THE

PUBLIC GENERAL STATUTES.

[25 GEO. 5.]

CHAPTER 1.

An Act to provide for the initiation, organisation, prosecution and assistance of measures designed to facilitate the economic development and social improvement of certain areas which have been specially affected by industrial depression; for the appointment of Commissioners for those purposes; and for purposes connected with the matters aforesaid. [21st December 1934.]

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 :—

Appointment and functions of Commissioners.

1.—(1) There shall be two Commissioners (hereinafter referred to as "the Commissioners") whose functions shall be the initiation, organisation, prosecution and assistance of measures designed to facilitate the economic development and social improvement of the areas specified in the First Schedule to this Act, being areas which have been specially affected by industrial depression, and the provisions of the Second Schedule to this Act shall have effect with respect to the Commissioners and to their proceedings.

(2) The Commissioners shall be appointed with the consent of the Treasury one, the Commissioner for England and Wales, by the Minister of Labour, and the other, the Commissioner for Scotland, by the Secretary of State, and in this Act the expression "appropriate Minister" means in relation to the Commissioner appointed for England and Wales and to his functions, the Minister of Labour, and in relation to the Commissioner appointed for Scotland and to his functions, the Secretary of State.

(3) The Commissioners shall act under the general control of the appropriate Minister, and it shall be the duty of the Commissioners to make suggestions to, and co-operate with, Government Departments, local authorities, voluntary organisations and other bodies concerned with matters within the functions of the Commissioners, and in particular—

(*a*) to act in association with the Unemployment Assistance Board in matters relating to the promotion of the welfare of persons to whom the Unemployment Assistance Act, 1934, applies; and

24 & 25 Geo. 5. c. 29 (Part II).

(*b*) to make recommendations to Government Departments and local authorities as to the removal of difficulties which appear to the Commissioners to prevent or hinder measures which might be carried out under statutory powers vested in any such department or local authority and ought in the opinion of the Commissioners to be so carried out.

(4) Before doing or undertaking to do anything which any other Government Department is required or authorised by any Act to do, the Commissioners shall obtain the consent of the department.

(5) Subject to the provisions of this subsection, the functions of the Commissioners shall not include—

(*a*) the carrying on of any undertaking for the purpose of gain, or the provision of financial assistance to any undertaking carried on for that purpose; or

(*b*) the provision of financial assistance by way of grant or loan to any local authority:

Provided that the foregoing provisions of this subsection shall not prevent the provision of financial assistance—

(i) to any undertaking carried on with the primary object of providing means of livelihood for the persons engaged in the undertaking with a view to their establishment in a position of independence or partial independence of assistance under the Unemployment Assistance Act, 1934, or under the enactments relating to the relief of the poor; or

(ii) by way of grant or loan to a local authority for the purpose of contributing towards the cost of any works for which no specific grant is payable by any Government Department, or towards the provision of small holdings or allotments, so however that no such assistance shall be provided without the consent of the appropriate Minister given after consultation with any Government Department concerned.

(6) The functions of the Commissioners shall extend to the initiation, organisation, prosecution and assistance of measures outside the areas specified in the First Schedule to this Act in so far as they are satisfied that such measures will afford employment or occupation for substantial numbers of persons from those areas.

Power to appoint Deputy Commissioner.

2.—(1) If upon representations being made to him at any time by the Commissioner for the Special Areas in England and Wales the Minister of Labour is satisfied that experience has shown that any of the functions of that Commissioner could more conveniently be exercised by a Deputy Commissioner, the Minister may, with the consent of the Treasury, by order provide for the appointment of one of the officers of the Commissioner to be such a Deputy Commissioner and for the delegation to him, either generally or as respects any area or group of areas, of such of the functions of the said Commissioner, other than the powers of acquiring and holding land, as may be provided by the order.

(2) Any order made under this section may contain such supplementary and consequential provisions as the Minister may consider necessary for giving effect to the delegation thereby provided for, and any such order may be varied or revoked by a subsequent order made in like manner.

(3) Every order made under this section shall be laid before Parliament as soon as may be after it is made.

Financial provisions.

3.—(1) There shall, in accordance with directions given by the Treasury, be established a fund which shall be called "the Special Areas Fund," and shall be under the control and management of the Treasury.

(2) There shall be paid out of moneys provided by Parliament into the Special Areas Fund in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-five, the sum of two million pounds, and thereafter such sums as Parliament may determine.

