" shall not confer any right to a hearing by the " Commissioners."

Amendment of s. 16 of principal Act.

6. Subsection (2) of section sixteen of the principal Act shall cease to have effect: Provided always that nothing contained in the principal Act or in this Act shall affect the right of any person to apply for, or the powers of the Board of Trade or the Minister of Transport or the Electricity Commissioners or any other department to make or confirm, Provisional or other Orders under the provisions of any Act in force at the passing of this Act or the procedure therein specified.

Short title.

7. This Act may be cited as the Private Legislation Procedure (Scotland) Act, 1933, and the principal Act and this Act may be cited together as the Private Legislation Procedure (Scotland) Acts, 1899 and 1933.

CHAPTER 38.

An Act to amend the law relating to appeals from courts of summary jurisdiction.

[28th July 1933.]

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 42 & 43 Vict. c. 49. s. 31.

1. The Summary Jurisdiction Act, 1879, shall have effect as if for section thirty-one of that Act (which relates to procedure on appeal to general or quarter sessions) there were substituted the following section :—

"Procedure on appeal to quarter sessions.

31.—(1) Subject to the provisions of this section, where a person is authorised by or under any Act, including any local Act, to appeal to a court of general or quarter sessions against a conviction, sentence, order, determination or other decision of a court of summary jurisdiction, the following provisions shall apply :—

(i) the appeal shall be made to a court of quarter sessions having jurisdiction in the

county, borough or place for which the court of summary jurisdiction acted;

(ii) the appellant shall, within fourteen days after the day on which the decision of the court of summary jurisdiction was given, give to the clerk to that court and to the other party notice in writing of his appeal, stating the general grounds of his appeal, and signed by him or by his agent on his behalf;

(iii) the appellant shall, after giving notice of appeal to the clerk to the court of summary jurisdiction and within twenty-one days after the day on which the decision of the court was given, enter into a recognisance with or without sureties as that court, or any other court of summary jurisdiction acting for the same petty sessional division or place, may have directed, and in such reasonable sum as, having regard to the purpose of the recognisance and to his means, they may have thought necessary to fix, conditioned to prosecute his appeal with diligence, or, with the consent of the court, he may, as respects the whole or any part of the sum so fixed, give such other security, by deposit of money with the clerk to the court, or otherwise, as the court deem sufficient;

(iv) where the appellant is in custody, the court who fix the recognisance to be entered into, or the other security to be given, under the preceding paragraph, or any other court of summary jurisdiction acting for the same petty sessional division or place, may, if they think fit, release him from custody on his complying with the provisions of the preceding paragraph, if he has not already done so, and on his either entering into a recognisance, with or without sureties, and in such reasonable sum as they think necessary to fix, conditioned to appear at the hearing of the appeal, or giving with their consent other security for his appearance;

(v) recognisances for the purposes of paragraphs (iii) and (iv) of this subsection may, if it be convenient, be combined in one recognisance;

(vi) quarter sessions may from time to time adjourn the hearing of any appeal;

(vii) quarter sessions may by their order confirm, reverse or vary the decision of the court of summary jurisdiction, or may remit the matter with their opinion thereon to a court of summary jurisdiction acting for the same petty sessional division or place as the court by whom the decision appealed against was given, or may make such other order in the matter as they think just, and by such order exercise any power which the court of summary jurisdiction might have exercised; and any order made by quarter sessions shall have the like effect and may be enforced in the like manner as if it had been made by the court of summary jurisdiction. Quarter sessions may also make such order as to costs to be paid by either party as they think just;

(viii) on an appeal against a conviction or a sentence, the powers of quarter sessions under the preceding paragraph shall be construed as including power to award any punishment, whether more or less severe than that awarded by the court of summary jurisdiction, which that court might have awarded;

(ix) the clerk of the peace shall send to the clerk to the court by whom the decision appealed against was given, for entry in his register, a memorandum of the decision of quarter sessions, and if the appeal was an appeal against a conviction or sentence or against an order, shall endorse a like memorandum on the conviction or order, as the case may be, and whenever any copy or certificate of the conviction or order is made, a copy of the memorandum shall be added thereto and shall be sufficient evidence of the decision of quarter sessions in every case where the copy or certificate would be sufficient evidence of the conviction or order;

(x) a notice of appeal under paragraph (ii) of this subsection may be transmitted to the

person to whom it is to be given in a registered letter addressed to that person at his last or usual place of abode and, if so transmitted, shall be deemed to have been given at the time when it would be delivered in the ordinary course of post.

