power to impose and recover charges and powers of the Minister

5.—(1) If the assets of the Council are insufficient to meet their liabilities and the expenses of the winding up, the Minister shall, for the purpose of making good the deficiency, have power to impose a charge or charges on those persons upon whom a charge may be imposed in the year 1st August 1988 to 31st July 1989 under article 9(1) of the principal Order.

(2) The provisions of articles 9, 11 and 12 of the principal Order shall apply in relation to any such charge, subject to the omission of paragraphs (1) and (4) of article 9 and the substitution for references in that article to the provisions of those paragraphs, of references to paragraph (1) of this article and the substitution for references in those articles to the Council, of references to the Minister.

(3) Charges imposed under paragraph (1) of this article shall be computed to yield, as near as possible, a sum equal to the amount by which the liabilities of the Council and the expenses of the winding up exceed the assets of the Council.

Surplus moneys and property

6. The Minister shall have power after the Council's dissolution to pay or give as the case may be any moneys or property which he is satisfied are not, and will not be, required for the purposes of meeting the liabilities of the Council and the expenses of the winding up for the purposes of establishing a new development council for the industry or for other purposes being purposes falling within Schedule 2 to the principal Order.

Settlement of the Council's debts and liabilities

7.—(1) Subject to paragraph (2) below every creditor shall notify the Minister of each of his debts or claims against the Council within three months of the dissolution date and shall give the Minister such further information relating thereto as he may reasonably require.

(2) Paragraph (1) above shall not apply to any debt or claim which is the subject of any legal proceedings which have been commenced against the Council prior to the dissolution date.

(3) Every creditor shall state in the notification given to the Minister in accordance with paragraph (1) above the amount of the debt or claim or, where the debt or claim is subject to a contingency or sounds in damages or bears no specific value, shall include in it as far as possible a just estimate of the debt or claim.

(4) The Minister may admit or reject each debt or claim notified to him in accordance with paragraph (1) above and shall notify the creditor in writing whether he admits or rejects it in whole or in part, and if he rejects it, shall state in the notification the grounds of the rejection.

Revocations

8. The Apple and Pear Development Council Order 1986 is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1989.

L.S.

Minister of Agriculture, Fisheries and Food

Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the winding up and dissolution of the Apple and Pear Development Council (article 3), the preparation of final accounts of the Council (article 4) and the imposition and recovery of charges to meet the Council's liabilities and the expenses of the winding up (article 5). It further provides for the application of surplus moneys and property of the Council for specified purposes (article 6) and the revocation of the Apple and Pear Development Council Order 1986.

90p net

ISBN 0 11 098613 X

Printed in the United Kingdom for Her Majesty's Stationery Office

845/WO 1831 C10 11/89 452/1 9385/8068/6468 46341

Draft Order laid before Parliament under section 1(6) of the Industrial Organisation and Development Act 1947, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

INDUSTRIAL ORGANISATION AND DEVELOPMENT

The Apple and Pear Research Council Order 1989

Made - - - - 1989

Coming into force in accordance with article 1

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in exercise of the powers conferred by sections 1, 2, 3, 4, 5, 6 and 14 of the Industrial Organisation and Development Act 1947(**a**) and now vested in them(**b**), and of all other powers enabling them in that behalf, after consultation with the organisations appearing to them to be representative of substantial numbers of persons carrying on business in the industry and with the organisation representative of persons employed in the industry appearing to them to be appropriate, being satisfied that the establishment of a development council for the industry is desired by a substantial number of persons engaged in the industry, and having satisfied themselves that the incidence of charges as between different classes of undertakings in the industry will be in accordance with a fair principle, hereby make the following Order, a draft of which has been laid before and approved by resolution of each House of Parliament:–

Title and commencement

1. This Order may be cited as the Apple and Pear Research Council Order 1989 and shall come into force on the eighth day after the day on which it is made.

Interpretation

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

"the Act" means the Industrial Organisation and Development Act 1947;

"apples and pears" means apples and pears other than "cider apples" and "perry pears";

"apple or pear tree" means any plant grown for the commercial production of apples and pears other than nursery stock;

"cider apples" and "perry pears" mean respectively apples and pears of the varieties specified in Schedule 1;

"the Council" means the Apple and Pear Research Council established under the provisions of this Order;

"grower" means a person who carries on business in the industry and occupies land in England and Wales of two hectares or more planted with 50 or more apple or pear trees;

"the industry" means the growing of apples and pears in England and Wales for sale or for processing into an apple or pear product with a view to its sale, by way of trade or business;

(**a**) 1947 c.40, which is to be read with section 40 of the Criminal Justice Act 1982 (c.48) and S.I. 1984/447.
(**b**) By virtue of S.I. 1978/272.

"the Minister" means the Minister of Agriculture, Fisheries and Food; and

"sale" includes storage or preparation with a view to subsequent sale.

(2) In this Order, unless the context otherwise requires, any reference to a numbered article or Schedule is a reference to the article or Schedule so numbered in this Order.

Establishment of Development Council

3.—(1) There shall be established a development council for the industry, to be known as the Apple and Pear Research Council, and there shall be assigned to it the functions specified in Schedule 2.

(2) The Council shall exercise their functions in such manner as appears to them to be likely to increase efficiency and productivity in the industry, to improve and develop the service that the industry renders or could render to the community and to enable the industry to render that service more economically.

(3) The Council may enter into such agreements, acquire such property and do such things, as may in the opinion of the Council be necessary or desirable for the exercise of any of their functions and may dispose of as they think fit of any property acquired by them.

Constitution of Council

4. The Council shall consist of the following members appointed by the Minister, that is to say:

(1) five persons capable of representing the interests of growers;

(2) one person capable of representing the interests of people employed in the industry;

(3) two persons as to whom the Minister is satisfied that they have no such financial or industrial interest as is likely to affect them in the discharge of their functions as members of the Council (hereinafter referred to as "independent members"); and

(4) one person having special knowledge of matters relating to the marketing and distribution of products of the industry.

Membership and proceedings of council

5. The provisions of Schedule 3 shall have effect in relation to the membership and proceedings of the Council.

Register of growers

6.—(1) The Council shall keep a register of growers and shall enter in it the name and address of every person who applies to the Council in writing to be registered.

(2) The Council may enter in the register, in addition to the name and address of any registered person, any business name under which and the address of any place at which he carries on the business in the industry, and the names of his partners in any such business, but no other information.

(3) Any person whose name is entered in the register shall notify the Council forthwith in writing of any matter rendering the entry in the register relating to him inaccurate or incomplete.

(4) The Council shall amend the register in accordance with any such notification as is referred to in paragraph (3) above, on its receipt.

(5) Any registered person may apply in writing to the Council for the removal of his name from the register and if the Council are satisfied that such person no longer carries on business in the industry they may remove his name forthwith.

(6) The Council may, if they have reasonable cause to believe that any person whose name is entered in the register no longer carries on a business in the industry, by notice in writing inform that person of their intention to remove his name from the register unless within one month from the date of the notice he gives notice in writing to the Council that he is a person carrying on such a business and, if no such notice is received by the Council

within the said period, the Council may on the expiration of that period remove his name from the register.

(7) The register shall be kept at the office of the Council and any person shall, on the payment of a fee not exceeding one pound, be entitled to inspect the register during normal business hours and to take, or be supplied with, a copy of the entries relating to any one registered person.

Registration of growers

7.—(1) Every person who on or after the day on which this Order comes into force becomes a grower shall within the month thereafter apply in writing to the Council to be registered.

(2) Where two or more persons jointly carry on business in the industry they shall, for the purpose of registration, be treated as constituting a single person.

Returns and information

8.—(1) Subject to paragraph (2) below, the Council may require any registered grower to furnish such returns and information relating to activities carried on by him and comprised in the industry, including information with respect to the productive capacity, capital assets, staff, output, orders, sales, deliveries, stocks and costs as appear to the Council to be required for the exercise of any of their functions.

(2) The Council shall not exercise the powers conferred upon them under this article generally as regards the industry or any section thereof unless the Minister has consented to such exercise and has approved the form in which the returns or other information will be required to be furnished.

Charges for expenses

9.—(1) For the purposes of enabling them to meet their administrative and other expenses incurred or to be incurred in the exercise of their functions the Council may, with the approval of the Minister and subject to paragraph (2) below, impose on every grower–

(a) an annual charge at a rate not exceeding twenty-five pounds in respect of each hectare of land occupied by him for the purpose of business in the industry and planted with apple or pear trees, or,

(b) where the average density of planting on such land is less than 125 trees per hectare and the grower so elects, an annual charge in respect of every 50 trees at the rate of two fifths of the charge imposed under the preceding sub paragraph.

(2) For the purpose of computing amounts payable under paragraph (1) above headlands shall be included but fractions of less than each complete one-tenth of a hectare or any remainder after the number of trees have been divided by 50 shall be ignored.

(3) Where two or more persons jointly carry on business in the industry, they shall, for the purpose of calculating any charge payable by them in respect of land used in the joint business, be treated as constituting a single person.

(4) Every charge imposed in accordance with the provisions of this article shall be payable on such date or dates as the Council may determine at the office of the Council, and it shall be a debt due to the Council and shall be recoverable as such.

Borrowing and investment of money

10.—(1) The Council may borrow money and pledge, mortgage or charge any of their property (including the proceeds of the charges imposed in accordance with the provisions of article 9) for the purpose of defraying any expenses incurred or to be incurred in the discharge of their functions.

(2) The Council may establish and thereafter maintain a reserve fund for the purposes of their functions.

(3) Any moneys for the time being comprised in a reserve fund maintained under this article, and any other moneys of the Council which are not for the time being required for any other purpose, may be invested in accordance with paragraph (4) below.

(4) Sections 1, 2, 5, 6, 12 and 13 of the Trustee Investments Act 1961(a) (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Council were the trustees of that trust fund.

Returns of orchard area and other matters

11.—(1) For the purposes of the imposition or recovery of their charges, the Council may from time to time require by notice in writing any person carrying on business in the industry to furnish to the Council a written return, in such form, within such period and showing such information as may be specified in the notice, or to produce for examination at such time as may be specified in the notice books or other documents or records in the custody or under the control of that person, or to keep records and produce them for examination as aforesaid.

(2) The Council shall ensure that the returns to be furnished in accordance with the provisions of article 8 or the returns to be furnished or the books or other documents or other records to be produced in accordance with the provisions of this article shall be examined only by the independent members of the Council or by officers of the Council specially authorised for that purpose by the Council.

(3) A person who uses in his business what he claims to be a secret process that ought not to be disclosed on the ground of risk of prejudice to his business shall not be required by anything in this article or in article 8 to disclose particulars relating to the process unless the requirement and the form thereof have been approved by the Minister after consideration of his claim.

Offences

12.—(1) If any grower continues his business in the industry after the expiration of the period within which he is required by article 7(1) to aply to be registered without having so applied he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person required to furnish returns or information or to keep records or to produce for examination books or other documents or records under this Order fails to furnish, keep or produce them in accordance with the requirement he shall, unless he proves that he had reasonable excuse for the failure, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If any person who is convicted of an offence under paragraph (1) above continues his business in the industry after the expiration of 21 days commencing with the date of the conviction without having applied for registration he shall be guilty of a further and continuing offence and shall be liable on summary conviction to a fine not exceeding five pounds in respect of each day during which he continues such business without having applied for registration.

(4) If any person who is convicted of an offence under paragraph (2) above, fails without reasonable excuse to furnish such returns or to produce for examination such books, other documents or records to the Council within 21 days after such conviction he shall be guilty of a further and continuing offence and shall be liable on summary conviction to a fine not exceeding five pounds in respect of each day during which such failure continues.

(5) If any person knowingly or recklessly makes any statement, in compliance with a notice under the provisions of article 8 or 11, which is false in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(a) 1961 c.62.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1989.

L.S.

