CHAPTER 53

An Act to enable the Minister of Transport to make advances to Cunard White Star Limited in connection with the construction of a large vessel for the North Atlantic shipping trade, and to enter into agreements with them concerning insurance risks connected with such a vessel. [27th July, 1961]

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

Power to make advances for construction of vessel.

1.—(1) The Minister may from time to time advance to the company incorporated under the Companies Acts and named "Cunard White Star Limited" (hereinafter referred to as "the Company") sums not exceeding eighteen million pounds in all on such terms as may be agreed between the Minister and the Company for the purpose of the construction of a large vessel for the North Atlantic shipping trade.

(2) Subject to this section, sums advanced by the Minister under the foregoing subsection shall be by way of loan repayable at such times as may be agreed between the Minister and the Company and shall carry interest at such rate and on such other terms as may be so agreed.

(3) If interest on any sums advanced by way of loan under this section is at a rate exceeding four and a half per cent. per annum, the Minister and the Company may, notwithstanding subsection (2) of this section, agree on terms which provide for a part of any sums advanced under subsection (1) of this section being by way of grant (instead of by way of loan) but which in the opinion of the Minister do no more for the Company than place them in a position which is, within a reasonable degree of approximation, equivalent to the position in which the Company would have been if every part of the sums advanced under subsection (1) of this section had been by way of loan, but had carried interest at the rate of four and a half per cent. per annum.

(4) The total of any advances made by way of grant by virtue of subsection (3) of this section shall not exceed three and a quarter million pounds:

Provided that the Minister may, by order contained in a statutory instrument of which a draft has been laid before the Commons House of Parliament and approved by a resolution of that House, substitute for the reference in this subsection to three and a quarter million pounds a reference to such greater sum as may be specified in the order.

(5) A copy of any agreement between the Minister and the Company regarding the making of advances for the purpose

mentioned in subsection (1) of this section shall be laid before each House of Parliament.

(6) The sums required by the Minister under subsection (1) of this section shall be issued to him by the Treasury out of the Consolidated Fund, except that if, in accordance with subsection (3) of this section, a part of any sum so advanced constitutes a grant, there shall be paid out of money provided by Parliament an amount equal to the amount of the grant, and that amount shall be applied in furnishing part of any sum required by the Minister under subsection (1) of this section.

(7) For the purpose of providing sums to be issued out of the Consolidated Fund under the last foregoing subsection, or providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to be created and issued under that Act.

2 & 3 Geo. 6. c. 117.

(8) All sums received by the Minister as interest on, or repayment of, sums advanced under subsection (1) of this section shall be paid into the Exchequer and, except so far as they represent repayment of any grant, or interest on any grant becoming repayable, shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say,—

(*a*) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit, and

(*b*) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the national debt as represents interest.

(9) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under this section, and of the interest and other payments received by him in respect of advances made by him out of sums so issued to him, and of the disposal of those sums respectively; and the Minister shall, not later than the end of November following the year, send the account to the Comptroller and Auditor General who shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

Power to enter into insurance agreement and establishment of insurance fund.

2.—(1) The Minister may enter into an agreement with the Company for the provision of insurance for the vessel mentioned in section one of this Act, and in connection with its construction and operation, against such risks and on such terms as may be specified in the agreement.

(2) The Minister shall not enter into any agreement in pursuance of this section unless a draft of the agreement has been laid before each House of Parliament and the draft has been approved by a resolution of each House.

(3) The foregoing provisions of this section shall apply to any further agreement between the Minister and the Company by which an agreement made in pursuance of subsection (1) of this section is supplemented or modified.

(4) There shall be established for the purpose of this section under the control and management of the Minister a fund (hereinafter referred to as the " insurance fund ")—

(*a*) into which shall be paid, subject as hereinafter provided, all sums received by the Minister by virtue of the foregoing provisions of this section, and

(*b*) out of which shall be paid, so far as the assets of the fund are sufficient, any sums payable by the Minister by virtue of those provisions.

(5) If, at any time when a payment falls to be made by the Minister under the foregoing provisions of this section, the assets of the insurance fund are insufficient to meet the sum required for the making of that payment, an amount equal to the deficiency shall be charged on, and issued to the Minister by the Treasury out of, the Consolidated Fund.

(6) Where any sums have been issued out of the Consolidated Fund under the last foregoing subsection for the purpose of meeting any sums payable by the Minister in respect of any loss or expenditure, any money received by the Minister in diminution of that loss or expenditure shall, up to the amount of the sums so issued, be paid into the Exchequer in accordance with directions to be given by the Treasury and not into the insurance fund.

(7) The Minister shall invest, in the name of the National Debt Commissioners, all money forming part of the insurance fund, so far as not immediately required to provide any sums payable by the Minister by virtue of subsections (1) to (3) of this section, in securities, being securities the principal of and interest on which are charged on the Consolidated Fund.

(8) If at any time the Minister is satisfied that no further sums will become payable by him by virtue of this section, all securities then forming part of the insurance fund shall be cancelled.

(9) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums received into and paid out of the insurance fund and of sums issued out of the Consolidated Fund or paid into the Exchequer under this section; and the Minister shall, not later than the end of November following the year, send the account to the Comptroller and Auditor General who shall examine,

certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

Short title, interpretation and extent.

3.—(1) This Act may be cited as the North Atlantic Shipping Act, 1961.

(2) In this Act " the Minister " means the Minister of Transport.

(3) It is hereby declared that this Act extends to Northern Ireland.

CHAPTER 54

An Act to make provision with respect to the use of parts of bodies of deceased persons for therapeutic purposes and purposes of medical education and research and with respect to the circumstances in which post-mortem examinations may be carried out; and to permit the cremation of bodies removed for anatomical examination.

[27th July, 1961]

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

Removal of parts of bodies for medical purposes.

1.—(1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his body or any specified part of his body be used after his death for therapeutic purposes or for purposes of medical education or research, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal from the body of any part or, as the case may be, the specified part, for use in accordance with the request.

(2) Without prejudice to the foregoing subsection, the person lawfully in possession of the body of a deceased person may authorise the removal of any part from the body for use for the said purposes if, having made such reasonable enquiry as may be practicable, he has no reason to believe—

(*a*) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or

(*b*) that the surviving spouse or any surviving relative of the deceased objects to the body being so dealt with.