(2) Nothing in the preceding subsection shall apply to, or affect the procedure on, appeals under sections three hundred and one to three hundred and thirteen of the Lunacy Act, 1890, or under section ninety-seven of the Poor Law Act, 1930." 53 & 54 Vict. c. 5. 20 & 21 Geo. 5. c. 17.

Provisions as to legal aid.

2.—(1) Where a person who has been convicted of an offence by a court of summary jurisdiction desires to appeal to quarter sessions against the conviction or the sentence but has not sufficient means to enable him to obtain legal aid for the purpose, he may make an application for free legal aid to the court by whom he was convicted or to any court of summary jurisdiction acting for the same petty sessional division or place, and, where a person so convicted has given notice of appeal to quarter sessions, the other party to the appeal, if he has not sufficient means to enable him to obtain legal aid for the purpose of resisting the appeal, may make an application for free legal aid to any court of summary jurisdiction acting for that division or place.

(2) If, on an application made to them under the preceding subsection, it appears to the court of summary jurisdiction that the means of the applicant are insufficient to enable him to obtain legal aid, and that, by reason of the nature of the offence of which the appellant was convicted, or by reason of the sentence, or of exceptional circumstances, it is desirable in the interests of justice that the applicant should have free legal aid in the preparation and conduct of his appeal, or, as the case may be, in resisting the appeal, the court may grant in respect of him a certificate (in this section referred to as " an appeal aid certificate ").

(3) Where, on an application made to them under this section, the court of summary jurisdiction have refused to grant an appeal aid certificate, the applicant

may make an application for the same purpose to the court to whom the appeal lies either—

(i) by letter addressed to the clerk of the peace and setting out the facts of the case and the grounds of his application; or

(ii) in person to the court,

and the court shall have the like power, exerciseable on the like grounds, of granting an appeal aid certificate as the court of summary jurisdiction.

In this subsection the expression "the court" means, in the case of an application sent by post to the clerk of the peace for a county, the chairman of the appeal committee of quarter sessions, and includes a deputy chairman of that committee.

(4) A person in respect of whom an appeal aid certificate has been granted under this section shall be entitled to free legal aid in the preparation and conduct of his appeal or in resisting the appeal, as the case may be, and to have a solicitor and counsel assigned to him for that purpose in the prescribed manner:

Provided that, where before the court to whom the appeal lies a party may be heard by a solicitor, the court or person granting the certificate may direct that a solicitor only shall be assigned.

(5) Where an appeal aid certificate has been granted under this section in respect of any party to an appeal, an order shall be made by the court before whom the appeal is heard, directing his costs, as fixed by, or ascertained in accordance with, rules made under this section, to be paid out of local funds, that is to say,—

(*a*) where the court of summary jurisdiction by whom the appellant was convicted was a court acting for a borough, being a county borough, out of the general rate fund of the borough; and

(*b*) in any other case, out of the county fund.

Where notice of the abandonment of an appeal has been received by the clerk of the peace, an order under this subsection may be made by any court before whom the appeal might have been heard if it had been duly prosecuted.

(6) So soon as the amount of the costs so payable has been ascertained, the clerk of the peace shall make out and transmit to each person to whom any sum is due an order for payment addressed to the treasurer of the county borough or county out of the funds of which the costs are payable, and the treasurer shall forthwith comply with the order, and shall be allowed the sum paid by him in his accounts, and, if any order for payment of costs has been made against the other party to the appeal in favour of the person in respect of whom the appeal aid certificate was granted, the council of the county borough or county out of the funds of which payment has been so made, shall be entitled to enforce that order, so far as it relates to any costs paid out of those funds, as if it had been made in their favour.

(7) The Attorney General, with the approval of the Lord Chancellor and a Secretary of State, may by rules prescribe the form of certificates to be granted under this section and the manner in which counsel and solicitors are to be assigned in pursuance of such certificates.

(8) Subject to the provisions of the last preceding subsection, a Secretary of State may make rules generally for carrying this section into effect and, in particular, with respect to the rates or scales of payment of any costs which are payable under this section out of local funds and the conditions under which any such costs may be allowed.

(9) The foregoing provisions of this section shall apply in relation to appeals under subsection (1) of section seven of the Criminal Justice Act, 1925 (as amended by any subsequent enactment), as they apply in relation to appeals against convictions. 15 & 16 Geo. 5. c. 86.

Provisions as to entry of appeal.