Minister of Agriculture, Fisheries and Food

Secretary of State for Wales

SCHEDULE 1

Article 2

CIDER APPLES AND PERRY PEARS

The following varieties of apples are cider apples–
Abondance
Allens Sweet
Amer de Berthecourt
Amer de Torentice
Argile Grise
Ashton Bitter
Ashton Brown Jersey
Ball's Bitter Sweet
Barbarie Blanche
Bedan
Belle de Douai
Belle Norman
Bergere
Binet Rouge
Black Foxwhelp
Black Norman
Blanc Mollet
Bloody Turk
Bouteille de Caen
Bramtot
Bran Rose
Breakwell's Seedling
Broadleaf Norman
Broadley Jersey
Brown Jersey
Brown Snout
Brown Thorn
Brown's Apple
Bulmer's Norman
Camelot
Cherry Norman
Cherry Pearmain
Chisel Jersey
Churchill
Cider Lady's Finger
Cimetiere
Collington Bitter Sweet
Compton Drum
Cool Jersey
Court Royal
Cow Apple
Cowarne Red
Crimson King
Croix de Bouelles

Crummy Norman
Dabinett
De Boutteville
Des Domaines
Doux Amer
Doux Lazon
Dove
Dymock Red
Early David
Ecarlatine
Eggleton Styne
Ellis Bitter
Fair Maid of Devon
Fillbarrel
Foxwhelp
Franqueville
Frederick
Frequin Audievre
Frequin Tardif
Gilbert
Goddard
Green Norman
Grosse Launette
Hagloe Crab
Hangdown
Harnette
Harry Masters Jersey
Honeystring
Improved Dove
Improved Hangdown
Improved Kingston Black
Improved Lambrook Pippin
Improved Pound
Jackson
Jambe de Lievre
Jolly Rouge
Killerton Sweet
Kingston Black
Knotted Kernel
Lavignee
Lorna Doone
Loyal Drain
Major
Marechal
Medaille d'Or 1
Medaille d'Or 2
Michelin
Morgan Sweet
Moulin à Vent
Nehou
Neverblight
Oakham Green
Oisier
Old Pound
Omont
Peau de Blaireau
Peau de Vache
Pennard Bitter
Pomme Mettais
Porter's Perfection
Port Wine
Red Foxwhelp
Red Jersey
Red Norman
Red Streak
Reine des Hâtives

Reine des Pommes
Reinette D'Obry
Rouge Bruyere
Rougette Douce
Royal Jersey
Royal Wilding
St Laurent
Sandford Jersey
Scudamores Crab
Sherrington Norman
Silver Cup
Skyrmes Kernel
Slack My Girdle
Somerset Brown Jersey
Somerset Red Streak
Stable Jersey
Stembridge Jersey
Stoke Red
Strawberry Norman
Sweet Alford
Sweet Blenheim
Sweet Copping
Tanners Red
Taunton Fair Maid
Thomas Hunt
Tom Putt
Tremlett's Bitter
Upright French
Upright Styre
Vagnon Archer
Vilberie
Wellings Bitter Sweet
White Alphington
White Close Pippin
White Frequin
White Jersey
White Norman
Woodbine
Yarlington Mill
Yellow Redstreak
Yellow Styre

The following varieties of pears are perry pears–

Variety	*Synonym(s)*
Arlingham Squash	Squash Pear, Old Squash, Old Taynton Squash
Barland	
Barnet	Barn Pear, Brown Thorn Pear, Hedgehog Pear
Bartestree Squash	
Bastard Longdon	
Bastard Sack	
Billy Williams	
Black Huffcap	Black Pear
Blacksmith	
Blakeney Red	Blakeney, Red Pear, Circus Pear, Painted Lady, Painted Pear
Bloody Bastard	
Bosbury Scarlet	
Boy Pear	
Brandy	
Brockhill	
Brown Bess	Brown Bessie
Brown Russet	
Butt	Norton Butt
Cannock	
Chaceley Green	Chaseley Green
Claret	
Clipper Dick	
Clusters	
Coppy	Coppice
Cowslip	
Deadboy	
Ducksbarn	Duckbarn, Ducksbourne
Early Blet	
Early Griffin	Griffin's Early
Early Hay Pear	Hay Pear
Early Longdon	
Early Treacle	
Flakey Bark	
Forrest Pear	
Gin	
Golden Balls	
Goldings	
Grandfather Tum(p)	
Green Horse	Horse Pear
Green Longdon	Brown Longdon, Longdon, Longland(s), Old Fashioned Longdon, Russet Longdon
Gregg's Pit	
Hampton Rough	Roughs
Harley Gum	Arlingham
Hartpury Green	
Hastings	
Hatherley Squash	
Hellens Early	Sweet Huffcap
Hellens Green	
Hendre Huffcap	Yellow Huffcap
Heydon	
High Pear	
Hillend Green	Ford's Green Huffcap
Holmer	Cluster Top, Startle Cock
Honey Knob	
Iron Sides	
Jenkins' Red	
Judge Amphlett	
Knapper	Napper
Late Hay Pear	Hay Pear
Late Treacle	
Lullam	

The following varieties of pears are perry pears–

Variety	*Synonym(s)*
Lumber	Lumber Reds, Steelyard Balls, Steelyer Balls, Swaycots, Cumber
Margaret	
Merrylegs	
Moorcroft	Malvern Hills, Stinking Bishop, Choke Pear, Chokers
Murrell	
Nailer	Billy Williams
Newbridge	White Moorcroft
New Meadow	Lintot, Yokehouse
Oldfield	Ollville, Oleville, Offield, Awrel, Hawfield
Painted Lady	
Parsonage	
Pig Pear	
Pine	
Pint	Pine
Potato Pear	
Red Huffcap	Huffcap, Uffcap, Uffcap
Red Longdon	Red Longley, Red Longney, Brockle, Brockhill, Cider Pear
Red Pear	Aylton Red, Blunt Red, Red Horse
Rock	Mad Pear, Mad Cap, Black Huffcap, Brown Huffcap, Red Huffcap, Huffcap, Uffcap, Uffcap
Rumblers	Jug Rumbles, Rumble Jumble
Sack	
Sickle Pear	American Sickle
Silver Pear	Summer Pear
Snake Pole	
Sow Pear	
Speart Pear	
Staunton Squash	Squash Pear, White Squash
Stinking Bishop	
Swan Egg	Swan
Taynton Squash	
Teddington Green	Teddingtons
Thorn	
Thurston's Red	Dymock Red, Billy Thurston
Tumper	Tum, Tom, Tump
Turner's Barn	Longstalk
White Bache	Bache's White, Beech White, White Beech
White Longdon	Longdon, Longland(s), Bastard Barland, Dandoe, Garradine, Port
Winnal's Longdon	Longdon, Longland(s)
Yellow Huffcap	Huffcap, Uffcap, Uffcup, Brown Huffcap, Black Huffcap, Green Huffcap, Kings Arms, Yellow Longdon, Yellow Longland(s), Chandos Huffcap
Young Heydon	

SCHEDULE 2

Article 3(1)

FUNCTIONS OF THE APPLE AND PEAR RESEARCH COUNCIL

1. Promoting or undertaking scientific research.

2. Promoting or undertaking inquiry as to materials and equipment and as to methods of production, management and labour utilisation, including the discovery and development of new materials, equipment and methods and of improvements in those already in use, the assessment of the advantages of different alternatives, and the conduct of experimental establishments and of tests on a commercial scale.

3. Promoting or undertaking the collection and formulation of statistics.

4. Undertaking arrangements for making available informations obtained, and for advising on matters with which the Council are concerned in the exercise of any of their functions.

5. Promoting or undertaking arrangements for better acquainting the public in the United Kingdom, in relation to technical matters, with the products of the industry and methods of using them.

SCHEDULE 3

Article 5

PROCEEDINGS OF THE COUNCIL

1. The members of the Council shall hold office for such term not exceeding four years as the Minister may determine and on the expiry of their term of office shall be eligible for reappointment.

2. If a member appointed as an independent member–

(a) commences or resumes carrying on a business in the industry or acts in the management of any undertaking the owner of which carries on business in the industry, or

(b) refuses to sell or dispose of any interest or security held directly or indirectly for his benefit and the retention of which he has been informed by the Minister to be in his opinion likely to affect him in the discharge of his functions or fails to sell or dispose of any such interest or security within one month after having been requested by the Minister so to do,

the Minister may declare the office of such member to be vacant.

3. A quorum of the Council shall be such number as the Council may decide not being less than five.

4. The Council may appoint committees of their members and may determine the quorum and procedure of any such committee.

5. The seal of the Council shall not be applied to any document except by the authdority of the Council or a duly authorised committee of members of the Council and the application of the seal shall be authenticated by the signatures of two members of the Council.

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Council by any person generally or specially authorised by them for the purpose.

7. Every document purporting to be a document duly executed or issued either under the seal of the Council authenticated in the manner provided by this Schedule or on behalf of the Council, or purporting to be signed by the secretary or any person authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

8. The Council may pay their members any expenses properly incurred by them in the business of the Council and may pay such remuneration and allowances to any of the members of the Council as the Minister may determine. The Council may also pay on the retirement or death of any of their members as to whom it may be determined by the Minister to make such provision, such pensions and gratuities by reference to their service as may be so determined.

9. The validity of any proceedings of the Council shall not be affected by any vacancy amongst its members.

10. Minutes shall be kept of the proceedings of the Council and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

11.—(1) A member of the Council shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Council, disclose the nature of his interest at a meeting of the Council as soon as possible after the relevant circumstances have come to his knowledge.

(2) Any disclosure made by a member under the foregoing sub-paragraph shall be recorded in the minutes of the Council, and that member shall not take part after the disclosure in any deliberation or decision of the Council with respect to that contract, but may, nevertheless, be taken into account for the purpose of constituting a quorum of the Council.

12. The Council shall have an office at which communications and notices will at all times be received and shall notify the Minister of that address and any change of that address.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes a development Council for the apple and pear growing industry in England and Wales to be known as the Apple and Pear Research Council.

In particular the Order–

(a) assigns functions to the Council (article 3);

(b) provides for the appointment of members and the proceedings of the Council (articles 4, 5 and Schedule 3);

(c) provides for the keeping of a register of growers (articles 6 and 7);

(d) empowers the Council to require registered growers to furnish returns and information (articles 8 and 11);

(e) provides for the imposition of charges by the Council for their expenses in the exercise of their functions (article 9); and

(f) prescribes offences and penalties (article 12).

This Order comes into force on the eighth day after the day on which it is made.

£2.25 net

ISBN 0 11 098612 1

Printed in the United Kingdom for Her Majesty's Stationery Office

845/WO 1830 C10 11/89 452/1 9385/8069/6469 46341

Draft Regulations laid before Parliament under section 3(2) of the Education (Grants and Awards) Act 1984 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

EDUCATION, ENGLAND AND WALES

The Education Support Grants (Amendment) Regulations 1989

Made - - - -	*1989*
Coming into force -	*1989*

In exercise of the powers conferred on the Secretary of State by sections 1(2) to (4) and (7) and 3(4) of the Education (Grants and Awards) Act 1984(a), and after consulting, in accordance with section 3(5) of that Act, such bodies representing local education authorities as appear to them to be appropriate, the Secretary of State for Education and Science as respects England, and the Secretary of State for Wales as respects Wales, hereby make the following Regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament pursuant to section 3(2) of that Act:–

1. These Regulations may be cited as the Education Support Grants (Amendment) Regulations 1989 and shall come into force on the day after the day on which they are made.

2. The Education Support Grants (Amendment) (No. 2) Regulations 1988(b) are hereby revoked.

3. For regulation 4 of the Education Support Grants Regulations 1984(c) ("the principal Regulations") there shall be substituted the following regulation–

"**4.**—(1) Subject to paragraphs (3), (4), (5) and (6), grants in respect of approved expenditure incurred before 1st April 1990 shall be payable at the rate of 70 per cent. of such expenditure.

(2) Subject to paragraphs (3), (4) and (7), grants in respect of approved expenditure incurred on or after 1st April 1990 shall be payable at the rate of 60 per cent. of such expenditure.

(3) Grants in respect of approved expenditure incurred on or after 1st April 1988 in respect of item 4(a) in the Schedule hereto shall be payable at the rate of 50 per cent. of such expenditure.

(4) Grants in respect of approved expenditure incurred on or after 1st April 1989 in respect of items 2 and 3 in the Schedule hereto shall be payable at the rate of 50 per cent. of such expenditure.

(5) As respects England, grants in respect of approved expenditure incurred on or

(a) 1984 c.14.
(b) S.I. 1988/2037.
(c) S.I. 1984/1098; regulation 4 was substituted by S.I. 1988/2037.

after 1st April 1989, but before 1st April 1990, in respect of item 12 in the Schedule hereto shall be payable at the rate of 50 per cent. of such expenditure.

(6) Grants in respect of approved expenditure in respect of item 18 in the Schedule hereto incurred on or after 1st April 1989 but before 1st April 1990 on the provision of computer hardware or on the provision of staff in posts created on or after 1st April 1989 but before 1st April 1990 shall be payable at the rate of 50 per cent. of such expenditure.

(7) Grants in respect of approved expenditure incurred in respect of item 34 in the Schedule hereto shall be payable at the rate of 70 per cent. of such expenditure.

(8) In this regulation, "approved expenditure" means any expenditure which is approved as provided in regulation 3.".

4. For paragraphs (2) and (3) of regulation 5 of the principal Regulations, there shall be substituted the following–

"(2) Application for the payment of grant shall relate to expenditure over one or more quarters and shall specify the approved expenditure in respect of which grant is applied for which it is estimated has been or will be incurred by the education authority during each quarter.

(3) Where an application relating to approved expenditure which it is estimated has been or will be incurred during the quarter commencing on 1st January in any year is submitted on or before 15th March in that year a payment equal to half the grant applied for in respect of that expenditure may be made forthwith but no further payment of grant shall be made in respect of that expenditure until an application has been submitted in accordance with paragraph (4)(a)."

(2) In paragraph (4)(b) of regulation 5 of the principal Regulations before the word "certificate" there shall be inserted the words "final unqualified".

5. For the Schedule to the principal Regulations there shall be substituted the following Schedule–

"SCHEDULE

PURPOSES FOR OR IN CONNECTION WITH WHICH GRANTS ARE PAYABLE

1. The management and appraisal of lecturers and school teachers.

2. The teaching of mathematics in schools.

3. The teaching of science and technology as part of primary education.

4. A pilot project devised with one of the following objectives:
   (a) to provide records of achievement for pupils in secondary schools or students at further education establishments;
   (b) to improve the quality of education provided in primary schools in urban areas;
   (c) to improve the quality or the range of the curriculum provided in primary schools in rural areas;
   (d) to meet the educational needs of persons from ethnic minorities, to promote harmony between different racial groups or in other ways to prepare persons for life in a multi-ethnic society;
   (e) to improve the use of the spoken word by pupils of compulsory school age;
   (f) to promote social responsibility in children;
   (g) to broaden the range of languages learnt by pupils in secondary schools as their first foreign language.

5. The provision of re-training and up-dating courses directed towards the needs of industry and commerce.

6. The development of the use of information technology at further education establishments, by providing equipment, preparing or providing course material and computer software, or training teachers employed at such establishments.

7. The planning, development and co-ordination of provision to meet the educational needs (including the need for guidance) of persons who are unemployed (excluding those currently receiving full-time education).

8. The provision of data-processing equipment, and accessories and software for such equipment, for use in the management of further education establishments and the training of staff in the use of such equipment.

9. Developing the knowledge and appreciation, among pupils in schools in Wales, of the heritage, culture and language of Wales.

10. The development, provision and appraisal of courses of training for school governors.

11. The provision of support for parents in the teaching of children under the age of five with special educational needs.

