SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 2.

An Act to amend the Eleventh Schedule to the Local Government Act, 1929, and to make provision for meeting certain liabilities of the Railway Freight Rebates Fund in respect of the period beginning with the first day of April, nineteen hundred and thirty-one, and ending with the thirty-first day of December, nineteen hundred and thirty-six. [11th December 1936.] A.D. 1936.

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 :—

Amendment of Eleventh Schedule to 19 & 20 Geo. 5. c. 17 relating to freight rebates.

1.—(1) The Eleventh Schedule to the Local Government Act, 1929, (which contains provisions for securing the allowance of freight rebates to selected traffics corresponding to the rate relief of the railway companies to which the said Schedule applies) shall have effect subject to the amendments specified in the Schedule to this Act.

(2) Until the first day of January, nineteen hundred and thirty-seven, the scheme in force under the said Eleventh Schedule shall continue to have effect as if this Act had not been passed, and the monthly instalments payable to the Railway Freight Rebates Fund (hereinafter referred to as "the fund") under paragraph two of Part I of that Schedule by each of the said companies

A.D. 1936.

in respect of the period beginning with the first day of October, nineteen hundred and thirty-six, and ending with the thirty-first day of December next following, shall be of sums equal in the aggregate to one-quarter of the estimated rate relief of the company in the year beginning with the said first day of October, as estimated before the passing of this Act.

(3) Before the said first day of January the Railway Rates Tribunal shall make in the said scheme such amendments as they consider necessary by reason of the passing of this Act, and shall, in accordance with the provisions of the said Eleventh Schedule as amended by this Act, estimate the rate relief of the several companies in the period beginning with the said first day of January and ending with the thirtieth day of September, nineteen hundred and thirty-seven, and the monthly instalments payable to the fund under the said paragraph two by each of the said companies in respect of that period shall be of sums equal in the aggregate to the estimated rate relief of the company in that period, as estimated under this subsection.

(4) Any adjustment to be made under the said paragraph two in respect of any difference between the actual rate relief of a company in the year beginning with the said first day of October and the estimated rate relief of the company in that year shall be computed separately as respects the first three months of that year and as respects the remaining nine months thereof, and that paragraph shall, in relation to that year, have effect accordingly.

(5) The amendments of paragraph six of Part I and of Parts II, III and IV of the said Eleventh Schedule shall cease to have effect on the thirty-first day of December, nineteen hundred and fifty-two, and shall not continue in force after the thirty-first day of December, nineteen hundred and forty-three, unless continued in force by orders made by the Minister of Transport.

Provisions for meeting liabilities of Railway Freight Rebates Fund.

2.—(1) For the purpose of paying any sums which are or may become payable to any of the said companies by way of adjustment under paragraph two of Part I of the said Eleventh Schedule in respect of the period beginning with the first day of April, nineteen hundred and thirty-one, and ending with the thirty-first day of

December, nineteen hundred and thirty-six, the Railway Clearing House may, with the consent of the Minister of Transport and subject to such conditions as he thinks fit, borrow money on the security of the fund whether by the issue of stock or otherwise; and any sums required to be paid out of the fund in respect of the principal of the moneys so borrowed (including any sums required for the redemption or cancellation of stock) and any interest payable on such moneys or stock shall be paid in priority to the sums required to be paid under subparagraph (1) (*c*) of paragraph five of Part I of the said Schedule and in priority to any sums required to be paid out of the fund by way of adjustment under the said paragraph two in respect of any period subsequent to the period aforesaid.

(2) If the Minister of Transport is satisfied that a sum will become payable to any of the said companies by way of adjustment under the said paragraph two in respect of the period aforesaid, he may, notwithstanding that the amount of that sum has not been ascertained in accordance with the said paragraph, authorise the payment on account thereof to the company of such sums as in his opinion will not exceed the amount of the said sum when so ascertained.

(3) The Minister of Transport may authorise the payment out of the fund as part of the administrative expenses of the Railway Clearing House of any expenses incurred in connection with any stock issued under this section.