(3) All sums received by either of the Commissioners in the exercise of his functions under this Act except sums received by way of gift or bequest shall be paid by him to the appropriate Minister for payment into the Special Areas Fund.

(4) The Treasury may from time to time, on the application of the appropriate Minister, issue from the Special Areas Fund such sums as may be required in each financial year to meet the expenses of each of the Commissioners under this Act, other than expenses incurred on behalf of the Commissioners by any other Government Department, so, however, that in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-six, and in any subsequent financial year the sums so issued shall not exceed the amounts authorised by Parliament to be appropriated in aid of any moneys provided by Parliament to meet the expenses of the Commissioners in that year.

(5) Each of the Commissioners shall comply with such directions as may be given by the appropriate Minister, with the approval of the Treasury, with respect to the accounts which are to be kept by him, and in particular shall prepare with respect to each financial year in such form and manner, and at such time as may be so directed, an account of the moneys received and expended by him under this Act, and shall transmit the said account to the appropriate Minister.

(6) The Treasury shall prepare an account of the sums received into and paid out of the Special Areas Fund in each financial year.

(7) On or before the thirtieth day of November in each year the said accounts shall be transmitted to the Comptroller and Auditor-General who shall examine and certify the accounts and lay copies thereof, together with his report thereon, before both Houses of Parliament.

Powers of Commissioners as to acquisition of land.

4.—(1) Each of the Commissioners shall have power to acquire land for the purposes of his functions under this Act, and, with the consent of the Treasury, to dispose of any land held by him which is no longer required for

those purposes, and to transfer to any local authority or other body any land held by him for the purpose of its being utilised by that authority or body in the economic development or social improvement of the areas specified in the First Schedule to this Act.

(2) Each of the Commissioners may be authorised to purchase land compulsorily for the purposes of his functions under this Act by means of an order (in this Act referred to as a "compulsory purchase order") made by him and submitted to the appropriate Minister, in accordance with the provisions of Part I of the Third Schedule to this Act, and the provisions of Part II of that Schedule shall have effect with respect to the validity and date of operation of any such order:

Provided that sections one hundred and three to one hundred and five of the Housing Act, 1925 (which impose restrictions on the acquisition of commons, open spaces and certain other lands) shall apply with respect to any order made under this section as if those sections were herein re-enacted with the necessary adaptations and in terms made applicable thereto, but subject to the modification that references in the said sections to "the Minister" shall be construed as references to the appropriate Minister except the reference in subsection (2) of the said section one hundred and four which shall be construed as a reference to the Minister of Health. 15 & 16 Geo. 5. c. 14.

(3) Where either of the Commissioners is by any such order as aforesaid authorised to purchase land compulsorily, then, at any time after notice to treat has been served, the Commissioner may, after giving to the owner and occupier of the land not less than fourteen days' notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with. 8 & 9 Vict. c. 18.

(4) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of any local authority or has been acquired by any statutory undertakers for the purposes of their undertaking.

Supplementary provisions as to small holdings and allotments. 16 & 17 Geo. 5. c. 52.

5.—(1) A county council in determining for the purposes of sections one and two of the Small Holdings and Allotments Act, 1926, whether the provision of any small holdings would entail a loss, and the Minister of Agriculture and Fisheries, in determining the amount of any contribution out of moneys provided by Parliament towards the losses likely to be incurred in carrying out any proposals submitted to him under the said section two, may disregard the whole or any part of any contributions made or to be made under this Act towards the provision of small holdings.

(2) Every local authority having powers under the Small Holdings and Allotments Acts, 1908 to 1931, shall have power to act as agents for the Commissioner for the Special Areas in England and Wales or for any Deputy Commissioner appointed under this Act in such matters relating to small holdings and allotments as may be agreed between him and the authority.

Application to Scotland.

6. In the application of this Act to Scotland—

(*a*) The Department of Health for Scotland shall be substituted for the Minister of Health;

15 & 16 Geo. 5. c. 15.

(*b*) Sections eighty-six, eighty-seven, eighty-eight, and ninety-six of the Housing (Scotland) Act, 1925, and references therein to "the Board" shall be respectively substituted for sections one hundred and three, one hundred and four, one hundred and five, and one hundred and sixteen of the Housing Act, 1925, and references therein to "the Minister";

8 & 9 Vict. c. 19.