12. The provision of health education, especially education to combat the abuse of drugs, alcohol and solvents, education about the risks associated with smoking, and education about acquired immune deficiency syndrome.

13. Securing the supervision of pupils in schools at midday.

14. The provision to schools and further education establishments of books and equipment for use on courses leading to an examination for the General Certificate of Secondary Education.

15. The organisation in urban areas of leisure-time activities of vocational benefit to young persons mainly between the ages of 14 and 21.

16. The development and support of methods of learning which do not require regular attendance at educational establishments, including activities connected with the Open College.

17. The provision of computer-aided engineering equipment for engineering courses in further education establishments.

18. The development of the use of information technology in primary and secondary schools through the provision of staff and computer hardware.

19. The preparation and implementation of schemes for financing county and voluntary schools made under section 33 of the Education Reform Act 1988(a).

20. The preparation and implementation of schemes for financing locally funded further and higher education made under section 139 of the Education Reform Act 1988.

21. The development and appraisal of courses of training for governors of further education establishments.

22. The development and improvement of the inspection and advisory services provided by education authorities with a view to–

(a) monitoring the quality of education provided by the authority in schools, and

(b) providing advice in relation to the national curriculum (as defined in section 2 of the Education Reform Act 1988) and the delegation of financial management pursuant to schemes made under section 33 of that Act.

23. The provision in schools of the basic curriculum (as defined in section 2 of the Education Reform Act 1988).

24. The training of teachers in schools to improve pupils' use and understanding of the English language, with particular reference to the recommendations of the report of the Committee of Inquiry into the Teaching of English Language appointed by the Secretary of State for Education and Science under the chairmanship of Sir John Kingman, published by Her Majesty's Stationery Office in March 1988(b).

(a) 1988 c.40.

(b) ISBN 0 11 270650 9.

25. The training of teachers in Wales to teach Welsh as part of the national curriculum (as defined in item 22(b) above).

26. (i) The provision in urban areas of England of training to enable young people to qualify as youth workers, being training designed primarily for those between the ages of 18 and 25.

(ii) The provision of corresponding training in Wales within the Boroughs of Dinefwr, Llanelli, Blaenau Gwent, Islwyn, Torfaen, Cynon Valley, Merthyr Tydfil, Ogwr, Rhymney Valley, Taff Ely, Brecknock, Lliw Valley, Neath and Port Talbot and the City of Swansea

27. The provision of open learning centres to provide tuition for adults in literacy and numeracy.

28. The improvement of educational guidance services for adults including the development of computer databases of local learning opportunities.

29. The improvement of provision for pupils whose behaviour poses difficulties for schools, and of support services for schools in dealing with such pupils.

30. Action to improve rates of attendance in schools.

31. The devising and implementation of measures to reduce the losses suffered by schools as a result of vandalism, theft and arson.

32. The development of schemes for local recruitment of former teachers and mature entrants to the teaching profession.

33. The promotion of the improved transmission between local education authorities and the Department of Education and Science of Information relating to the employment of teachers.

34. The provision of support for the English Districts of the Workers' Educational Association.".

1989 Secretary of State for Education and Science

1989 Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Education Support Grants Regulations 1984 by substituting a new regulation 4 (rate of grant) and a new Schedule listing the purposes for or in connection with which grants are payable.

Under the new regulation 4, the rate of grant payable in respect of approved expenditure incurred before 1st April 1990 is 70 per cent. and on or after that date 60 per cent., subject to exceptions. The rate of grant for approved expenditure is 50 per cent. in the following cases: expenditure incurred on or after 1st April 1988 in respect of item 4(a) in the Schedule (records of achievement); expenditure incurred on or after 1st April 1989 in respect of items 2 and 3 (teaching mathematics in schools and teaching science and

technology as part of primary education); expenditure incurred in England on or after 1st April 1989 but before 1st April 1990 in respect of item 12 (health education); expenditure in respect of item 18 (information technology) incurred on or after 1st April 1989 but before 1st April 1990 on computer hardware or on posts created on or after 1st April 1989 but before 1st April 1990. The rate of grant payable in respect of approved expenditure on item 34 (support for the WEA) is 70 per cent.

A new regulation 5(3) empowers the Secretary of State to make payments of half the grant applied for where estimated claims have been submitted for the final quarter, the other half being paid upon submission of a final claim for expenditure actually incurred.

Item 12 (formerly item 14) in the Schedule has been widened to cover health education generally, especially education to combat the abuse of drugs, alcohol and solvents, education about the risks associated with smoking, and education about AIDS. Item 23 (formerly item 25) in the Schedule has also been widened to cover the provision in schools of the basic curriculum. The old items 12 and 13 have now been deleted and the old item 31 is now subsumed under the new item 12. Six new items have been added as items 29 to 34.

The regulations also revoke the Education Support Grants (Amendment) (No. 2) Regulations 1988, which are superseded by these regulations.

Draft Regulations laid before Parliament under section 3(2) of the Education (Grants and Awards) Act 1984 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

EDUCATION, ENGLAND AND WALES

The Education Support Grants (Amendment) Regulations 1989

£1.35 net

ISBN 0 11 098611 3

Printed in the United Kingdom for Her Majesty's Stationery Office

860 WO1829 C22 11/89 452/3 4235 46378 895549D

This Draft Order has been laid in substitution for the Draft Order bearing the same title which was laid on 30th October 1989 and has now been withdrawn. It is being issued free of charge to all known recipients of the previous draft.

Draft Order laid before Parliament under section 6(4) of the Teachers' Pay and Conditions Act 1987 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

EDUCATION, ENGLAND AND WALES

The Teachers' Pay and Conditions Act 1987 (Continuation) Order 1989

Made - - - - *1989*

In exercise of the powers conferred on the Secretary of State by section 6(2) of the Teachers' Pay and Conditions Act 1987(a), the Secretary of State for Education and Science hereby makes the following Order, a draft of which has been laid before Parliament pursuant to section 6(4) of that Act and approved by resolution of each House of Parliament:—

1. This Order may be cited as the Teachers' Pay and Conditions Act 1987 (Continuation) Order 1989.

2. The Teachers' Pay and Conditions Act 1987 shall not expire on 31st March 1990 but shall continue in force for a further year.

1989 Secretary of State for Education and Science

(a) 1987 c.1.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 6 of the Teachers' Pay and Conditions Act 1987 provides that that Act shall expire on 31st March 1990 unless continued in force by an order made by the Secretary of State. This Order continues that Act in force for a further year.

50p net

ISBN 0 11 098606 7

Printed in the United Kingdom by Her Majesty's Stationery Office

860/WO1752 C22 11/89 3191861

Draft Order in Council laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

MERCHANT SHIPPING

The Merchant Shipping Act 1988 (Amendment) Order 1989

Made - - - -

Coming into force

At the Court at Buckingham Palace the day of 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with paragraph 2(2) of Schedule 2 to the European Communities Act 1972(a):

Now therefore Her Majesty, in exercise of the powers conferred upon Her by section 2(2) of the European Communities Act 1972, and of all other powers enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Merchant Shipping Act 1988 (Amendment) Order 1989 and shall come into force on 2nd November 1989.

Application

2.—(1) This Order applies to any fishing vessel which—

(a) immediately before 1st April 1989—

(i) was by virtue of section 13(3) of the Merchant Shipping Act 1988(b) registered under Part I of the Merchant Shipping Act 1894(c), under section 373 of that Act (registry of British fishing boats) or under the Sea Fishing Boats (Scotland) Act 1886(d), and

(ii) was used for sea fishing as a British fishing boat pursuant to a licence granted under section 4 of the Sea Fish (Conservation) Act 1967(e); and

(b) on 1st April 1989 was ineligible for registry under Part II of the Merchant Shipping Act 1988 by reason only of the requirement of British citizenship imposed by virtue of section 14(7) of that Act.

(2) In this Order "fishing vessel" has the same meaning as in Part II of the Merchant Shipping Act 1988.

(a) 1972 c.68. (b) 1988 c.12. (c) 1894 c.60. (d) 1886 c.53. (e) 1967 c.84.

Modification of Merchant Shipping Act 1988 for certain fishing vessels

3. In relation to a fishing vessel to which this Order applies, section 14 of the Merchant Shipping Act 1988 shall, so long as this Order remains in force, have effect as if—

(a) for " British-owned " in paragraph (a) of subsection (1) and in subsection (2) there was substituted " Community-owned "; and

(b) in the definition of " qualified person " in subsection (7), after " British citizen " there were inserted " or a national of a member State other than the United Kingdom and in either case ".

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to an interim order of the President of the European Court of Justice in Commission v United Kingdom (Case 246/89R), made on 10th October 1989. The interim order requires the United Kingdom, pending delivery of the judgment of the Court in the main proceedings, (Case 246/89), to suspend the British citizenship requirements (but not the United Kingdom residence and domicile requirements) of section 14 of the Merchant Shipping Act 1988 so far as they relate to fishing vessels which were fishing under the British flag up to March 31st 1989 and were owned by nationals of member States of the European Communities. Pending publication of the Order in the Official Journal of the European Communities, copies of the order may be obtained from the Treasury Solicitor (European Section), Queen Anne's Chambers, 28 Broadway, London SW1H 9JS.

50p net

ISBN 0 11 098602 4

Printed in the United Kingdom by Her Majesty's Stationery Office
850/WO1713 C15 10/89 3191366

Draft Regulations laid before Parliament under section 29(2) of the Social Security Act 1989, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

SOCIAL SECURITY

The Income Support (General) Amendment No. 2 Regulations 1989

Made - - - -	*1989*
Coming into force	
regulations 1, 2 and 5(a)(iii)	*21st August 1989*
regulations 3, 4, 5(a)(i) and (ii), (b) and (c) and 6 to 18	*9th October 1989*

Whereas a draft of this instrument was laid before Parliament in accordance with section 29(2) of the Social Security Act 1989**(a)** and approved by resolution of each House of Parliament.

Now, therefore, the Secretary of State for Social Security in exercise of the powers conferred by sections 20(3)(d) and (12)(c) and (d) and 22(1), (8) and (9) of the Social Security Act 1986**(b)** and sections 166(1) to (3) of the Social Security Act 1975**(c)** and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations, in so far as they are required to be referred to it, should not be so referred, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (General) Amendment No. 2 Regulations 1989 and shall come into force as follows–

(a) regulations 1, 2 and 5(a)(iii), on 21st August 1989;

(b) regulations 3, 4, 5(a)(i) and (ii), (b) and (c) and 6 to 18, on 9th October 1989.

(2) In these Regulations "the General Regulations" means the Income Support (General) Regulations 1987**(d)**.

Amendment of regulation 2 of the General Regulations

2. In regulation 2 of the General Regulations (interpretation), in paragraph (1), in the definition of "training allowance", after the words "full-time education" there shall be added the words ", other than under arrangements made under section 2 of the Employment and Training Act 1973**(e)**,".

Amendment of regulation 5 of the General Regulations

3. In regulation 5 of the General Regulations (persons treated as engaged in remunerative work), in paragraph (5), for the reference "regulation 35(1)(b) to (d)" there shall be substituted the reference "regulation 35(1)(b) to (d) and (i)".

(a) 1989 c. .

(b) 1986 c.50; section 20(3)(d) and (12)(d) were amended by section 13 of the Social Security Act 1989.

(c) 1975 c.14.

(d) S.I. 1987/1967, relevant amending instruments are S.I. 1988/663, 999 and 2022.

(e) 1973 c.50.

Amendment of regulation 7 of the General Regulations

4. Regulation 7 of the General Regulations (meaning of employment) shall become regulation 7(1) and–

(a) after the words "Income Support" there shall be inserted the words "in so far as it relates to the condition of availability for employment";

(b) at the end there shall be added the following paragraph–

"(2) For the purposes of section 20(3)(d) of the Act in so far as it relates to the condition of actively seeking employment, work which is treated as employment for the purposes of paragraph (1) and employment as a self-employed earner under any scheme for assisting claimants to become self-employed earners established under arrangements made pursuant to section 2 of the Employment and Training Act 1973 shall be treated as employment.".

Amendment of regulation 10 of the General Regulations

5. In regulation 10 of the General Regulations (circumstances in which claimants are not to be treated as available for employment)–

(a) in paragraph (1)–

(i) the word "suitable" shall be omitted where it occurs in sub-paragraphs (a) and (b);

(ii) in sub-paragraph (d) at the beginning there shall be inserted the words "subject to paragraphs (4) to (6),"; and the following heads shall be substituted for heads (ii) and (iii)–

"(ii) the restrictions are reasonable in view of his physical or mental condition; or

(iii) he has a usual occupation and those restrictions relate to it and are consistent with conditions which are usual in that occupation;";

(iii) in sub-paragraph (h), for the reference "paragraph 1, 2, 7 or 20" there shall be substituted the reference "paragraph 1, 2, 7, 11 or 20";

(b) in paragraph (3), sub-paragraph (a) shall be omitted;

(c) after paragraph (3) there shall be added the following paragraphs–

"(4) A determination that paragraph (1)(d) does not apply by reason of the circumstances prescribed in head (iii) of that paragraph shall have effect for a period not exceeding 13 weeks beginning–

(a) in a case where the claimant is not entitled to unemployment benefit and has not been entitled to that benefit for any day since he was last in remunerative work, on the first day for which the claimant makes a claim for income support since the last day on which he was in remunerative work, or vocational training in his usual occupation, or incapable of work;

(b) in any other case, on the first day for which a claim for unemployment benefit is made since the claimant was last in remunerative work.

(5) In determining the length of the period for the purposes of paragraph (4) regard shall be had to–

(a) the claimant's usual occupation and any relevant skills and qualifications which he has acquired;

(b) the length of the periods during which he has undergone training relevant to his usual occupation;

(c) the length of the periods during which he has been employed in his usual occupation and the period since he was last so employed, and

(d) the availability and location of employment in his usual occupation.

