(31) SALVAGE OF CHATTELS

1952 No. 2199

The Storage of Household Chattels Order, 1952

Made - - - -	16*th December*, 1952
Laid before Parliament	19*th December*, 1952
Coming into Operation	1*st January*, 1953

In pursuance of the power conferred on me by Regulation sixty J of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**a**), as extended by the Supplies and Services (Extended Purposes) Act, 1947(**b**) and the Supplies and Services (Defence Purposes) Act, 1951(**c**), and continued in force by the Supplies and Services (Continuance) Order, 1952(**d**), I hereby order as follows:—

Application of Order and meaning of "recovery officer"

1.—(1) This Order applies to any chattel which, immediately before the coming into operation of this Order, was being stored by the clerk of a local authority in pursuance of the Removal and Storage of Household Chattels Order, 1941(**e**) as amended by the Removal and Storage of Household Chattels Order, 1942(**f**).

(2) In relation to any chattel to which this Order applies the clerk for the time being of the local authority by whose clerk the chattel was being stored as aforesaid is hereinafter referred to as "the recovery officer".

Storage of chattels

2.—(1) Subject to the following provisions of this Order, chattels to which this Order applies shall remain in the custody of the recovery officer until removed by the owner thereof and, while so remaining, shall be stored by the recovery officer in such conditions suitable to their preservation as are in his opinion practicable.

(2) In the following provisions of this Order references to chattels stored by the recovery officer are references to chattels remaining in the custody of the recovery officer in pursuance of the last foregoing paragraph.

Restriction on removal of chattels from store

3. The owner of a chattel stored by the recovery officer shall not be entitled to take it away from the place where it is stored except at a time agreed between the owner and the recovery officer and on giving to the recovery officer a receipt in respect of the chattel.

Delivery of chattels at request of owner

4. Subject to any general or special directions of the Secretary of State, the recovery officer may, at the request of the owner, convey any chattel stored by the recovery officer to any place where the owner has arranged for it to be received.

Treatment or destruction of chattels dangerous to health

5.—(1) The recovery officer may cleanse or disinfect any chattel stored by him if it appears to him to be in such a condition as to be a source of danger to public health.

(a) 9 & 10 Geo. 6. c. 10.
(b) 10 & 11 Geo. 6. c. 55.
(c) 14 & 15 Geo. 6. c. 25.
(d) S.I. 1952/2094, p. 3006 above.
(e) S.R. & O. 1941/1499; 1941 II, p. 1517.
(f) S.R. & O. 1942/613; 1942 II, p. 1982.

(2) The recovery officer, after consultation with the medical officer of health of a local authority or a person authorised to act for the purpose on behalf of such a medical officer, may destroy any chattel stored by the recovery officer if he is of opinion that the chattel is in such a condition as aforesaid by reason of being infested with vermin and that either the infestation cannot reasonably be remedied by any form of treatment or the infestation cannot reasonably be remedied soon enough to prevent the chattel from contaminating the premises in which it is stored or other chattels therein.

Disposal of unclaimed chattels of no appreciable value

6. The recovery officer may dispose, by destruction or sale or in such other manner as he thinks fit, of any chattel stored by him which is unclaimed and appears to him to be of no appreciable value.

Sale of other unclaimed chattels

7.—(1) Subject to the provisions of this Article, the recovery officer may sell any other unclaimed chattels stored by him.

(2) Not less than one month before selling any chattels under this Article the recovery officer shall cause notice of his intention to sell them to be published in one or more local newspapers circulating in the locality of the war-damaged premises from which the chattels were removed.

(3) Any such notice shall—

(*a*) specify a place or places at which a list showing so far as practicable the premises from which, and the date or dates on which, the chattels were removed may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than one month from the date of the first publication of the notice ; and

(*b*) state that the chattels will be sold after a specified date unless in the case of any particular chattel any person before that date establishes to the satisfaction of the recovery officer a claim to be the owner thereof.

(4) In this Article the expression " war-damaged " means damaged by war operations.

Notice to owner to remove chattels and power of disposal in default of removal

8.—(1) The recovery officer may, as respects any chattel stored by him, give notice to the person appearing to him to be the owner thereof, stating that, if the chattel is not removed from store within such time, not being less than six months from the giving of the notice, as may be specified therein, the chattel may be disposed of.

(2) Where a notice has been given as respects a chattel under the last foregoing paragraph, and the chattel is not removed from store within the time specified in the notice, the recovery officer may sell the chattel.

(3) If, in a case falling within the last foregoing paragraph, the chattel appears to the recovery officer to be of no appreciable value, the recovery officer may dispose of it by destruction or sale or in such other manner as he thinks fit.

Application of proceeds of sale

9.—(1) Where a chattel is sold by the recovery officer under Article 7 of this Order, the recovery officer shall make a record of the price obtained for the chattel, and shall keep that record until the expiration of the period of two years beginning with the date of the sale; and if within the said period of two years any person establishes to the satisfaction of the recovery officer that he would be the owner of the chattel if it had not been sold, the recovery officer shall pay to him an amount equal to the price obtained for the chattel.

(2) Where the recovery officer has sold a chattel under paragraph (2) of the last foregoing Article, he shall forthwith give notice thereof to the appropriate person, specifying the price obtained for the chattel; and if within the period of two years beginning with the date of the sale the appropriate person applies to the recovery officer in that behalf the recovery officer shall pay to him an amount equal to that price.