3.—(1) In the case of an appeal to which this Act applies, it shall not be necessary for the appellant to enter the appeal with the clerk of the peace, but so soon as an appellant has complied with the provisions of paragraph (iii) of subsection (1) of section thirty-one of the Summary Jurisdiction Act, 1879, with respect to entering into a recognisance or giving other security, it shall be the duty of the clerk to the court of summary jurisdiction against whose decision the appeal is brought to transmit to the clerk of the peace the notice of appeal and the recognisance, if any, and a statement as to any other security given by the appellant, and thereupon the clerk of the

peace shall enter the appeal, and shall in due course give notice to the appellant, to the other party to the appeal, and to the clerk to the court of summary jurisdiction as to the date, time and place fixed for the hearing of the appeal.

A notice required by this subsection to be given to any person may be sent by post in a registered letter addressed to him at his last or usual place of abode.

(2) Where an appellant has for the purposes of paragraph (iv) of subsection (1) of section thirty-one of the Summary Jurisdiction Act, 1879, entered into a separate recognisance or given other security for his appearance, the clerk to the court of summary jurisdiction against whose decision the appeal is brought shall, before the date fixed for the hearing of the appeal, transmit to the clerk of the peace the recognisance, if any, and a statement as to any other such security given by the appellant.

(3) Where any recognisance for the purposes of such an appeal as aforesaid is entered into otherwise than before the court of summary jurisdiction against whose decision the appeal is brought, or their clerk, the clerk to the justices or other officer concerned in the taking of the recognisance shall forthwith transmit it to the clerk to the court against whose decision the appeal is brought.

Abandonment of appeal.

4.—(1) In the case of an appeal to which this Act applies the appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon the appeal by giving notice in writing to the clerk to the court of summary jurisdiction against whose decision the appeal is brought and, if he gives such a notice, the clerk shall forthwith give notice of the abandonment to the other party to the appeal and to the clerk of the peace.

A notice authorised or required by this subsection to be given to any person may be sent by post in a registered letter addressed to him at his last or usual place of abode.

(2) Where an appeal has been so abandoned—

(*a*) any justice acting for the same petty sessional division or place as the court against whose decision the appeal was brought may issue process for enforcing that decision, subject to

anything already suffered or done thereunder by the appellant; and

(*b*) any court of summary jurisdiction acting for that division or place may, on the application of the other party to the appeal, order the appellant to pay to him such costs as appear to them to be just and reasonable in respect of expenses properly incurred by him in connection with the appeal before notice of the abandonment was given to him; and

(*c*) any recognisance entered into in connection with the appeal shall be dealt with by a court of summary jurisdiction acting for that division or place instead of by the court of quarter sessions, and accordingly the clerk of the peace shall re-transmit any such recognisance to the clerk to the court of summary jurisdiction, and the provisions of subsections (1) and (4) of section nine of the Summary Jurisdiction Act, 1879 (except the words from "and giving security" to the end of the said subsection (1)) shall apply in relation to any such recognisance as they apply in relation to such recognisances as are mentioned therein, but any condition for the appearance of the appellant at the hearing of the appeal shall be deemed to be performed if he duly surrenders himself.

(3) Costs ordered to be paid under the last preceding subsection may be recovered summarily as a civil debt by the party to whom they are ordered to be paid, or by a council entitled under subsection (6) of section two of this Act to enforce the order, and shall not be recoverable in any other manner.

Provisions as to costs.

5.—(1) On any appeal to which this Act applies a court of quarter sessions may, in the exercise of their power to award costs—

(i) where they allow the appeal, direct that there shall be included in any costs to be paid by the respondent to the appellant the costs properly incurred by the appellant in the proceedings before the court of summary jurisdiction, or such fixed sum as the court of quarter sessions may

consider reasonable in respect of the costs so incurred by him;

(ii) in any case, in lieu of directing a taxation of costs, fix the sum to be paid by way of costs by either party to the appeal;

and in fixing, for the purposes of this subsection, the amount of any costs to be paid by a party to an appeal shall have regard to his means.

(2) Costs ordered to be paid by quarter sessions on any such appeal as aforesaid may be recovered summarily as a civil debt by the party to whom they are ordered to be paid, or by a council entitled under subsection (6) of section two of this Act to enforce the order, and shall not be recoverable in any other manner.

Provisions as to forfeited recognisances.

6.—(1) The following provisions of this section shall have effect in any case where a recognisance entered into in connection with an appeal to which this Act applies has become forfeited.