(6) For the purposes of paragraph (1)(d), in deciding whether a claimant has no reasonable prospects of securing employment regard shall be had, in particular, to the length of the period during which he has been unemployed.".

Insertion of regulation 10A in the General Regulations

6. After regulation 10 of the General Regulations (circumstances in which claimants are not to be treated as available for employment) there shall be inserted the following regulation–

"**Actively seeking employment**

10A.—(1) A claimant shall not be required to be a person who is actively seeking employment where, by virtue of regulation 8 (persons not required to be available for employment), he is not required to be available for employment.

(2) A claimant, other than a person to whom regulation 10(1)(h) applies, shall not be required to be a person who is actively seeking employment during any week in which the adjudication officer is satisfied that, unless income support is paid, the claimant or a member of his family (if any) will suffer hardship.

(3) Subject to paragraph (4), a claimant shall be treated as actively seeking employment in any week if, and only if, he takes such steps in that week as he would be required to take under regulations made under subsection (2)(aa)(i) of section 17 of the Social Security Act**(a)** in order to be recorded as actively seeking employed earner's employment in that week for the purposes of that section.

(4) A claimant shall be treated as actively seeking employment in respect of any week for which he is, or would have been had he made a claim for unemployment benefit, deemed to have been actively seeking employment under regulations made under section 17(1)(a)(i) of the Social Security Act**(b)**.

(5) For the purposes of this regulation, in relation to a claimant, "week" has the meaning prescribed in regulations made under section 17(2)(aa)(ii) of the Social Security Act which–

(a) if he is entitled to unemployment benefit, applies in his case; and

(b) if he is not entitled to unemployment benefit, would have applied in his case if each of the days for which he claims income support would have fallen within a period of interruption of employment had he claimed unemployment benefit under that Act in respect of those days.".

Amendment of regulation 22 of the General Regulations

7. In regulation 22 of the General Regulations (reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification), in paragraph (5) after the words "available for employment)" there shall be inserted the words "or a claimant who is not required to be actively seeking employment by virtue of regulation 10A(2) (actively seeking employment)".

Amendment of regulation 28 of the General Regulations

8. In regulation 28 of the General Regulations (calculation of income), in paragraph (2), for the words from "regulations 41 to 43" to the end of that paragraph there shall be substituted the words "regulations 41 and 42 (capital treated as income and notional income).".

Amendment of regulation 29 of the General Regulations

9. In regulation 29 of the General Regulations (calculation of earnings derived from employed earner's employment and income other than earnings)–

(a) in paragraph (2) for the reference "and (4A)" there shall be substituted the reference "and (4A) to (4D)";

(b) for paragraph (4) there shall be substituted the following paragraph–

"(4) In a case to which paragraph (3) applies, earnings under regulation 35 (earnings of employed earners) shall be taken into account in the following order of priority–

(a) earnings normally derived from the employment;

(a) Section 17(2)(aa) was inserted by the Social Security Act 1989, section 10(3).
(b) Section 17(1)(a) was amended by the Social Security Act 1989, section 10(2).

(b) any payment to which paragraph (1)(b) or (c) of that regulation applies;

(c) any payment to which paragraph (1)(i) of that regulation applies;

(d) any payment to which paragraph (1)(d) of that regulation applies.";

(c) after paragraph (4A) there shall be inserted the following paragraphs–

"(4B) Where earnings to which regulation 35(1)(i)(i) applies (earnings of employed earners) are paid in respect of or on the termination of any employment which is not part-time employment, the period over which they are to be taken into account shall be–

(a) a period equal to such number of weeks as is equal to the number (less any fraction of a whole number) obtained by dividing the net earnings by the maximum weekly amount which, on the date on which the payment of earnings is made, is specified in paragraph 8(1)(c) of Schedule 14 to the Employment Protection (Consolidation) Act 1978(a); or

(b) a period equal to the length of the specified period,

whichever is the shorter, and that period shall begin on the date on which the payment is treated as paid under regulation 31 (date on which income is treated as paid).

(4C) Any earnings to which regulation 35(1)(i)(ii) applies which are paid in respect of or on the termination of part-time employment, shall be taken into account over a period equal to one week.

(4D) In this regulation–

(a) "part-time employment" means employment in which a person is not to be treated as engaged in remunerative work under regulation 5 or 6 (persons treated, or not treated, as engaged in remunerative work);

(b) "specified period" means a period equal to–

(i) the period of notice which is applicable to a person, or would have been applicable if it had not been waived; less

(ii) any part of that period during which the person has continued to work in the employment in question or in respect of which he has received a payment to which regulation 35(1)(c) applies,

and for the purposes of this definition "period of notice" means the period of notice of termination of employment to which a person is entitled by statute or by contract, whichever is the longer, or, if he is not entitled to such notice, the period of notice which is customary in the employment in question.".

Amendment of regulation 32 of the General Regulations

10. In regulation 32 of the General Regulations (calculation of weekly amount of income)–

(a) in paragraph (1) for the reference "paragraphs (2) to (5)" there shall be substituted the reference "paragraphs (2) to (7)";

(b) after paragraph (6) there shall be added the following paragraph–

"(7) Where any payment of earnings is taken into account under paragraph (4C) of regulation 29 (calculation of earnings derived from employed earner's employment and income other than earnings), over the period specified in that paragraph, the amount to be taken into account shall be equal to the amount of the payment.".

Amendment of regulation 35 of the General Regulations

11. In regulation 35 of the General Regulations (earnings of employed earners)–

(a) in paragraph (1)–

(i) for the words "Subject to paragraph (2)" there shall be substituted the words "Subject to paragraphs (2) and (3),";

(a) 1978 c.44.

(ii) in sub-paragraph (c) the words from "or any lump sum" to the end of that sub-paragraph shall be omitted;

(iii) after sub-paragraph (h) there shall be added the following–

"(i) where–

(i) a payment of compensation is made in respect of employment which is not part-time employment and that payment is not less than the maximum weekly amount, the amount of the compensation less the deductible remainder, where that is applicable;

(ii) a payment of compensation is made in respect of employment which is part-time employment, the amount of the compensation.

(1A) For the purposes of paragraph (1)(i)(i) the "deductible remainder"–

(a) applies in cases where dividing the amount of the compensation by the maximum weekly amount produces a whole number plus a fraction; and

(b) is equal to the difference between–

(i) the amount of the compensation; and

(ii) the product of the maximum weekly amount multiplied by the whole number.".

(b) after paragraph (2) there shall be added the following paragraph–

"(3) In this regulation–

(a) "compensation" means any payment made in respect of or on the termination of employment in a case where a person has not received or received only part of a payment in lieu of notice due or which would have been due to him had he not waived his right to receive it, other than–

(i) any payment specified in paragraph (1)(a) to (h);

(ii) any payment specified in paragraph (2)(a) to (d);

(iii) any redundancy payment within the meaning of section 81(1) of the Employment Protection (Consolidation) Act 1978, and

(iv) any refund of contributions to which that person was entitled under an occupational pension scheme within the meaning of section 66(1) of the Social Security Pensions Act 1975**(a)**;

(b) "maximum weekly amount" means the maximum weekly amount which, on the date on which the payment of compensation is made, is specified in paragraph 8(1)(c) of Schedule 14 to the Employment Protection (Consolidation) Act 1978;

(c) "part-time employment" means employment in which a person is not to be treated as engaged in remunerative work under regulation 5 or 6 (persons treated, or not treated, as engaged in remunerative work).".

Amendment of regulation 37 of the General Regulations

12. In regulation 37 of the General Regulations (earnings of self-employed earners), in paragraph (2) the words from "except where the claimant" to the end of that paragraph shall be omitted.

Amendment of regulation 41 of the General Regulations

13. In regulation 41 of the General Regulations (capital treated as income), after paragraph (4) there shall be added the following paragraph–

"(5) Any earnings to the extent that they are not a payment of income shall be treated as income.".

(a) 1975 c.60.

Revocation of regulation 43 of the General Regulations

14. Regulation 43 of the General Regulations (notional earnings of seasonal workers) shall be revoked.

Amendment of regulation 48 of the General Regulations

15. At the end of regulation 48 of the General Regulations (income treated as capital) there shall be added the following paragraph–

"(11) Any compensation within the meaning of regulation 35(3) (earnings of employed earners) which is made in respect of employment which is not part-time employment within the meaning of that regulation, to the extent that it is not earnings by virtue of regulation 35(1)(i)(i) shall be treated as capital.".

Amendment of regulation 70 of the General Regulations

16. In regulation 70 of the General Regulations (urgent cases)–

(a) in paragraph (2), sub-paragraph (c) shall be omitted;

(b) in paragraph (4), for the words from "or (c) applies" to "(notional earnings of seasonal workers)" there shall be substituted the words "applies, where the income he is treated as possessing by virtue of regulation 42(3) (notional income)".

Amendment of regulation 72 of the General Regulations

17. In regulation 72 of the General Regulations (assessment of income and capital in urgent cases), in paragraph (1), sub-paragraph (e) shall be omitted.

Amendment of Schedule 8 to the General Regulations

18. In Schedule 8 to the General Regulations (sums to be disregarded in the calculation of earnings) in paragraph 1(a)(ii) for the reference "(g) and (h)" there shall be substituted the reference "(g) to (i)".

Signed by authority of the Secretary of State for Social Security

Minister of State,
Department of Social Security

1989

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987 in the following respects–

(a) they prescribe the circumstances in which a person is not required to be actively seeking employment, the circumstances in which a person is, or is not, treated as actively seeking such employment and make supplementary provision in respect of the introduction of the requirement to seek employment actively (regulations 4, 6 and 7);

(b) they remove references to "suitable employment" in consequence of the repeal of the definition of "suitable" in section 20(4) of the Social Security Act 1975 and amend the circumstances in which a claimant is not treated as available for employment on account of restrictions which he has imposed on the employment which he is prepared to accept (regulation 5);

(c) they make new provision for taking into account payments of compensation received on the termination of employment without due notice (regulations 3, 9, 10, 11, 15 and 18), and provides for earnings to be treated as income (regulation 13);

(d) they delete provisions relating to seasonal workers (regulations 8, 12, 14, 16 and 17);

(e) they make provision for certain persons who are undergoing employment training to qualify for income support (regulations 2 and 5).

Draft Regulations laid before Parliament under section 29(2) of the Social Security Act 1989, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

SOCIAL SECURITY

The Income Support (General) Amendment No. 2 Regulations 1989

£1.65 net

ISBN 0 11 098595 8

Printed in the United Kingdom for Her Majesty's Stationery Office 880/5917 WO 1194 C13 7/89 452/2 3840 46367

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DRAFT STATUTORY INSTRUMENTS

1989 No.

SOCIAL SECURITY

The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment No. 2 Regulations 1989

Made - - - -	*1989*
Coming into force -	*9th October 1989*

Whereas a draft of this instrument was laid before Parliament in accordance with section 29(2) of the Social Security Act 1989**(a)** and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by sections 17(1)(a)(i), (2)(a), (2)(aa)(i), 18(2B) and (4), 20(3) and (4), 20A(2) and (3) and 168(1) of, and Schedule 20 to, the Social Security Act 1975**(b)**, and section 5(1) and (2) of the Social Security (No. 2) Act 1980**(c)** and all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations, in so far as they are required to be referred to it, should not be so referred**(d)**, hereby makes the following Regulations:–

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment No. 2 Regulations 1989 and shall come into force on 9th October 1989.

(2) In these Regulations "the principal Regulations" means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983**(e)**.

(a) 1989 c. .

(b) 1975 c.14; section 17 was amended by the Social Security (No. 2) Act 1980 (c.39), sections 3(1) and 7(6) and the Schedule, the Social Security Act 1981 (c.33), section 5, the Social Security Act 1988 (c.7), section 16 and Schedule 4, paragraph 4 and the Social Security Act 1989, sections 10 and 31(1) and Schedule 8; section 18 was amended by the Social Security Act 1986 (c.50), section 43(1) and the Social Security Act 1989, section 11; section 20 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 25 and Schedule 8, paragraph 1(1) and (3), the Social Security Act 1985 (c.53), section 10, the Social Security Act 1986, section 43(3)(a), the Employment Act 1988 (c.19), sections 27(2) and (3) and 33 and Schedule 3, paragraph 7(b) and Schedule 4, the Social Security Act 1989, section 12(1) to (3), and S.I. 1988/487; section 20A was inserted by the Social Security Act 1989, section 12(4); section 168(1) and Schedule 20 are cited because of the meaning ascribed to the word "regulations"; Schedule 20 is also cited because it contains a power to modify the meaning of the word "employment", added by the Social Security Act 1989, section 12(4).

(c) 1980 c.39; section 5 was amended by the Social Security and Housing Benefits Act 1982 (c.24), section 48(5) and Schedule 4, paragraph 34(2) and (3), the Social Security Act 1988, section 7 and the Social Security Act 1989, section 9.

(d) *See* sections 9 and 10 of the Social Security Act 1980.

(e) S.I. 1983/1598, the relevant amending Regulations are 1986/48, 1988/2119 and 1989/689.

Amendment of regulation 1 of the principal Regulations

2. In regulation 1(2) of the principal Regulations (interpretation)–

(a) after the definition of "determining authority" there shall be inserted the following definition–

"employment or training programme" means a course or programme of rehabilitation or training which is established pursuant to arrangements made by the Secretary of State under section 2(1) of the Employment and Training Act 1973**(a)** for the purpose of assisting persons to select, train for, obtain or retain employed earner's employment";

(b) after the definition of "local authority" there shall be inserted the following definition–

""Outward Bound course" means any course or programme for personal development which is made available to persons who are not in employment by the charitable trust known as the Outward Bound Trust Limited;";

(c) after the definition of "preserved board" there shall be inserted the following definition–

""training allowance" means a training allowance paid under the Employment and Training Act 1973;".