(*c*) Sections eighty-three to eighty-eight, section ninety, and sections one hundred and twenty to one hundred and twenty-seven of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be respectively substituted for sections eighty-four to ninety, section ninety-two and sections one hundred and twenty-seven to one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845;

8 & 9 Vict. c. 33.

(*d*) Section seventy and sections seventy-one to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845, shall be respectively substituted for section seventy-seven and sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845;

8 & 9 Vict. c. 20.

(*e*) Section five shall not apply, provided that every local authority having powers under the Allotments (Scotland) Acts, 1892 to 1926, shall have power to act as agents for the Commissioner for the Special Areas in Scotland in such matters relating to allotments as may be agreed between him and the authority;

(*f*) The Court of Session shall be substituted for the High Court and the Court of Appeal and reduction or interdict shall be substituted for prohibition or certiorari;

(*g*) Sub-paragraph (*b*) of paragraph 2 of Part I and paragraph 6 of Part II of the Third Schedule shall not apply.

Power to transfer powers to Unemployment Assistance Board and other Government departments upon expiry of Act.

7.—(1) His Majesty may by Order in Council make provision for transferring to the Unemployment Assistance Board upon the expiry of this Act any of the functions of the Commissioners relating to the promotion of the welfare of persons to whom the Unemployment Assistance Act, 1934, applies, and for enabling any measures undertaken by the Commissioners in relation to other matters to be carried on after the expiry of this Act by such Government Departments as may be specified in the Order, and any such Order may incorporate with the necessary adaptations such of the provisions of this Act as are necessary for those purposes and may also contain such provisions as may be necessary or expedient for winding up the affairs of the Commissioners, and for vesting any property of the Commissioners in any Government Department, and for enabling any such property to be held and disposed of by any such department.

(2) Any Order in Council made under this section may be varied or revoked by any subsequent Order in Council so made.

Short title, extent and duration.

8.—(1) This Act may be cited as the Special Areas (Development and Improvement) Act, 1934.

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

(3) This Act shall continue in force until the thirty-first day of March, nineteen hundred and thirty-seven, and no longer, unless Parliament otherwise determines:

Provided that the expiry of this Act shall not affect—

(*a*) the previous duration thereof, or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or

(*c*) the operation of any Order in Council made under the last foregoing section or the power to revoke or vary any such Order; or

(*d*) any legal proceeding, arbitration, remedy or investigation in respect of such right, privilege, obligation or liability as aforesaid;

and any such legal proceeding, arbitration, remedy or investigation may be instituted, enforced or continued as if this Act had not expired.

Sections 1 and 4

SCHEDULES.

FIRST SCHEDULE.

PART I.

AREAS IN ENGLAND AND WALES WHICH HAVE BEEN SPECIALLY AFFECTED BY INDUSTRIAL DEPRESSION.

The County Borough of Gateshead.

The County Borough of Merthyr Tydfil.

The County Borough of Newcastle-upon-Tyne.

The County Borough of South Shields.

The County Borough of Sunderland.

The County Borough of Tynemouth.

The County Borough of West Hartlepool.

In the Administrative County of Durham—

The Boroughs of Durham, Hartlepool, and Jarrow.

The Urban Districts of Annfield Plain, Barnard Castle, Benfieldside, Bishop Auckland, Blaydon, Brandon and Byshottles, Chester le Street, Consett, Crook, Felling, Hebburn, Hetton, Houghton le Spring, Leadgate, Ryton,

1ST SCH. —*cont.*

Seaham Harbour, Shildon, Spennymoor, Stanhope, Stanley, Tanfield, Tow Law, Washington, Whickham, and Willington.

The Rural Districts of Auckland, Barnard Castle, Chester le Street, Durham, Easington, Hartlepool, Houghton le Spring, Lanchester, Sedgefield, South Shields, Sunderland, and Weardale.

In the Administrative County of Northumberland—

The Borough of Wallsend.

The Urban Districts of Longbenton and Newburn.

The Rural District of Haltwhistle.

In the Administrative County of Cumberland—

The Boroughs of Whitehaven and Workington.

The Urban Districts of Cockermouth and Maryport.

The Rural Districts of Alston with Garrigill, Cockermouth, Ennerdale, Miliom, and Wigton.

In the Administrative County of Monmouth—

The Urban Districts of Abercarn, Abersychan, Abertillery, Bedwas and Machen, Bedwellty, Blaenavon, Ebbw Vale, Llantarnam, Llanfrechfa Upper, Mynyddislwyn, Nantyglo and Blaina, Panteg, Pontypool, Rhymney, Risca, and Tredegar.