(2) The court of quarter sessions before whom the recognisance is forfeited may, in lieu of certifying the recognisance in accordance with section two of the Levy of Fines Act, 1822, make an order wholly discharging the recognisance or they may before so certifying the recognisance, make an order reducing the amount due thereunder to such amount as they think fit, and thereupon the reduced amount shall, for the purposes of the said section two, be deemed to be the amount of the sum forfeited in respect of the recognisance.

3 Geo. 4. c. 46.

(3) The court, unless they make an order wholly discharging the recognisance,—

(*a*) shall, at the time when they certify it as aforesaid, make an order fixing the term of imprisonment which the person bound by the recognisance is to undergo if any sum due in respect thereof is not duly paid and cannot be recovered by distress; and

(*b*) may at the same time make an order directing that the sum due in respect of the recognisance be paid on some future date specified in the order, or that the said sum be paid by instalments of such amount, on such dates respectively, as may be so specified.

(4) Any order under paragraph (*b*) of the last preceding subsection, postponing the payment of any sum due in respect of a recognisance, shall operate as a direction to the sheriff to exercise his power of recovering the sum due in respect of the recognisance only if and when default is made in complying with the order.

(5) The clerk of the peace shall enter upon the roll any order made by the court under this section.

(6) The powers conferred by this section shall be in addition to, and not in derogation of, the powers conferred by any other Act, and this section shall not, save as otherwise expressly provided therein, be taken to affect the law relating to the procedure for recovering forfeited recognisances.

Courts for hearing of appeals.

7.—(1) The powers and duties of a court of quarter sessions with respect to appeals to which this Act applies shall, in the case of quarter sessions for a county, other than the county of London, be delegated to, and exercised and performed by, a committee of the justices of the county to be appointed by quarter sessions and to be known as the appeal committee.

(2) The appeal committee shall be deemed to be a standing committee of quarter sessions for the period for which they are appointed or, if no period is fixed, until their successors are appointed, and their jurisdiction shall not be affected by the termination of the sessions at which they were appointed and may be exercised at any date and continuously whether quarter sessions are, or are not, for other purposes in session.

(3) The mode of appointment of the appeal committee, the number and, subject to the provisions of this or any other Act relating to procedure on appeals to quarter sessions, the procedure of the committee shall be determined by quarter sessions:

Provided that—

(*a*) in appointing members of the committee quarter sessions shall, so far as practicable, select justices having special qualification for the hearing of appeals;

(*b*) the chairman and one or more deputy chairmen of the committee shall be appointed annually by quarter sessions, except that, where there

is a paid chairman of quarter sessions, he shall be chairman of the committee, and, where there is a paid deputy chairman of quarter sessions, he shall be a deputy chairman of the committee;

(*c*) the committee in hearing and determining any appeal shall act by a court consisting of not less than three nor more than twelve members of the committee;

(*d*) courts so composed may sit for the hearing and determination of appeals at such place or places as the committee think fit and, if the committee think fit, two or more such courts may sit for that purpose at the same time, either at the same place or at different places;

(*e*) in the determination of any appeal, the justice acting as chairman of the court shall have a second or casting vote.

(4) A court composed and sitting in accordance with the provisions of the last preceding subsection shall have all the same powers with respect to the hearing and determination of appeals, and with respect to costs, recognisances and other matters preliminary to or arising out of appeals, as they would have, whether under this or any other Act or at common law, if they were a court of quarter sessions.

(5) The clerk of the peace and his deputy shall act as clerk and deputy clerk to the appeal committee and, if by reason of the sitting of two or more courts at the same time it becomes necessary to appoint some other person to act as clerk to any such court, the provisions of section eleven of the Stipendiary Magistrates Act, 1858, shall apply as they apply in relation to the appointment of a person to act as clerk of a second court of quarter sessions.

21 & 22 Vict. c. 73.

(6) Where quarter sessions have customarily been held separately by adjournment or otherwise for any part of a county, a Secretary of State may by order, on the application of the justices sitting at each such separate sessions, for the purposes of appeals to which this Act applies constitute any part of the county for which quarter sessions are for the time being so separately held a separate county, and the justices so sitting at those separate quarter sessions a separate quarter sessions,

and make all necessary provisions for the hearing of appeals in such a case.