Insertion of regulation 6A in the principal Regulations

3. After regulation 6 of the principal Regulations (provisions relating to suspension of employment in employed earner's employment) there shall be inserted the following regulation–

"**Requalification period**

6A.—(1) Where paragraph (2) applies to a person during one or more of the 26 weeks referred to in sub-section 2 of section 18**(b)** which applies in his case, for the reference to 26 weeks in that sub section there shall be substituted a reference to the period prescribed under paragraph (3).

(2) This paragraph applies to a person in respect of any week if he does not work in employed earner's employment for 16 hours or more and on at least one day in that week–

(a) he was a person entitled to receive sickness benefit, invalidity pension, maternity allowance, invalid care allowance or severe disablement allowance; or

(b) he was incapable of work for the purposes of section 14(1)(b) or treated as incapable of work by virtue of section 22(4); or

(c) he was a person entitled to receive statutory sick pay within the meaning of section 1(1) of the Social Security and Housing Benefits Act 1982 or statutory maternity pay within the meaning of section 46(1) of the Social Security Act 1986; or

(d) he was a person undergoing any employment or training programme for which a training allowance is payable.

(3) For the purposes of paragraph (1), the period shall be either–

(a) the period immediately preceding the day mentioned in section 18(2)(a) or (b) (as the case may be)–

(i) which includes the last 26 weeks (whether consecutive or not) in respect of which paragraph (2) did not apply to the person, and

(ii) which begins on the first day of those 26 weeks; or

(b) 78 weeks,

whichever is the shorter.".

(a) 1973 c.50.

(b) Section 18(2) was substituted by section 10 of the Social Security Act 1989.

Amendment of regulation 7 of the principal Regulations

4. In regulation 7 of the principal Regulations (days not to be treated as days of unemployment or incapacity for work)–

(a) in paragraph (1)–

(i) sub-paragraph (a) shall be omitted, and

(ii) the following sub-paragraph shall be substituted for sub-paragraph (d)–

"(d) where in any case the employment of a person is terminated and he receives compensation, a day shall not be treated as a day of unemployment if it is a day–

(i) which falls within the ineligible period as defined in paragraph (5), and

(ii) which falls within the period of 52 weeks beginning with the day following the termination of the employment;";

(b) after paragraph (4) there shall be added the following paragraphs–

"(5) For the purposes of paragraph (1)(d), "the ineligible period" is the period which begins on the day following the termination of the employment and ends–

(a) in a case where the person who paid the compensation represents that it, or part of it, was paid in lieu of notice of termination of employment or on account of the early termination of a contract of employment for a term certain–

(i) on the due date, unless sub-paragraph (b) of this paragraph also applies; or

(ii) if that sub-paragraph does apply, on the date determined under it;

(b) in a case where the person who paid the compensation represents that it, or part of it, was paid in lieu of consultation under section 99 of the Employment Protection Act 1975(a), on the later of–

(i) the day on which the consultation period under that section would have ended; and

(ii) where sub-paragraph (a) of this paragraph also applies, the due date or, where that sub-paragraph does not apply, the standard date; or

(c) in any other case, the standard date.

(6) In this regulation–

"compensation" means any payment made to or for a person in respect of the termination of the employment other than–

(a) any remuneration paid in respect of the period before the termination;

(b) any holiday pay;

(c) any payment not falling within paragraph (a) or (b) of this definition which is paid in respect of any emolument of the employment (whether in money or in kind) and which has accrued before the termination of the employment;

(d) any redundancy payment within the meaning of section 81(1) of the Employment Protection (Consolidation) Act 1978; and

(e) any refund of contributions to which he was entitled under an occupational pension scheme within the meaning of section 66(1) of the Pensions Act;

"due date", in relation to the termination of a person's employment, means whichever of the following dates is applicable in his case, that is to say–

(a) the date on which any period of notice applicable to the person was due to expire or would have been due to expire if it had not been waived;

(a) 1975 c.71.

(b) where he had a contract of employment for a term certain, the date on which it was due to expire;

and for the purpose of paragraph (a) of this definition "period of notice" means the period of notice of termination of employment to which a person is entitled by statute or by contract, whichever is the longer, or, if he is not entitled to such notice, that period of notice which is customary in the employment in question;

"the standard date" means the earlier of–

(a) the due date; and

(b) the last day of the period determined by–

(i) dividing the amount of the compensation by the maximum weekly amount which, on the day following the day of termination of employment, is specified in paragraph 8(1)(c) of Schedule 14 to the Employment Protection (Consolidation) Act 1978**(a)**, and

(ii) treating the result (less any fraction of a whole number) as a number of weeks;

"week" means any period of 7 days (including a Sunday).".

Insertion of regulation 7B in the principal Regulations

5. After regulation 7A of the principal Regulations (days deemed to be days of entitlement to sickness benefit) there shall be inserted the following regulation–

"**Restrictions on availability for employment**

7B.—(1) Subject to paragraphs (2) to (5), a day shall not be treated as a day of unemployment in relation to a person if it falls within a week which includes one or more days in respect of which he imposes restrictions on the nature, hours, rate of remuneration, locality or other conditions of employment which he is prepared to accept.

(2) Paragraph (1) shall not apply if the person shows that he has a reasonable prospect of securing employment notwithstanding those restrictions.

(3) For the purposes of paragraph (2), in deciding whether a person has a reasonable prospect of securing employment regard shall be had, in particular, to the length of the period during which the person has been unemployed.

(4) Paragraph (1) shall not apply in relation to a day–

(a) where the restrictions would not prevent the person from having reasonable prospects of securing employment but for the existence of adverse industrial conditions, in the locality or localities concerned, which may reasonably be regarded as temporary; or

(b) where the restrictions are reasonable in view of the person's physical or mental condition; or

(c) subject to paragraph (5), where the person who has imposed the restrictions has a usual occupation and those restrictions relate to it and are consistent with conditions which are usual in that occupation.

(5) Paragraph (4)(c) applies in relation to a person only for such period as may be determined in his case in accordance with paragraph (6); and any such period–

(a) shall begin on the first day for which he makes a claim for unemployment benefit since the last day on which he was in employment, or in vocational training in his usual occupation, or incapable of work; and

(b) shall end not more than 13 weeks after it begins.

(6) In determining the length of any period for the purposes of paragraph (5) regard shall be had to–

(a) the person's usual occupation and any relevant skills and qualifications which he has acquired;

(a) 1978 c.44, the relevant amending instrument is S.I. 1989/526.

(b) the length of the periods during which the person has undergone training relevant to his usual occupation;

(c) the length of the periods during which the person has been employed in his usual occupation and the period since he was last so employed; and

(d) the availability and location of employment in his usual occupation.".

Insertion of regulations 12B to 12H in the principal Regulations

6. The following regulations shall be inserted after regulation 12A of the principal Regulations (persons deemed available where a doubt has arisen about availability)–

"**Steps to be taken by persons actively seeking employment**

12B.—(1) Subject to the following paragraphs of this regulation, the steps which a person is required to take in any week if he is to be regarded as actively seeking employment in that week shall be such of the steps which are reasonable in his case as offer him his best prospects of receiving offers of employment.

(2) In determining for the purposes of this regulation whether in any week a person has taken the steps which are reasonable in his case regard shall be had to all the circumstances of the case, including, in particular–

(a) his skills, qualifications, abilities and physical or mental limitations;

(b) the time which has elapsed since he was last in employment and his work experience;

(c) the steps which he has taken in previous weeks to seek employment;

(d) the availability and location of vacancies in employment;

(e) any time during which he was–

(i) engaged in activities mentioned in regulation 9 (lifeboatmen and firemen);

(ii) engaged, during an emergency, in the duties mentioned in regulation 10 (persons undertaking duties in an emergency);

(iii) undertaking voluntary work;

(iv) attending an Outward Bound course;

(v) participating in an employment or training programme for which a training allowance is not payable;

(vi) participating in any course of vocational training or study;

(vii) in the case of a blind person, participating in a course of training in the use of guide dogs;

(f) whether he has applied for, or accepted, a place on, or participated in a course or programme the cost of which is met in whole or in part out of central funds or by the European Economic Community and the purpose of which is to assist persons to select, train for, obtain and retain employment or self-employed earner's employment; and

(g) where he had no living accommodation in that week the fact that he had no such accommodation and the steps which he needed to take and has in fact taken to seek such accomodation.

(3) For the purposes of this regulation the taking of one step on a single occasion during a week shall not be sufficient unless taking that step on that occasion is all that it is reasonable for the person in question to do in that week.

(4) For the purposes of this regulation "steps" include–

(a) oral or written applications (or both) for employment made to persons–

(i) who have advertised the availability of employment; or

(ii) who appear to be in a position to offer employment;

(b) seeking information on the availability of employment from–

(i) advertisements;

(ii) persons who have placed advertisements which indicate the availability of employment;

(iii) employment agencies and employment businesses;

(iv) employers;

(c) registration with an employment agency or employment business;

(d) appointment of a third party to assist the person in question in finding employment.

(5) In this regulation–

"employment" means employed earner's employment except in the expressions "self-employed earner's employment", "employment agency" and "employment business";

"employment agency" and "employment business" mean an employment agency or (as the case may be) employment business, within the meaning of the Employment Agencies Act 1973(a), in respect of which a person holds a current licence within the meaning of that Act.

Meaning of week

12C.—(1) For the purposes of section 17(1)(a)(i) (requirement to seek work actively) "week", in the case of any person, means–

(a) except where sub-paragraph (b) of this paragraph applies, each of the successive periods which begin immediately after a relevant day and end with the next relevant day in the period of interruption of employment in question;

(b) where the Secretary of State has directed the person to attend at an unemployment benefit office on more than one day in any period of 7 days for the purpose of claiming unemployment benefit, each of the periods of 7 days (whether overlapping or not) which end with the last day to which each successive claim relates.

(2) Subject to paragraph (4), for the purposes of paragraph (1)(a)–

(a) the first relevant day in relation to a period of interruption of employment shall be the day immediately preceding the first day in that period for which the person in question claims unemployment benefit; and

(b) the last relevant day in relation to a period of interruption of employment shall be the last day of that period.

(3) Subject to paragraph (4), for the purposes of paragraph (1)(a)–

(a) if the Secretary of State has given written notice to the person in question to attend at an unemployment benefit office on a particular week-day then in each period of 7 days during the currency of the notice that week-day shall be a relevant day in his case;

(b) if the Secretary of State has directed the person in question to attend at an unemployment benefit office for the purpose of claiming unemployment benefit on a day which falls after the last day to which that claim relates, that last day shall be a relevant day in his case;

(c) in any case not falling within sub-paragraph (a) or (b) of this paragraph, in each period of 7 days the week-day which corresponds to the preceding relevant day shall be a relevant day in his case.

(4) Where, in the application of paragraph (2) or (3), two or more relevant days would fall within any period of 7 days during the period of interruption of employment, all but the later or latest of those days shall be disregarded.

(5) For the purposes of paragraphs (1)(b) and (3)(b) "directed" means directed by a direction to which regulation 8 (attendance in person at an unemployment benefit office) of the Social Security (Claims and Payments) Regulations 1987(b) refers and for the purposes of paragraph (3)(a), "written notice" means any notice in writing to which paragraph 1 of Schedule 5 (variation of prescribed times for claiming unemployment benefit) to those Regulations refers.

(a) 1973 c.35.
(b) S.I. 1987/1968.

Persons deemed to be actively seeking employment

12D.—(1) A person shall be deemed to be actively seeking employment in respect of–

(a) the week which includes the first day for which a claim for unemployment benefit is made since that person was last–

(i) in employment, or

(ii) participating in an employment or training programme for which a training allowance is payable,

for a period of not less than 6 consecutive days (disregarding Sundays);

(b) the week which includes the last day of unemployment in any spell of unemployment;

(c) subject to paragraph (2), weeks in respect of which he has given written notice to the Secretary of State that–

(i) he does not intend to be actively seeking employment, but

(ii) he does intend to reside at a place other than his usual place of residence for at least one day;

(d) any week during which he is deemed available for employed earner's employment for not less than 3 days under either regulation 9 (lifeboatmen and firemen) or regulation 10 (persons undertaking duties in an emergency);

(e) any week during which he is participating for not less than 3 days in an employment or training programme for which a training allowance is not payable unless that week falls immediately after a period of 5 consecutive weeks during which he has been participating in such a programme;

(f) any week in a single period not exceeding 8 weeks during which a person is taking active steps to establish himself in employment as a self-employed earner under any scheme for assisting claimants to become self-employed earners established pursuant to arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973(a); and, where the scheme requires claimants to attend a meeting before they can apply to participate under it, the period shall begin with the week in which he attends such a meeting.

(2) In any period of 12 months a person shall be deemed to be actively seeking employment under paragraph (1)(c) only for the number of weeks specified in one of the following sub-paragraphs–

(a) a maximum of 2 weeks, whether consecutive or not; or

(b) a maximum of 3 weeks, whether consecutive or not, during which he is attending for at least 3 days in each such week an Outward Bound course; or

(c) if he is a blind person, a maximum of 4 weeks, whether consecutive or not, during which he is participating for at least 3 days in each such week in a course of training in the use of guide dogs.

(3) In this regulation–

"spell of unemployment" means any period of one or more days on which a person is unemployed; and any two or more such periods not separated by a period of more than 3 consecutive days which in relation to that person are not days of unemployment shall be treated as one spell of unemployment;

"week" shall have the same meaning as in regulation 12C.

Matters to be taken into account in determining good cause

12E.—(1) This regulation shall have effect for the purposes of section 20(1) (disqualification for unemployment benefit).

(a) 1973 c.50, section 2 was substituted by the Employment Act 1988 (c.19), section 25(1).

