CHAPTER 9.

An Act to consolidate with amendments the Pacific Cable Acts, 1901 to 1924. [29th June 1927.]

WHEREAS by the Pacific Cable Acts, 1901 to 1924, a board called the Pacific Cable Board was constituted for the construction and working of certain submarine cables:

And whereas it was arranged that any sums required for the repayment of any money borrowed under the said Acts and for the annual expenses of the Board, so far as not covered by receipts, should be ultimately provided by the several Governments mentioned in the First Schedule to this Act and represented on the Board (hereinafter referred to as "the partner Governments") in the proportions mentioned in that Schedule, and that any profits of the Board should be divided between those Governments in the same proportions:

And whereas the Board have established a reserve fund out of which the Board have employed certain sums for the purpose of certain works, but a balance remains in the reserve fund:

And whereas the partner Governments have agreed that the Pacific Cable Board should be reconstituted and that the financial provisions affecting the Board should be revised in manner hereinafter appearing:

And whereas, for the purposes aforesaid, it is expedient that the said Acts should be consolidated with amendments:

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

Reconstitution of Pacific Cable Board.

1.—(1) As from the commencement of this Act, the Pacific Cable Board (hereinafter referred to as "the Board") shall be reconstituted in accordance with the provisions set out in the Second Schedule to this Act, and the provisions of that Schedule with respect to the constitution, officers and proceedings of the Board shall have effect accordingly.

(2) The representatives on the Board of His Majesty's Government in the United Kingdom shall be appointed by the Treasury.

(3) The reconstitution of the Board under this Act shall not affect any rights or obligations of the Board.

Powers of the Board.

2. The Board shall be charged with the control, management, maintenance and working of the cables constructed under the said Acts, and may construct and work any extensions, connections, and re-arrangements, whether by way of cable or wireless telegraphy, in or near the Pacific Ocean which are necessary or expedient for the improvement of the Board's undertaking, and to which all the partner Governments agree, and may exercise such powers and do such things as are incidental to the purposes aforesaid.

Application of receipts and surpluses.

3.—(1) All receipts of the Board on income account in any financial year shall be applied in the first place in defraying the expenses of the Board on income account, including the payment of the annuities created for the purpose of the repayment with interest of the money advanced by the Treasury under the said Acts.

(2) If as respects the financial year ended the thirty-first day of March, nineteen hundred and twenty-seven, it is found that the receipts of the Board as constituted under the said Acts exceeded their annual expenses as defined by the said Acts, the whole of the surplus shall be paid into the reserve fund.

(3) If as respects any subsequent financial year such receipts exceed the amount required for such expenses, the Board shall pay out of the surplus into the reserve fund of the Board the sum of ten thousand pounds or one-tenth of the surplus, whichever is the greater; but if the surplus is less than ten thousand pounds they shall pay into the reserve fund the whole of the surplus:

Provided that the Board may, if all the partner Governments so agree as respects any year, pay into the reserve fund out of the surplus such larger or smaller amount as may be so agreed.

(4) If as respects any such subsequent financial year such receipts as aforesaid exceed the aggregate of the amount required for the expenses of the Board and

of the amount required to be paid to the reserve fund under this section, the excess shall—

(*a*) if it arises in respect of either of the financial years commencing on the first day of April, nineteen hundred and twenty-seven and nineteen hundred and twenty-eight, be paid to the partner Governments in the proportions mentioned in the First Schedule to this Act; and

(*b*) if it arises in respect of any subsequent year, be paid as to one-half to His Majesty's Government in the United Kingdom, to be applied in reduction of the amount advanced by the Treasury under the said Acts, and as to the other half, to the partner Governments in the aforesaid proportions:

Provided that, so soon as the whole amount of the sums advanced by the Treasury to the Board under the said Acts has been repaid, the whole of the excess shall be paid to the partner Governments in the aforesaid proportions.

Application of reserve fund.

4. Any sums standing to the credit of the reserve fund at the commencement of this Act or paid into that fund thereafter may be applied by the Board—

(*a*) for the purpose of defraying the cost of repairing breakages in the cables and of meeting any other unforeseen expenditure arising in connection with the undertaking of the Board; and

(*b*) subject to agreement by all the partner Governments—

(i) if in any year the receipts of the Board are less than the expenses of the Board, for the purpose of meeting that deficiency; or

(ii) for the purpose of defraying the cost of any extensions, connections, or re-arrangements; or

(iii) if such a course is considered expedient for the purpose of reducing the amount advanced by the Treasury to the Board under the said Acts, or for the purpose of making payments to the partner Governments in the proportions mentioned in the First Schedule to this Act.

Deficiencies.

5. If in any financial year the receipts of the Board are less than the expenses of the Board, and the deficiency, so far as not defrayed out of the reserve fund, becomes payable by the partner Governments the share of such deficiency payable by His Majesty's Government in the United Kingdom, ascertained in accordance with the First Schedule to this Act, shall be paid out of moneys provided by Parliament.

Application of sums paid to Government in United Kingdom.

6. All sums paid by the Board to His Majesty's Government in the United Kingdom shall, except so far as the Treasury may otherwise direct, be paid into the Exchequer, and, so far as any such sums are applicable to the reduction of the amounts advanced by the Treasury under the said Acts, they shall be applied for that purpose in such manner as the Treasury may direct.

Accounts and audit.

7. The Board shall annually cause to be made out an account of the money received, expended, and borrowed, and securities held, and that account shall, so long as the person who at the commencement of this Act holds the office of auditor of the Board continues to hold that office, be audited by that person, and thereafter shall be audited by the Comptroller and Auditor-General, or such other person as may be agreed on by the partner Governments.