(4) In calculating for the purposes of the said Eleventh Schedule the net revenue of the fund for any year, the balance brought forward in the fund shall be determined as if the only debit in respect of the payments by way of adjustment for the payment of which the Railway Clearing House are empowered by this section to borrow money were the amount of any sums required to be paid in that year in repayment of the principal of the moneys borrowed under this section (including any sums required for the redemption or cancellation of stock).

Short title and extent.

3.—(1) This Act may be cited as the Railway Freight Rebates Act, 1936.

(2) This Act shall not extend to Northern Ireland.

A.D. 1936.

SCHEDULE.

AMENDMENTS OF ELEVENTH SCHEDULE TO THE LOCAL GOVERNMENT ACT, 1929.

1. In Part I—

(*a*) Paragraph four shall be omitted.

(*b*) In subparagraph (1) of paragraph five the words "the general moneys of" shall be omitted.

(*c*) In subparagraph (1) (*b*) of paragraph six for the words "seven-tenths" there shall be substituted the words "four-fifths", and subparagraph (1) (*c*) of the said paragraph shall be omitted.

(*d*) In subparagraph (1) of paragraph ten for the words "two months" there shall be substituted the words "three months".

(*e*) For paragraph eleven the following paragraph shall be substituted:—

"11. If it appears to the Minister of Transport that the net revenue of the fund for any year is or will be substantially greater or less than the amount which, upon the basis of the rebates for the time being in force, will be required to pay the sums payable thereout under paragraph five of this Part of this Schedule to the companies in respect of that year, or that, for the purpose of securing the stability of the rates of the rebates, the tribunal should have power so to calculate the rebates that they will amount in the aggregate to a sum greater or less than the total net revenue for that year, he shall issue to the tribunal a certificate that in his opinion the rates of the rebates ought to be reviewed, and upon receipt of such a certificate the tribunal shall, notwithstanding anything in this Part of this Schedule, have power to fix the rebates at such amounts as they may consider desirable for stabilising, so far as practicable, the rates of the rebates, and, if they think fit, for securing that any excess or deficiency shall be expended or made good, as the case may be, over such period of years as they think proper."

(*f*) Subparagraphs (*g*) and (*h*) of paragraph thirteen shall be omitted; and in subparagraph (*i*) of that paragraph for the words " of the general account " there shall be substituted the words " or debit."

(*g*) Paragraph fourteen shall be omitted.

(*h*) In paragraph seventeen the definition of " General moneys of the fund " shall be omitted; in the definition of " Net revenue of the fund " the words from " but excluding " to " Part of this Schedule " (where those words first occur) shall be omitted; and at the end of the said paragraph there shall be inserted the following subparagraph:

" (2) If it appears to the tribunal, in estimating the rate relief of any company in any year, that a railway valuation roll or any part of such a roll will come into force or be revised under the Railways (Valuation for Rating) Act, 1930, so as to affect the rate relief of the company in that year, and that by reason thereof the sums levied in accordance with the valuation lists then in force ought not to be taken as the basis for estimating the rate relief of the company in that year, the tribunal shall not be bound to estimate the rate relief upon that basis.

In the application of this subparagraph to Scotland for references to the coming into force and to the revision of a railway valuation roll or any part thereof there shall be substituted respectively references to the fixing of the cumulo yearly rent or value of a company's undertaking, and to any alteration in a valuation roll under subsection (6) of section twenty-two of the Railways (Valuation for Rating) Act, 1930; and for any reference to valuation lists there shall be substituted a reference to a valuation roll made up by the Assessor of Public Undertakings (Scotland). "

(*i*) In paragraph twenty after the words " all payments " there shall be inserted the words " and in " determining the priority in which debts of " the company are to be paid, all sums paid or " payable."

2. In Part II the words from " Manure, street, stable or farmyard, in bulk," to " Potatoes, except new potatoes as " defined in the Classification of Merchandise for conveyance by " railway " shall be omitted.

A.D. 1936.

3. In Part III the words "Coal, coke or patent fuel delivered to and used in iron and steel works", the words "or delivered to and used in iron or steel works" (in both places where they occur) and the words "(situate elsewhere than at an iron or steel works)" shall be omitted.

4. Part IV shall be omitted.

Printed by EYRE AND SPOTTISWOODE LIMITED
FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;
26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any bookseller

[Price 1d. net]