(2) Subject to paragraphs (3) to (5), in determining whether a person does or does not have good cause for any act or omission for the purposes of subsection (1) (b) to (g) of that section the matters which are to be taken into account shall include the following–

(a) any condition or personal circumstance of that person which indicates that a particular employment, official recommendation or course of training would be likely to or did–

(i) cause serious harm to his health; or

(ii) subject him to excessive physical or mental stress;

(b) any religious or conscientious objection, sincerely held by the person, to his undertaking a particular employment, or following a particular official recommendation or participating in a particular course of training;

(c) any responsibility for the care of another member of his household which would, or did, make it unreasonable for the person to undertake a particular employment, follow a particular official recommendation or participate in a particular course of training;

(d) the time it took, or would normally take, for the person to travel from his home to the place of the employment or training and back to his home by a route and means appropriate to his circumstances and to the employment or training;

(e) the expenses which were, or would be, necessarily and exclusively, incurred by the person for the purposes of the employment or training, together with any expenses of travelling to and from the place of the employment or training by a route and means appropriate to his circumstances, if those expenses did, or would, represent an unreasonably high proportion of–

(i) in the case of employment, the remuneration which it is reasonable to expect that he would derive from that employment; or

(ii) in the case of training, the income which he received, or would receive, from participation in that training.

(3) For the purposes of paragraph (2)(e), in considering whether expenses did, or would, represent an unreasonably high proportion of remuneration or income, the principle shall apply that the greater the level of remuneration or income the higher the proportion thereof which it is reasonable should be represented by expenses.

(4) Subject to paragraphs (5) and (6), a person is not to be regarded as having good cause for any act or omission for the purposes of subsection (1)(b) to (g) of section 20 if, and to the extent that, the reason for that act or omission relates to–

(a) his income or outgoings or the income or outgoings of any other member of his household, or the income or outgoings which he or any other member of his household would have if he were to become employed or to participate in training, or did have whilst participating in training, but for the purposes of this sub-paragraph a person's outgoings shall not include any expenses taken into account under paragraph (2)(e);

(b) the time it took, or would normally take, for the person to travel from his home to the place of the employment, or the place of the training, and back to his home where that time was or is normally less than one hour either way by a route and means appropriate to his circumstances and to the employment, or training, unless, in view of the health of the person or any responsibility for the care of another member of his household, that time was or is unreasonable.

(5) Where a person has undergone training for a particular kind of employment for a period of not less than 2 months, for the purposes of subsection (1)(b) to (d) of section 20, a person is to be regarded as having good cause for a period of 4 weeks following the last day of the week in which the training ends for–

(a) refusing or failing to apply for, or refusing to accept, employment of any other kind when offered to him;

(b) neglecting to avail himself of a reasonable opportunity of employment of any other kind;

(c) refusing or failing to carry out an official recommendation given to him with a view to assisting him to find employment of any other kind.

(6) Where a person has been notified by an agency, or by or on behalf of an employer, of a situation in any employment which is or is about to become vacant, that person shall be regarded–

(a) for the purposes of paragraph (b) of section 20(1) as having good cause for refusing or failing to apply for, or for refusing to accept, that situation, and

(b) accordingly, for the purposes of paragraph (c) of that provision, as having good cause for neglecting to avail himself of that opportunity of employment,

unless one of the conditions specified in paragraph (7) is satisfied.

(7) The conditions referred to in paragraph (6) are–

(a) that the situation has also been notified to the person in question by the Secretary of State;

(b) that the situation is a qualifying former employment of that person.

(8) For the purposes of paragraph (7)(b) a situation is a qualifying former employment of any person if–

(a) it is a situation offered by an employer for whom he has previously worked or by an employer who has succeeded that employer;

(b) he has a right to return to work for the former employer (or any successor of his);

(c) not more than one year has elapsed between–

(i) the date when he last worked for that employer; and

(ii) the date when the question under section 20(1)(b) or (c) arises; and

(d) the terms and conditions of employment in the situation are not less favourable than those in the situation which he held when he last worked for that employer.

(9) In this regulation–

(a) "agency" means any agency referred to in the definition of "properly notified" in section 20(5), other than the Secretary of State;

(b) except in paragraph (5), "training" means training under an approved training scheme.

Permitted period

12F.—(1) For the purposes of section 20A(3) (exemptions from disqualification for unemployment benefit), the permitted period shall not be less than a period of 7 days (including a Sunday) and any such period–

(a) shall begin on the first day for which a person makes a claim for unemployment benefit since the last day on which he was in employment, or in vocational training in his usual occupation, or incapable of work; and

(b) shall end not more than 13 weeks after it begins.

(2) In determining the permitted period in any case, regard shall be had to–

(a) the person's usual occupation and any relevant skills and qualifications which he has acquired;

(b) the length of the periods during which the person has undergone training relevant to his usual occupation;

(c) the length of the periods during which the person has been employed in his usual occupation and the period since he was last so employed;

(d) the consideration that the more skilled the usual occupation and the greater the extent to which the skills in that occupation have been exercised recently, the longer the permitted period;

(e) the availability and location of employment in his usual occupation;

(f) any determination made under regulation 7B (restrictions on availability for employment).

Trial periods

12G.—(1) A person shall be of a prescribed description for the purposes of section 20A(2) (exemption from disqualification for unemployment benefit)**(a)** and shall not be disqualified under the provisions mentioned in that subsection if he has neither worked in employed earner's employment, nor has been a self-employed earner, nor been in full-time education, during the period of 26 weeks preceding the day of the commencement of the employment.

(2) For the purposes of the definition of "trial period" in section 20A(3)–

(a) the day on which the person's employment is to be regarded as commencing shall be the Sunday of the week in which the person enters the employment;

(b) in determining the time at which the sixth or twelfth weeks of a trial period ends any week in which a person has not worked in the employment for at least 16 hours shall be disregarded.

Meaning of employment

12H. For the purposes of section 20(1)(b) and (c) "employment" means employment in which a person is employed for 24 or more hours per week.".

Amendment of regulation 16 of the principal Regulations

7. In regulation 16 of the principal Regulations (special provisions relating to delay or failure in making or prosecuting a claim), for the words from "but subject to section 79(4)" to the end there shall be substituted the following words, "be treated as having been entitled to benefit for that day except where he satisfies the adjudication officer that he did not intend, by that delay or failure, to avoid the necessity of requalifying for benefit.".

Omission of regulation 21 of the principal Regulations

8. Regulation 21 of the principal Regulations (additional condition with respect to the receipt of unemployment benefit by seasonal workers) shall be omitted.

Amendment of regulation 23 of the principal Regulations

9. In regulation 23 of the principal Regulations (interpretation), in the definition of "pension payments" for the words "occupational pension" there shall be substituted the words "occupational or personal pension".

Amendment of regulation 25 of the principal Regulations

10. In regulation 25 of the principal Regulations (disregard of pension payments on account of redundancy)–

(a) in paragraph (1)(b), after the words "occupational pension scheme" there shall be inserted the words "or personal pension scheme";

(b) after paragraph (2) there shall be inserted the following paragraph–

"(3) In this regulation "personal pension scheme" means any personal pension scheme within the meaning of paragraph (c) or (e) of the definition of "payments by way of occupational or personal pension" in section 5(3) of the 1980 Act**(b)** and any contract or trust, other than an occupational pension scheme, which falls within paragraph (d) of that definition.".

Signed by authority of the Secretary of State for Social Security.

1989. Minister of State, Department of Social Security

(a) Section 20A was inserted by the Social Security Act 1989, section 11(4).

(b) 1980 c.39; section 5 has been amended by the Social Security and Housing Benefits Act 1982 (c.24), section 48(5) and Schedule 4, paragraph 34(2) and (3); the Social Security Act 1986 (c.50) section 86(2) and Schedule 11; the Social Security Act 1988 (c.7), section 7 and the Social Security Act 1989 (c.), section 9.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 ("the principal Regulations"). Apart from regulations 7 and 8, these regulations are made wholly or partly in consequence of amendments to the Social Security Act 1975 ("the 1975 Act") and the Social Security (No. 2) Act 1980 which are made by the Social Security Act 1989.

Regulation 2 defines "employment or training programme" and "Outward Bound course" for the purposes of the principal Regulations.

Regulation 3 extends in prescribed cases the period during which a person may requalify for unemployment benefit under section 18(2) of the 1975 Act.

Regulation 4 amends regulation 7 of the principal Regulations to make provision for days not to be treated as days of unemployment where a compensation payment is received on the termination of employment.

Regulation 5 inserts regulation 7B into the principal Regulations to make new provision for treating days as not being days of unemployment where a person places certain restrictions on his availability.

Regulation 6 prescribes the steps to be taken by persons who are actively seeking employment and makes provision for persons to be deemed to be actively seeking employment, for the purposes of section 17 of the 1975 Act. It also makes provision in relation to good cause for acts or omissions in relation to disqualification for unemployment benefit under section 20 of the 1975 Act and the meaning of "employment" in subsection (1)(b) and (c) of that section. In addition, for the purpose of section 20A of that Act it specifies the maximum and minimum permitted periods and makes provision for trial periods.

Regulation 7 amends regulation 16 of the principal Regulations so that any day in respect of which a person establishes that he did not omit to claim unemployment benefit with a view to avoiding the need to requalify for that benefit is not treated as a day of entitlement to benefit.

Regulation 8 revokes the additional condition for seasonal workers.

Regulations 9 and 10 amend the provisions under which unemployment benefit is abated to take account of personal pensions.

Draft Regulations laid before Parliament under section 29(2) of the Social Security Act 1989, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

1989 No.

SOCIAL SECURITY

The Social Security (Unemployment, Sickness and Invalidity Benefit) Amendment No. 2 Regulations 1989

£2.25 net

ISBN 0 11 098593 1

Printed in the United Kingdom for Her Majesty's Stationery Office

880 WO1190 C12 7/89 452/3 4235 46378 892132P

Draft Regulations laid before Parliament under section 195(4) of the Road Traffic Act 1988 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

ROAD TRAFFIC

The Motor Vehicles (Wearing of Seat Belts by Children in Rear Seats) Regulations 1989

Made - - - -	*1989*
Coming into force	*1st September 1989*

The Secretary of State for Transport, in exercise of the powers conferred by section 15(3), (5), (6) and (9) of the Road Traffic Act 1988(**a**), and all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:–

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Wearing of Seat Belts by Children in Rear Seats) Regulations 1989 and shall come into force on 1st September 1989.

General interpretation

2.—(1) In these Regulations–

"the Act" means the Road Traffic Act 1988;

"adult seat belt" means–

(a) a three-point belt, or

(b) a lap belt,

which has been marked in accordance with regulation 47(7) of the Construction and Use Regulations;

"booster cushion" means a cushion designed for a person of small stature to sit on to improve the fit of an adult seat belt (including a cushion that has an integral back above the seating plane);

"child restraint" means a seat belt for the use of a young person–

(a) which is designed either to be fitted directly to a suitable anchorage or to be used in conjunction with an adult seat belt and held in place by the restraining action of that belt; and

(b) which has been marked in accordance with regulation 47(7) of the Construction and Use Regulations;

"Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations 1986(**b**);

"medical certificate", in relation to a person, means a valid certificate signed by a medical practioner to the effect that it is inadvisable on medical grounds for that person to wear a seat belt;

(**a**) 1988 c.52.
(**b**) S.I. 1986/1078; the relevant amending instrument is S.I. 1987/1133.

"rear seat" in relation to a vehicle means a seat not being the drivers seat, a seat alongside the drivers seat or a specified passenger seat; and

"disabled person's belt", "lap belt", "seat", "specified passenger seat" and "three-point belt" have the meanings given by regulation 47(8) of the Construction and Use Regulations.

(2) Without prejudice to sections 17 and 20 of the Interpretation Act 1978**(a)**, a reference to a provision of the Construction and Use Regulations is a reference to that provision as from time to time amended or as from time to time re-enacted with or without modification.

(3) For the purposes of these Regulations a seat belt is appropriate–

(a) in relation to a child under the age of 14 years, if it is of a description specified for a child of his class in regulation 3(2), and

(b) in relation to a person aged 14 years or more, if it is an adult seat belt.

Descriptions of seat belts and the manner in which they are to be used

3.—(1) A child shall be regarded as wearing a seat belt in conformity with regulations for the purposes of section 15(3) if and only if–

(a) he is wearing a seat belt of a description prescribed by paragraph (2) below for a child of his class, and

(b) where paragraph (3) is applicable, he is using the seat belt in the manner prescribed by that paragraph.

(2) The descriptions of seat belt prescribed by this paragraph are–

(a) for any child, a child restraint appropriate to the weight of the child in accordance with the indication of weight shown on the marking required under regulation 47(7) of the Construction and Use Regulations; and

(b) for any child aged 1 year or more, an adult seat belt.

(3) If a child who has attained the age of 1 year but not the age of 4 years wears an adult seat belt, the manner prescribed by this paragraph is that it must be used in conjunction with a booster cushion.

Vehicles to which section 15(3) of the Act does not apply

4. The following classes of vehicles are exempt from the prohibition in section 15(3) of the Act, that is to say–

(a) vehicles which are not motor cars within the meaning of section 185 of the Act, and

(b) licensed taxis and licensed hire cars within the meanings given by section 13 of the Transport Act 1985**(b)** in which (in each case) the rear seats are separated from the driver by a fixed partition.

Exemptions

5.—(1) The prohibition in section 15(3) of the Act shall not apply to–

(a) a child for whom there is a medical certificate;

(b) a child aged under 1 year in a carry cot provided that the carry cot is restrained by straps; or

(c) a disabled child who is wearing a disabled person's belt.

(2) The prohibition in section 15(3) of the Act shall not apply to the driving of a vehicle where the condition specified in paragraph (3) below is satisfied as respects every child aged under 14 years who is in the rear of the vehicle and not wearing an appropriate seat belt.