The Rural Districts of Pontypool and Saint Mellons.

In the Administrative County of Glamorgan—

The Borough of Port Talbot.

The Urban Districts of Aberdare, Bridgend, Caerphilly, Gelligaer, Glyncorrwg, Maesteg, Mountain Ash, Ogmore and Garw, Pontypridd, and Rhondda.

The Rural Districts of Cardiff, Cowbridge, Llantrisant and Llantwit Fardre, Neath and Penybont.

In the Administrative County of Brecknock—

The Urban District of Brynmawr.

The Rural Districts of Crickhowell and Vaynor and Penderyn.

In the Administrative County of Pembroke—

The Borough of Pembroke.

PART II.

AREAS IN SCOTLAND WHICH HAVE BEEN SPECIALLY AFFECTED BY INDUSTRIAL DEPRESSION.

The counties of Dumbarton, Lanark (excluding the City of Glasgow) and Renfrew.

1ST SCH. —*cont.*

The parishes of Ardrossan, Beith, Dalry, Dreghorn, Dunlop, Fenwick, Galston, Irvine, Kilbirnie, Kilmarnock, Kilmaurs, Kilwinning, Loudoun, Riccarton, Stevenston and Stewarton within the county of Ayr.

The parishes of Falkirk, Grangemouth, Muiravonside, and Slamannan within the county of Stirling so far as situated south of the London and North Eastern Railway line from Castlecary to Linlithgow.

The parishes of Bathgate, Ecclesmachan, Kirkliston, Livingston, Linlithgow, Torphichen, Uphall and Whitburn within the county of West Lothian so far as situated south of the London and North Eastern Railway line from Linlithgow to Ratho.

The parishes of Kirknewton, Mid Calder and West Calder within the county of Midlothian.

Section 1.

SECOND SCHEDULE.

PROVISIONS AS TO COMMISSIONERS AND THEIR PROCEEDINGS.

1. Each of the persons for the time being holding the office of Commissioner under this Act shall be a corporation sole by the name of "the Commissioner for the Special Areas in England and Wales" and "the Commissioner for the Special Areas in Scotland," as the case may be, and may in that name hold any real or personal property acquired by him for the purposes of his functions under this Act.

2. A person shall be disqualified for being appointed or being a Commissioner so long as he is a member of the Commons House of Parliament.

3. Each of the Commissioners may appoint such officers and servants as he may, with the consent of the appropriate Minister and of the Treasury, determine.

4. There may be paid as part of the expenses of the Commissioners such salaries and allowances to the Commissioners and to any officers or servants appointed by them as may be determined, with the consent of the Treasury, by the appropriate Minister.

5. The functions of each of the Commissioners and of any officers and servants appointed by the Commissioners shall be exercised on behalf of the Crown.

6. The Commissioners may, with the consent of the Treasury, accept any gift or bequest, and may apply any such gift or bequest, or the proceeds thereof, for the purposes for which it was given or bequeathed, being purposes within the functions of the Commissioners. 2ND SCH. —*cont.*

7. Every document purporting to be an instrument issued by either of the Commissioners and to be sealed with his official seal or to be signed by any officer or other person authorised by him to act in that behalf, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

THIRD SCHEDULE.

Sections 4 and 6.

COMPULSORY PURCHASE ORDERS.

PART I.

PROCEDURE WITH RESPECT TO THE MAKING, SUBMISSION AND CONFIRMATION OF COMPULSORY PURCHASE ORDERS.

1. A compulsory purchase order shall be in such form as may be directed by the appropriate Minister and shall describe by reference to a map the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(*a*) the Lands Clauses Acts (except section ninety-two of the Lands Clauses Consolidation Act, 1845);

(*b*) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act:

Provided that the appropriate Minister may direct with respect to any such order that the order shall not incorporate sections one hundred and twenty-seven to one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845, or any of those sections.