(3) For the purposes of the last foregoing paragraph the appropriate person shall be taken to be the person to whom, as respects the chattel in question, notice was given under paragraph (1) of the last foregoing Article, except that, if it is shown to the satisfaction of the recovery officer that some other person would be the owner of the chattel if it had not been sold, then as respects the doing of anything at a time after it has been so shown the appropriate person shall be taken to be that other person.

(4) Subject to the foregoing provisions of this Article, any sums realised by the sale of chattels under this Order shall be applied by the recovery officer in such manner as the Secretary of State, with the consent of the Treasury, may direct.

Exercise of functions by clerks of local authorities

10. In the exercise of any functions under this Order the clerk of a local authority shall comply with any general or special directions given to him by that authority; and anything done by such a clerk in the exercise of such functions shall be deemed to be done by him in the course of his employment as an officer of that authority.

Interpretation

11.—(1) In this Order—

(*a*) the expression "local authority" means the Common Council of the City of London, the council of a metropolitan borough or the council of a county, county borough or county district, and the expression "clerk", in relation to a local authority being the said Common Council or the council of a borough, means the town clerk; and

(*b*) the expression "owner" in relation to any chattel means the person for the time being entitled thereto.

(2) For the purposes of this Order a chattel shall be deemed to be unclaimed if the name and address of the person entitled thereto are not known to the recovery officer and cannot after reasonable inquiry be ascertained by him.

(3) References in this Order to a chattel's being of no appreciable value include references to its being of no appreciable value except as part of a collection of scrap.

Revocation of previous Orders

12.—(1) The Removal and Storage of Household Chattels Order, 1941, the Removal and Storage of Household Chattels Order, 1942 and the Removal and Storage of Household Chattels Order, 1950(**a**) are hereby revoked.

(2) Where any chattel has been sold under the Orders hereby revoked, and immediately before the coming into operation of this Order a person was required under those Orders to keep a record of the price obtained for the chattel or was required, or was liable to be required, to pay or apply any sum representing the proceeds of the sale in accordance with the provisions of those Orders in that behalf, the provisions of those Orders shall continue to have effect, notwithstanding the last foregoing paragraph, in so far as they provide for the keeping of that record and for the payment or application of any such sum as aforesaid.

(3) Nothing in the last foregoing paragraph shall be construed as affecting the operation of section thirty-eight of the Interpretation Act, 1889(**b**) (which relates to the effect of repeals), as applied for the purposes of this Order by Regulation ninety-nine B of the Defence (General) Regulations, 1939.

Citation, extent and commencement

13.—(1) This Order may be cited as the Storage of Household Chattels Order, 1952.

(2) This Order, except Article 12 thereof, shall not extend to Scotland.

(3) This Order shall not extend to Northern Ireland.

(4) This Order shall come into operation on the first day of January, nineteen hundred and fifty-three.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Whitehall,
16th December, 1952.

EXPLANATORY NOTE

(This Note does not form part of the Order, but is intended to indicate its general purport.)

The Removal and Storage of Household Chattels Order, 1941 provided for the removal of chattels from war-damaged residential premises, and for the storage and, in certain circumstances, the disposal of chattels so removed. That Order was amended by the Removal and Storage of Household Chattels Order, 1942 and the Removal and Storage of Household Chattels Order, 1950. The present Order revokes the previous Orders, but re-enacts so much of them as relates to the storage and disposal of chattels. It does not, however, reproduce the power conferred by the former Orders to give directions to the owner of a chattel, where the owner is known, requiring him to remove the chattel from store, non-compliance with which rendered the owner liable to a fine. Instead it enables the chattel to be disposed of

(**a**) S.I. 1950/1219; 1950 III, p. 867. (**b**) 52 & 53 Vict. c. 63.

after the giving to the owner of a notice, of not less than six months' duration, warning him that the chattel will be disposed of if he does not remove it in the meantime. Where chattels are sold under this power, any proceeds of sale may be claimed by the owner within two years after the sale. The Order, except in so far as it revokes the previous Orders, does not extend to Scotland, where there are no chattels remaining stored under the previous Orders. Like the previous Orders, the present Order does not extend to Northern Ireland.

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(32) SALVAGE OF WASTE MATERIALS

1952 No. 1286

The Kitchen Waste (Amendment) Order, 1952

Made - - - -	*3rd July*, 1952
Laid before Parliament	*4th July*, 1952
Coming into Operation	*1st August*, 1952

The Minister of Agriculture and Fisheries and the Secretary of State for Scotland, in exercise of the powers conferred upon them by Regulations 55, 55AB and 98 of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a), (as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and the Supplies and Services (Defence Purposes) Act, 1951(c), and continued in force by the Supplies and Services (Continuance) Order, 1951(d)) and of all other powers them enabling in that behalf hereby order as follows:—

1. This Order may be cited as the Kitchen Waste (Amendment) Order, 1952, and shall come into operation on the first day of August 1952.

2. The Kitchen Waste Order, 1950(e), as amended by the Kitchen Waste (Amendment) Order, 1951(f), shall be further amended by substituting for the first schedule thereto the schedule to this Order.

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this third day of July nineteen hundred and fifty-two.

Tom Dugdale.

Given under the Seal of the Secretary of State for Scotland this third day of July nineteen hundred and fifty-two.

James Stuart.

(a) 9 & 10 Geo. 6. c. 10; S.R. & O. 1945/1611, 1618; 1945 II, pp. 39, 48.
(b) 10 & 11 Geo. 6. c. 55. (c) 14 & 15 Geo. 6. c. 25. (d) S.I. 1951/2116; 1951 III, p. 27.
(e) S.I. 1950/505; 1950 III, p. 70. (f) S.I. 1951/904; 1951 III, p. 33.