(3) The condition is that no appropriate seat belt is available for the child.

(a) 1978 c.30.
(b) 1985 c.67.

Interpretation of reference to availability

6.—(1) An appropriate seat belt shall not be regarded as being available for a child for the purposes of regulation 5(2) unless such a belt is regarded as available to him by virtue of paragraph (2) below.

(2) Subject to paragraph (5) below, if any rear seat in a vehicle is provided with a seat belt which is appropriate for a particular child ("the child in question") that belt ("the relevant belt") shall be regarded as available for that child for the purposes of regulation 5(2) unless–

(a) another person is wearing the relevant belt and it is an appropriate belt for that person;

(b) another person is occupying the seat and wearing some other seat belt, that other belt being an appropriate belt for that person;

(c) another person, being a person for whom there is a medical certificate, is occupying the seat;

(d) the child in question is prevented from occupying the seat by the presence of a carry cot which is restrained as mentioned in regulation 5(1)(b) and in which there is a child aged under 1 year;

(e) the child in question is prevented from occupying the seat by the presence of a correctly secured child restraint which–

(i) is not appropriate to his weight in accordance with the indication of weight shown on the marking referred to in regulation 47(7) of the Construction and Use Regulations, and

(ii) could not readily be removed without the aid of tools;

(f) in the case of a seat that is specially designed so that–

(i) its configuration can be adjusted in order to increase the space in the vehicle available for goods or personal effects, and

(ii) when it is so adjusted the seat cannot be used as such,

the configuration is adjusted in the manner described in sub-paragraph (i) and it would not be reasonably practicable for the goods and personal effects carried in the vehicle to be so carried were the configuration not so adjusted;

(g) the child in question has attained the age of 1 year but not the age of 4 years, the relevant belt is an adult seat belt and there is no booster cushion in or on the vehicle that is not being used by a child in that age range who is wearing an adult seat belt.

(3) Paragraph (2)(b) above shall not apply unless the presence of the person renders it impracticable for the child in question to wear the relevant belt.

(4) Paragraph (2)(d) above shall not apply if it would be reasonably practicable for the carry cot to be carried in any other part of the vehicle where it could be restrained as mentioned in regulation 5(1)(b) so as to render it practicable for the child in question to wear the relevant belt.

(5) An adult seat belt shall not be regarded as available for any child for the purposes of regulation 5(2) if–

(a) it has an inertia reel mechanism which is locked as a result of the vehicle being, or having been, on a steep incline, or

(b) it does not comply with the requirements of regulation 48 of the Construction and Use Regulations.

(6) A seat belt shall be regarded as provided for a seat for the purposes of this regulation if–

(a) it is fixed in such a position that it can be worn by an occupier of that seat, or

(b) it is elsewhere in or on the vehicle but–

(i) it could readily be fixed in such a position without the aid of tools, and

(ii) it is not being worn by a person for whom it is appropriate and who is occupying another seat.

Signed by authority of the Secretary of State

1989

Parliamentary Under Secretary of State
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations are made for the purposes of section 15(3) of the Road Traffic Act 1988. Section 15(3) requires children under the age of 14 years in the rear of motor vehicles to wear seat belts in conformity with regulations in certain circumstances.

2. Regulation 3 prescribes the descriptions of seat belts that are to be worn and, in relation to children aged between 1 and 4 years using an adult seat belt, the manner of use. The prescribed manner of use in such a case is that the adult seat belt must be used in conjunction with a booster cushion. However, the Regulations do not prevent a child wearing an adult seat belt other than in this manner if regulation 5(2) exempts him from the requirements of section 15(3) (see paragraphs 5 and 6 below). For example, if the only seat belt in the rear of a vehicle is an adult seat belt and there is no booster cushion in the vehicle, a child aged 3 would be exempt from the requirements of section 15(3) and could lawfully wear the seat belt without using a booster cushion.

3. Regulation 4 exempts certain vehicles from the application of section 15(3). By virtue of that regulation section 15(3) applies only to motor cars. Furthermore, licensed taxis and licensed hire cars (as defined in section 13 of the Transport Act 1985) are exempt if the rear seats are separated from the driver by a fixed partition.

4. Regulation 5(1) exempts–

(a) any child for whom there is a certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for that child to wear a seat belt;

(b) a child aged under 1 year in a carry cot restrained by straps; and

(c) a disabled child who is wearing a disabled person's belt.

5. Regulation 5(2) exempts from the application of section 15(3) the driving of a vehicle where every child for whom an appropriate seat belt is available, is wearing such a belt and other children are in the rear of the vehicle.

6. This exemption depends upon the meaning of "appropriate" and "available". "Appropriate" is defined in regulation 2(3) and the rules for determining whether a seat belt is available are set out in regulation 6. Amongst other things, an adult seat belt is to be regarded as available for a child aged between 1 and 4 years only if there is a booster cushion in the vehicle which is not being used by another child in that age range.

90p net

ISBN 0 11 098588 5

Printed in the United Kingdom for Her Majesty's Stationery Office 850/5897 WO 1083 C12 7/89 452/2 3840 46367

Draft Order laid before Parliament under section 15(1) of the Restrictive Trade Practices Act 1976, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1989 No.

RESTRICTIVE TRADE PRACTICES

The Restrictive Trade Practices (Services) (Amendment) Order 1989

Made - - - -	*1989*
Coming into force	*1989*

Whereas a notice has been published by the Secretary of State complying with the terms of section 15(2) of the Restrictive Trade Practices Act 1976 (**a**) and all the representations made with respect thereto have been taken into consideration;

And whereas a draft of this Order has been approved by resolution of each House of Parliament pursuant to section 15(1) of the said Act of 1976;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 11 and 14(2)(**b**) of that Act, hereby makes the following Order:

1. This Order may be cited as the Restrictive Trade Practices (Services) (Amendment) Order 1989 and shall come into force on the day after the day on which it is made.

2. The articles set out in the Schedule to this Order shall be added to the Restrictive Trade Practices (Services) Order 1976(**c**) and shall apply to agreements made on or after the date on which this Order comes into force.

Parliamentary Under Secretary of State for Corporate Affairs,
1989 Department of Trade and Industry

(**a**) 1976 c.34.
(**b**) Section 14(2) was amended by section 1(1) of the Restrictive Trade Practices Act 1977 (c. 19).
(**c**) S.I. 1976/98: as amended by section 1 of the Restrictive Trade Practices Act 1977, section 115 of the Transport Act 1985, S.I. 1985/2044, and S.I. 1986/2204.

ARTICLES ADDED TO RESTRICTIVE TRADE PRACTICES (SERVICES) ORDER 1976

5.—(1) This article applies to an agreement made on or after the date on which the Restrictive Trade Practices (Services) (Amendment) Order 1989 came into force(a)–

(a) the parties to which include a person (the "vendor") who agrees to transfer shares in a company or the whole of his interest in a business to a purchaser;

(b) under which, in the case of an agreement for the transfer of shares in a company, more than 50 per cent in nominal value of the issued share capital of that company is transferred or agreed to be transferred to one purchaser or to more than one purchaser each of which is a member of the same group;

(c) under which no relevant restriction in respect of any of the matters specified in article 3(2)(a) of this Order is accepted by a person; and

(d) under which no relevant restriction in respect of any of the matters specified in article 3(2)(b) to (e) of this Order is accepted by a person other than such a person as is described in paragraph (2) below.

(2) Persons by whom a relevant restriction may be accepted for the purpose of paragraph (1)(d) above are–

(a) any vendor;

(b) any member of the same group as any vendor; and

(c) any individual;

other than a body corporate or unincorporate which is also a purchaser under the agreement in question, or a member of the same group as such a body.

6.—(1) In determining whether an agreement to which article 5 applies is an agreement to which the Act of 1976 applies by virtue of this Order, no account shall be taken of any relevant restriction–

(a) which is accepted for a period not exceeding that permitted under paragraph (2) below; and

(b) which limits the extent to which the person accepting the restriction may compete with the acquired enterprise, or may be engaged or interested in, disclose information to, or otherwise assist any business which so competes.

(2) For the purpose of paragraph (1)(a) above, a permitted period is:–

(a) a period of 5 years beginning with the date of the agreement; or

(b) in the case of restrictions accepted by an individual who is to have a contract of employment with or a contract for the supply of services to the acquired enterprise, the purchaser, or a member of the same group as the purchaser, a period beginning with the date of the agreement and ending 2 years after the date of expiry or termination of the contract,

whichever ends the later.

7. This article applies to an agreement made on or after the date on which the Restrictive Trade Practices (Services) (Amendment) Order 1989 came into force«4»–

(a) which provides for a person (the "subscriber") to subscribe (whether or not in cash) for shares in a company (the "issuing company");

(b) under which no relevant restriction in respect of any of the matters specified in article 3(2)(a) of this Order is accepted by a person; and

(c) under which no relevant restriction in respect of any of the matters specified in article 3(2)(b) to (e) of this Order is accepted by a body corporate or unincorporate.

8.—(1) In determining whether an agreement to which article 7 applies is an agreement to which the Act of 1976 applies by virtue of this Order, no account shall be taken of any relevant restriction–

(a) which is accepted for a period not exceeding that permitted under paragraph (2) below; and

(b) which limits the extent to which the person accepting the restriction may compete with the issuing company, or may be engaged or interested in, disclose information to, or otherwise assist any business which so competes.

(a) The Restrictive Trade Practices (Services) (Amendment) Order 1989 came into force on 1989.

(2) For the purpose of paragraph (1)(a) above, a permitted period is:–

(a) a period of 5 years beginning with the date of the agreement; or

(b) in the case of restrictions accepted–

(i) by a member of the issuing company, a period beginning with the date of the agreement and ending 2 years after the date on which that person ceases to be a member; or

(ii) by an individual who is to have a contract of employment with or a contract for the supply of services to the issuing company, a period beginning with the date of the agreement and ending 2 years after the expiry or termination of the contract,

whichever ends the later.

9. In articles 5 to 8 above–

"the Act of 1976" means the Restrictive Trade Practices Act 1976;

"acquired enterprise" means a company in which shares are acquired or a business an interest in which is acquired;

"business" means any undertaking which is, or any part of an undertaking, which part is–

(a) carried on as a going concern for gain or reward; or

(b) carried on as a going concern in the course of which goods or services are supplied otherwise than free of charge;

"company" means a company as defined in section 735 of the Companies Act 1985 (a) and an oversea company as defined in section 744 of that Act;

"contract of employment" means a contract of service whether it is express or implied and (if it is express) whether it is oral or in writing;

"goods" has the same meaning as in section 43(1) of the Act of 1976;

"group" means a group of interconnected bodies corporate within the meaning of section 43(1) of the Act of 1976;

"member of the issuing company" is to be construed in accordance with section 22 of the Companies Act 1985;

"purchaser" means a person acquiring shares in a company, or acquiring an interest in a business, whether for cash or otherwise;

"relevant restriction" means a restriction in respect of the matters specified in article 3(2) of this Order;

"services" has the same meaning as in section 20 of the Act of 1976.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Restrictive Trade Practices (Services) Order 1976 (S.I. 1976/98) ("the 1976 Order") which applied Part I of the Restrictive Trade Practices Act 1956 (now consolidated in the Restrictive Trade Practices Act 1976) to restrictive agreements in the supply and acquisition of services.

The amendments made by the Order exempt from the registration requirements of the 1976 Act agreements for the sale and purchase of shares in a company or of a business ("sale and purchase agreements") and agreements for the subscription of shares in a company ("share subscription agreements") provided that the agreements satisfy certain conditions.

In the case of sale and purchase agreements the main conditions are (new articles 5 and 6 to be added to the 1976 Order)–

(a) that more than 50 per cent in nominal value of the issued share capital of the company be transferred to one purchaser or to more than one where they are all members of the same group of companies, or (as the case may be) that the whole of the vendor's interest in a business be transferred to one or more purchasers;

(a) 1985 c.6.

(b) that the agreements only contain registrable restrictions of the type specified in article 3(2)(b) to (e) of the 1976 Order;

(c) that such restrictions only be accepted by vendors, their associated companies, or by individuals (save that bodies corporate or unincorporate cannot accept such restrictions where they are also purchasers under the agreement in question);

(d) that the restrictions to be disregarded only limit the extent to which the persons accepting them may compete with the company or business which is the subject of the sale, or be involved in or assist any business which so competes; and

(e) that the restrictions to be disregarded only be operative for a period not exceeding 5 years beginning with the date of the agreement or a period beginning with the date of the agreement and ending 2 years after the date of expiry or termination of the relevant employment or services contract, whichever is the later.

In the case of share subscription agreements the main conditions are (new articles 7 and 8 to be added to the 1976 Order)–

(a) that the agreements only contain registrable restrictions of the type specified in article 3(2)(b) to (e) of the 1976 Order;

(b) that such restrictions only be accepted by individuals;

(c) that the restrictions to be disregarded only limit the extent to which the persons accepting them may compete with the issuing company, or be involved in or assist any business which so competes; and

(d) that the restrictions to be disregarded only be operative for a period not exceeding 5 years beginning with the date of the agreement or a period beginning with the date of the agreement and ending 2 years after the relevant person ceases to be a member of the issuing company or after the date of expiry or termination of the relevant employment or services contract, whichever is the later.

90p net

ISBN 0 11 098578 8

Printed in the United Kingdom for Her Majesty's Stationery Office

833/WO 0890 C10 6/89 452/1 9385/6834/5704 46341

Order made by the Secretary of State for Scotland and laid before the House of Commons under section 3(2) of the Local Government (Scotland) Act 1966, for approval by resolution of that House.