2. The modifications subject to which the Lands Clauses Acts shall be incorporated in the order are as follows :—

(*a*) In lieu of section ninety-two of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect :

No person shall be required to sell a part only of any house, building, or manufactory or of any land

3RD SCH. —*cont.*

which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the arbitrator determines that in the case of a house, building, or manufactory such part as is proposed to be taken can be taken without material detriment to the house, building, or manufactory, or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and, if he so determines, he may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Commissioners that part of the house, building, manufactory, park or garden; and

(*b*) where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

3. Before submitting the order to the appropriate Minister the Commissioners shall—

(*a*) publish in one or more newspapers circulating within the district in which the land to which the order relates is situated a notice in such form as may be directed by the appropriate Minister stating the fact of such an order having been made and describing the area comprised therein, and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve in such manner as may be directed by the appropriate Minister on every owner, lessee and occupier (except tenants for a month or less period than a month) of any land included in the area to which the order relates a notice in such form as may be so directed as aforesaid stating the effect of the order and that it is about to be submitted to the appropriate Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

3RD SCH. —*cont.*

4. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the appropriate Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification:

Provided that—

(*a*) the appropriate Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed;

(*b*) the order as confirmed by the appropriate Minister shall not authorise the Commissioner to purchase compulsorily any land which the order would not have authorised him so to purchase if it had been confirmed without modification.

Section one hundred and sixteen of the Housing Act, 1925, shall apply with respect to any public local inquiry held under this Part of this Schedule as if for references therein to the "Minister" and to that Act there were therein substituted respectively references to the appropriate Minister and to this Part of this Schedule.

5. In construing for the purpose of this Part of this Schedule or any order made thereunder any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act, and the Commissioner shall be deemed to be the promoters of the undertaking.

PART II.

PROVISIONS WITH RESPECT TO THE VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS.

1. As soon as may be after the compulsory purchase order has been confirmed by the appropriate Minister, the Commissioner shall publish in a newspaper circulating in the district to which the order relates a notice in such form as may be directed by the appropriate Minister stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the

3RD SCH. —*cont.*

map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the appropriate Minister of his objection to the order, appeared at the public local inquiry in support of his objection.

2. If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within twenty-one days after the publication of the notice of confirmation, make an application for the purpose to the High Court, and if any such application is duly made the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order either generally or in so far as it affects any property of the applicant.

3. Subject to the provisions of the last preceding paragraph, an order shall not, either before or after its confirmation, be questioned, by prohibition or certiorari or in any legal proceedings whatsoever, and shall become operative at the date on which notice of its confirmation is published in accordance with the provisions of paragraph 1 of this Part of this Schedule.

4. Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this Part of this Schedule.

5. As soon as may be after an order has become operative, the Commissioner shall serve a copy thereof on every person on whom a notice was served by him of his intention to submit the order to the appropriate Minister for confirmation.

6. Until rules of court are made regulating the procedure on applications to the High Court under this Part of this Schedule, the following temporary rules shall have effect with respect thereto—

(i) The application shall be made by an originating notice of motion to a judge of the High Court selected for the purpose by the Lord Chancellor:

(ii) The notice of motion shall state the grounds for the application, and the date mentioned in the notice for the hearing of the application shall be not less than eight days after the service of the notice:

(iii) The notice of motion shall be served before the expiration of twenty-one days after the publication of the notice of confirmation of the order to which the application relates on the Commissioner by whom the order

3RD SCH. —*cont.*

was made and on the Minister or Secretary of State by whom it was confirmed and shall be entered at the Crown Office within the same period:

(iv) The evidence upon the hearing of the application shall be by affidavit except in so far as the Court at the hearing may direct oral evidence to be given:

(v) The ordinary practice and rules of the King's Bench Division shall apply so far as they are applicable, and are not inconsistent with the provisions of this Act or of these temporary rules.

CHAPTER 2.

An Act to amend the Supreme Court of Judicature (Consolidation) Act, 1925, by increasing to nineteen the number of puisne judges who may be appointed to be attached to the King's Bench Division of the High Court, by making provision for the appointment and precedence of a Vice-President of the Court of Appeal, by permitting certain orders of court in matrimonial proceedings to be made before decree absolute, and by providing for the hearing in camera of certain evidence in nullity proceedings; and for purposes connected with the matters aforesaid.

[12th February 1935.]

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 15 & 16 Geo. 5. c. 49 ss. 4 and 11.

1.—(1) The number of puisne judges who may be appointed to be attached to the King's Bench Division of the High Court shall be increased to nineteen; and accordingly paragraph (ii) of subsection (1) of section four of the Supreme Court of Judicature (Consolidation) Act, 1925, (hereinafter referred to as "the principal Act") (which determines the constitution of that Division)