Subsidiary powers of Board.

8.—(1) The Board may, subject to the approval of all the partner Governments, undertake as agents for and at the expense of the Governments of any parts of His Majesty's dominions any work in connection with telegraphic communication, whether by means of cables or by means of wireless telegraphy, within the sphere of their operations or within the Caribbean area:

Provided that the accounts of any work so undertaken shall be kept separate and distinct from all other accounts of the Board.

(2) The Board shall, so long as they undertake work in connection with telegraphic communication in the West Indies, have power to provide and supply to the West Indies a news service similar to the news service supplied by telegraph companies at the commencement of the Pacific Cable Act, 1924.

14 & 15 Geo. 5. c. 19.

Short title, commencement and repeal.

9.—(1) This Act may be cited as the Pacific Cable Act, 1927.

(2) This Act shall be deemed to have had effect as from the first day of April, nineteen hundred and twenty-seven.

(3) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that nothing in this repeal shall affect the charges on the consolidated fund of the annuities created under the Pacific Cable Act, 1901, and that until reconstituted in accordance with this Act the Board as constituted at the commencement of this Act shall be the Board for the purposes of this Act.

1 Edw. 7. c. 31.

SCHEDULES.

Sections 3, 4 and 5.

FIRST SCHEDULE.

Partner Governments.	Shares.
His Majesty's Government in the United Kingdom.	Five-eighteenths.
His Majesty's Government in the Dominion of Canada.	Five-eighteenths.
His Majesty's Government in the Commonwealth of Australia.	Six-eighteenths.
His Majesty's Government in the Dominion of New Zealand.	Two-eighteenths.

SECOND SCHEDULE.

Section 1.

CONSTITUTION OFFICERS AND PROCEEDINGS OF THE PACIFIC CABLE BOARD.

1. The Pacific Cable Board shall consist of :—

Two members representing His Majesty's Government in the United Kingdom;

Two members representing His Majesty's Government in the Dominion of Canada;

Two members representing His Majesty's Government in the Commonwealth of Australia;

One member representing His Majesty's Government in the Dominion of New Zealand;

together with a chairman appointed as hereinafter mentioned if such chairman is not one of the representative members of the Board.

2. The Pacific Cable Board shall continue to be a body corporate by that name, with perpetual succession and a common seal and with power to purchase, take, hold and dispose of lands and other property for the purposes of this Act.

3. Any vacancy occurring by reason of death, resignation, incapacity or otherwise in the office of the members representing any Government shall be filled by the Government which the member whose office is vacant represented.

4. The Board shall appoint a person (who may be, but need not be, one of the representative members of the Board) to be chairman of the Board, and the person so appointed shall be such person as may be agreed on by the partner Governments, or, if the partner Governments fail to agree, the person receiving the majority of the votes of the partner Governments, for which purpose each partner Government shall be entitled to a number of votes proportionate to its share in the undertaking of the Board.

5. The appointment of the chairman shall be made subject to such conditions as the partner Governments may agree. Subject to such conditions, the term of office of the chairman shall be not less than three years, but, with the consent of all the partner Governments, the chairman may be appointed for a longer period than three years.

6. The Board may appoint a representative member of the Board to act as vice-chairman, who, in the absence of the chairman, shall have all the powers of the chairman.

2ND SCH. —*cont.*

7. Any representative member of the Board may appoint a deputy to act on his behalf at any meeting of the Board at which he is unable to be present, and if a deputy has been so appointed and his appointment notified to the Board he shall be entitled so to act, and, while so acting, shall possess all the powers of a member of the Board.

8. There shall be paid to the chairman of the Board, if and so long as he is not a person who holds any office of profit under the Crown (including any office of profit under any partner Government) such salary, not exceeding one thousand pounds a year, as the Board may determine :

Provided that—

(i) if all the partner Governments so agree, the salary paid to the chairman may exceed one thousand pounds a year;

(ii) nothing in this provision shall prevent the Board paying to the chairman the reasonable expenses of travelling undertaken by him for the purposes of the Board, nor, if the partner Governments so agree, reasonable compensation in respect of any absence entailed by any special tour which he may make on behalf of the Board for some particular purpose.

9. There shall be paid to every other member of the Board who does not hold any such office of profit as aforesaid such salary, not exceeding three hundred pounds a year, as the Board may determine.

10. The Board may appoint such officers and employ such persons and take such other steps as they think necessary and expedient for properly carrying out their duties, and may provide an office for the transaction of their business.

11. The Board may regulate their proceedings in such manner as they think fit, but on any matter on which the votes of the Board are equally divided the person presiding at the Board shall have a second or casting vote :

Provided that in the case of the chairman, if he is not one of the representative members of the Board, he shall have a casting vote only.

12. The quorum of the Board shall be three, but subject thereto the Board may act notwithstanding any vacancy in their number.

THIRD SCHEDULE.

Section 9.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
1 Edw. 7. c. 31.	The Pacific Cable Act, 1901.	The whole Act.
2 Edw. 7. c. 26.	The Pacific Cable (Amendment) Act, 1902.	The whole Act.
1 & 2 Geo. 5. c. 36.	The Pacific Cable Act, 1911.	The whole Act.
14 & 15 Geo. 5. c. 19.	The Pacific Cable Act, 1924.	The whole Act.

CHAPTER 10.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance.

[29th July 1927.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CUSTOMS AND EXCISE.

Duty on tea.

1. The customs duty payable on tea until the first day of August, nineteen hundred and twenty-seven,