STATUTORY INSTRUMENTS

1989 No. (S.)

LOCAL GOVERNMENT, SCOTLAND

The Rate Support Grant (Scotland) Order 1989

Made - - - -	*24th May 1989*
Laid before the House of Commons	*25th May 1989*
Coming into force	*1989*

The Secretary of State, in exercise of the powers conferred upon him by the enactments set out in Schedule 1 to this Order and of all other powers enabling him in that behalf, and after consultation with such associations of local authorities as appear to him to be concerned and with the consent of the Treasury, hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Rate Support Grant (Scotland) Order 1989 and shall come into force on the day after the day on which it is approved by a resolution of the House of Commons.

(2) In this Order–

"the 1966 Act" means the Local Government (Scotland) Act 1966(**a**);

"the 1973 Act" means the Local Government (Scotland) Act 1973(**b**);

"the 1975 Act" means the Local Government (Scotland) Act 1975(**c**);

"the 1982 Act" means the Local Government and Planning (Scotland) Act 1982(**d**);

"the 1984 Act" means the Rating and Valuation (Amendment) (Scotland) Act 1984(**e**);

"the 1987 (No.3) Order" means the Rate Support Grant (Scotland) (No.3) Order 1987(**f**);

"the 1988 Order" means the Rate Support Grant (Scotland) Order 1988(**g**); and

"the 1988 (No.2) Order" means the Rate Support Grant (Scotland) (No.2) Order 1988(**h**).

Redetermined estimated aggregate grants for 1988-89

2. The estimated aggregate amount of the rate support grants for the year 1988-89 (which was fixed as £1,897,876,128 by article 2 of the 1988 Order), as redetermined in accordance with the provisions of section 2(2) of the 1966 Act, is hereby fixed and prescribed as £1,967,474,316.

Variation of needs element for 1988-89 and its apportionment

3. The amount of the needs element for the year 1988-89, which was varied to £1,590,176,128 by article 3 of the 1988 Order, is hereby further varied to £1,659,774,316.

4. After deduction of the amounts of needs element for the year 1988-89 apportioned to local authorities under article 3(1) of, and Schedule 2 to, the 1987 (No.3) Order (grant

(a) 1966 c.51.
(b) 1973 c.65.
(c) 1975 c.30.
(d) 1982 c.43.
(e) 1984 c.31.
(f) S.I. 1987/2279.
(g) S.I. 1988/1286.
(h) S.I. 1989/68.

totalling £3,200,000 for rate relief given to certain recreational clubs), there shall be apportioned to each local authority set out in column 1 of the table in Schedule 2 to this Order the amount of the remaining part of the needs element for the year 1988-89 set out in column 2 of that table opposite to the name of that authority.

Redetermined estimated aggregate grants for 1987-88

5. The estimated aggregate amount of the rate support grants for the year 1987-88 (which was fixed as £1,796,374,709 by article 2 of the 1988 (No.2) Order), as redetermined in accordance with the provisions of section 2(2) of the 1966 Act, is hereby fixed and prescribed as £1,796,574,459.

Variation of needs element for 1987-88 and its apportionment

6. The amount of the needs element for the year 1987-88, which was varied to £1,509,374,709 by article 3 of the 1988 (No.2) Order, is hereby further varied to £1,509,574,459.

7. There shall be apportioned to each local authority set out in column 1 of the table in Schedule 3 to this Order the amount of the needs element for the year 1987-88 set out in column 2 of that table opposite to the name of that authority.

Redetermined estimated aggregate grants for 1986-87

8. The estimated aggregate amount of the rate support grants for the year 1986-87 (which was fixed as £1,656,416,729 by article 6 of the 1988 (No.2) Order), as redetermined in accordance with the provisions of section 2(2) of the 1966 Act, is hereby fixed and prescribed as £1,656,386,123.

Variation of needs element for 1986-87 and its apportionment

9. The amount of the needs element for the year 1986-87, which was varied to £1,380,916,729 by article 7 of the 1988 (No.2) Order, is hereby further varied to £1,380,886,123.

10. There shall be apportioned to each local authority set out in column 1 of the table in Schedule 4 to this Order the amount of the needs element for the year 1986-87 set out in column 2 of that table opposite to the name of that authority.

Revocation

11. There are hereby revoked–

(a) article 4 of, and Schedule 2 to, the 1988 Order (apportionment of remaining part of needs element for 1988-89); and

(b) the following provisions of the 1988 (No.2) Order:–

(i) article 4 and Schedule 2 (apportionment of needs element for 1987-88);

(ii) article 8 and Schedule 3 (apportionment of needs element for 1986-87).

Malcolm Rifkind
One of Her Majesty's Principal Secretaries of State

St. Andrew's House, Edinburgh
22nd May 1989

We consent,

David Maclean
Kenneth Carlisle
Two of the Lords Commissioners of Her Majesty's Treasury

24th May 1989

SCHEDULE 1

Column 1 *Relevant enactment conferring power*	Column 2 *Relevant amending enactment*	Column 3 *Relevant provision of this Order*
Section 3 of the 1966 Act.	Section 120(1)(a) of the 1973 Act. Paragraph 2 of Schedule 2 to the 1975 Act. Paragraph 6 of Schedule 3 to the 1982 Act.	Articles 2, 5 and 8.
Sections 4 and 45(2) of the 1966 Act.	Section 3 of, and paragraph 7 of Schedule 3 to, the 1982 Act.	Articles 3, 6, 9 and 11.
Paragraph 3, as read with paragraph 3A, of Part I of Schedule 1 to the 1966 Act.	Paragraph 5(b) of Schedule 2 to the 1975 Act. Section 1(1) of the 1984 Act.	Articles 4, 7 and 10.

SCHEDULE 2

Article 4

APPORTIONMENT OF REMAINING PART OF NEEDS ELEMENT 1988-89

Column 1 *Authority*	Column 2 *Amount* £
Regional Councils	
Borders	34,805,055
Central	68,973,368
Dumfries and Galloway	46,132,434
Fife	96,996,629
Grampian	149,630,376
Highland	88,074,796
Lothian	159,952,419
Strathclyde	732,177,426
Tayside	115,096,325
District Councils	
Berwickshire	222,388
Ettrick and Lauderdale	398,339
Roxburgh	923,063
Tweeddale	173,564
Clackmannan	570,630
Falkirk	1,815,514
Stirling	0
Annandale and Eskdale	425,457
Nithsdale	683,455
Stewartry	165,841
Wigtown	361,922
Dunfermline	1,544,632
Kirkcaldy	2,031,657
North East Fife	789,370
Aberdeen City	3,034,341
Banff and Buchan	997,062
Gordon	839,249
Kincardine and Deeside	559,420
Moray	1,016,473
Badenoch and Strathspey	124,930
Caithness	497,510

Column 1 *Authority*	Column 2 *Amount* £
Inverness	703,531
Lochaber	295,410
Nairn	128,778
Ross and Cromarty	1,062,921
Skye and Lochalsh	246,853
Sutherland	422,102
East Lothian	964,691
Edinburgh City	13,273,576
Midlothian	897,299
West Lothian	1,696,999
Argyll and Bute	2,725,542
Bearsden and Milngavie	581,547
Clydebank	3,197,999
Clydesdale	74,130
Cumbernauld and Kilsyth	681,962
Cumnock and Doon Valley	863,457
Cunninghame	1,107,279
Dumbarton	655,188
East Kilbride	880,948
Eastwood	664,063
Glasgow City	46,499,757
Hamilton	1,286,925
Inverclyde	2,551,436
Kilmarnock and Loudoun	663,972
Kyle and Carrick	708,602
Monklands	2,569,379
Motherwell	2,535,751
Renfrew	4,771,423
Strathkelvin	1,099,805
Angus	1,128,054
Dundee City	5,854,324
Perth and Kinross	1,463,638
Islands Councils	
Orkney	10,172,399
Shetland	11,723,274
Western Isles	23,407,657

SCHEDULE 3

Article 7

APPORTIONMENT OF NEEDS ELEMENT 1987-88

Column 1 *Authority*	Column 2 *Amount* £
Regional Councils	
Borders	32,019,330
Central	67,905,065
Dumfries and Galloway	44,062,290
Fife	74,324,733
Grampian	136,710,042

Column 1 *Authority*	Column 2 *Amount* £
Highland	79,705,554
Lothian	162,105,482
Strathclyde	657,423,859
Tayside	102,773,813
District Councils	
Berwickshire	199,889
Ettrick and Lauderdale	373,018
Roxburgh	874,561
Tweeddale	164,888
Clackmannan	0
Falkirk	1,615,467
Stirling	0
Annandale and Eskdale	280,507
Nithsdale	649,168
Stewartry	261,232
Wigtown	332,504
Dunfermline	1,466,223
Kirkcaldy	1,921,516
North East Fife	582,019
Aberdeen City	2,255,020
Banff and Buchan	939,713
Gordon	793,970
Kincardine and Deeside	531,904
Moray	960,378
Badenoch and Strathspey	118,125
Caithness	459,375
Inverness	664,472
Lochaber	279,064
Nairn	115,071
Ross and Cromarty	999,758
Skye and Lochalsh	223,881
Sutherland	397,867
East Lothian	907,117
Edinburgh City	12,473,104
Midlothian	912,460
West Lothian	1,600,730
Argyll and Bute	2,580,941
Bearsden and Milngavie	548,180
Clydebank	3,034,044
Clydesdale	655,933
Cumbernauld and Kilsyth	664,164
Cumnock and Doon Valley	889,034
Cunninghame	1,183,367
Dumbarton	873,324
East Kilbride	930,090
Eastwood	631,522
Glasgow City	40,893,573
Hamilton	1,211,428
Inverclyde	2,398,304
Kilmarnock and Loudoun	990,858
Kyle and Carrick	1,049,155
Monklands	2,435,557
Motherwell	2,312,567

Column 1 *Authority*	Column 2 *Amount* £
Renfrew	4,337,435
Strathkelvin	848,423
Angus	1,068,667
Dundee City	5,642,682
Perth and Kinross	1,369,344
Islands Councils	
Orkney	9,242,635
Shetland	10,839,602
Western Isles	22,560,461

SCHEDULE 4

Article 10

APPORTIONMENT OF NEEDS ELEMENT 1986-87

Column 1 *Authority*	Column 2 *Amount* £
Regional Councils	
Borders	29,312,460
Central	62,897,859
Dumfries and Galloway	40,253,188
Fife	78,335,446
Grampian	126,134,289
Highland	75,919,444
Lothian	146,585,294
Strathclyde	590,642,214
Tayside	97,265,065
District Councils	
Berwickshire	195,102
Ettrick and Lauderdale	354,197
Roxburgh	868,256
Tweeddale	154,899
Clackmannan	515,272
Falkirk	1,536,142
Stirling	0
Annandale and Eskdale	385,314
Nithsdale	617,009
Stewartry	247,486
Wigtown	323,058
Dunfermline	1,393,986
Kirkcaldy	1,914,137
North East Fife	704,828
Aberdeen City	2,733,534
Banff and Buchan	893,015
Gordon	737,830
Kincardine and Deeside	412,066
Moray	797,546
Badenoch and Strathspey	109,680
Caithness	453,505

Column 1 *Authority*	Column 2 *Amount* £
Inverness	627,653
Lochaber	277,710
Nairn	108,435
Ross and Cromarty	996,806
Skye and Lochalsh	229,325
Sutherland	396,902
East Lothian	859,349
Edinburgh City	6,253,718
Midlothian	559,235
West Lothian	1,273,946
Argyll and Bute	2,577,882
Bearsden and Milngavie	545,056
Clydebank	2,708,905
Clydesdale	596,637
Cumbernauld and Kilsyth	637,696
Cumnock and Doon Valley	856,160
Cunninghame	1,681,619
Dumbarton	889,413
East Kilbride	891,977
Eastwood	596,329
Glasgow City	33,752,848
Hamilton	1,156,928
Inverclyde	2,373,476
Kilmarnock and Loudoun	985,256
Kyle and Carrick	1,192,981
Monklands	2,250,690
Motherwell	2,302,054
Renfrew	3,854,864
Strathkelvin	1,041,011
Angus	1,012,095
Dundee City	5,006,476
Perth and Kinross	1,289,729
Islands Councils	
Orkney	7,592,059
Shetland	10,032,447
Western Isles	20,786,335

EXPLANATORY NOTE

(This note is not part of the Order)

This Order–

(a) In relation to the year 1988-89–

(i) redetermines the estimated aggregate amount of the rate support grants as £1,967,474,316 (previously it was £1,897,876,128) (article 2);

(ii) varies the amount of the needs element from £1,590,176,128 to £1,659,774,316 (article 3);

(iii) apportions part of the needs element as varied to each local authority (article 4 and Schedule 2); and

(iv) revokes article 4 of, and Schedule 2 to, the Rate Support Grant (Scotland) Order 1988 (article 11).

(b) In relation to the year 1987-88–

(i) redetermines the estimated aggregate amount of the rate support grants as £1,796,574,459 (previously it was £1,796,374,709) (article 5);

(ii) varies the amount of the needs element from £1,509,374,709 to £1,509,574,459 (article 6);

(iii) apportions the needs element as varied to each local authority (article 7 and Schedule 3); and

(iv) revokes article 4 of, and Schedule 2 to, the Rate Support Grant (Scotland) (No. 2) Order 1988 (article 11).

(c) In relation to the year 1986-87–

(i) redetermines the estimated aggregate amount of the rate support grants as £1,656,386,123 (previously it was £1,656,416,729) (article 8);

(ii) varies the amount of the needs element from £1,380,916,729 to £1,380,886,123 (article 9);

(iii) apportions the needs element as varied to each local authority (article 10 and Schedule 4); and

(iv) revokes article 8 of, and Schedule 3 to, the Rate Support Grant (Scotland) (No. 2) Order 1988 (article 11).

£1.65 net

ISBN 0 11 098562 1

Printed in the United Kingdom by Her Majesty's Stationery Office at Edinburgh Press
800 WO 0854 C11 6/89 452/4 19593 PS 9901487 (269425)