(7) In the case of a borough having a separate court of quarter sessions, the recorder may hold a court of quarter sessions in and for the borough for the purpose only of hearing and determining appeals to which this Act applies at any date and as often as he thinks fit, and sections one hundred and sixty-six and one hundred and sixty-seven of the Municipal Corporations Act, 1882, and section one hundred and sixty-eight of that Act, as amended by the next succeeding subsection, shall apply in relation to any sessions so held. 45 & 46 Vict. c. 50.

(8) The power of a recorder under section one hundred and sixty-eight of the Municipal Corporations Act, 1882, to order a second court to be formed, and for that purpose to appoint an assistant recorder to try felonies and misdemeanours, shall be extended so as to enable him to order a second court to be formed and to appoint an assistant recorder to hear and determine appeals to which this Act applies, and accordingly the said section shall have effect as if in subsection (1) thereof, after the word "misdemeanours," there were inserted the words "and hear and determine such appeals "from convictions, sentences, orders, determinations, and "other decisions of courts of summary jurisdiction," and in subsection (3) thereof, for the words from "save that" to the end of the subsection, there were substituted the words "save that the assistant recorder may finish any "case in which the prisoner has pleaded or any appeal "which has been called on for hearing, and in the trial "or hearing of which he is actually engaged at the time "when the recorder ceases to sit, and may sentence any "prisoner tried before him but not then sentenced, and "may give judgment in any appeal which he has heard "but in which he has not given judgment."

Special provisions as to London quarter sessions.

8.—(1) The powers and duties of a court of quarter sessions with respect to appeals to which this Act applies shall, in the case of quarter sessions for the county of London, be exercised and performed by courts of quarter sessions constituted in accordance with the provisions of this section.

(2) There shall be a panel of justices consisting of the paid chairman and any paid deputy chairman of

quarter sessions, and one representative of each petty sessional division within the county of London (exclusive of the city of London) to be nominated annually from amongst themselves by the justices customarily acting in and for that division, unless on any occasion when such a nomination would otherwise fall to be made the chairman of the justices elects to serve during the ensuing year as the representative of the division, in which case he shall be entitled so to do; and—

(*a*) no justice who is not a member of the panel shall sit as a member of any court of quarter sessions sitting for the exercise and performance of such powers and duties as aforesaid; and

(*b*) no such court shall be deemed to be properly constituted unless either the paid chairman, or a paid deputy chairman, is sitting as chairman thereof:

Provided that, if no other member of the panel is present, the paid chairman or a paid deputy chairman may sit and adjudicate alone; and

(*c*) the chairman of any such court shall have a second or casting vote.

(3) Any reference in this section to the paid chairman or to a paid deputy chairman of quarter sessions shall be construed as including a reference to a person appointed under section two of the Quarter Sessions (London) Act, 1896, to act temporarily in the office in question, and any reference in this Act to the chairman or to a deputy chairman of an appeal committee of quarter sessions shall be construed as a reference to the paid chairman or to a paid deputy chairman, as the case may be, including in either case a person so appointed as aforesaid.

59 & 60 Vict. c. 55.

Application of Act and construction of references.

9.—(1) Subject to the provisions of the next succeeding subsection, and unless in any particular case the context otherwise requires, the foregoing provisions of this Act shall apply in relation to every appeal which a person is authorised by or under any Act, including any local Act, to bring to a court of general or quarter sessions against a conviction, sentence, order, determination, or other decision of a court of summary jurisdiction.

(2) The provisions of sections seven and eight of this Act shall apply in relation to appeals under sections three hundred and one to three hundred and thirteen of the Lunacy Act, 1890, and under section ninety-seven of the Poor Law Act, 1930, but save as aforesaid none of the provisions of this Act shall apply in relation to such appeals.

(3) In the case of quarter sessions for a county, references in any Act, order, regulation, table of fees, or other document, to quarter sessions, to the chairman of quarter sessions, or to the clerk of the peace shall, in relation to appeals, be construed respectively as including references to the appeal committee, and any court exercising the functions of such a committee, to the chairman of that committee, and of any such court, or to the clerk of that committee and of any such court, as the case may be.

Repeals.

10. The enactments mentioned in the Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule, and any other provision in any Act, including any local Act, which is inconsistent with any provision in this Act shall also be repealed in so far as it relates to any appeal to which this Act applies.

Short title, commencement and extent.

11.—(1) This Act may be cited as the Summary Jurisdiction (Appeals) Act, 1933.

(2) This Act shall come into operation on the first day of January nineteen hundred and thirty-four:

Provided that, in the case of a decision given by a court of summary jurisdiction before the said date, an appeal against that decision may be brought within the time, and in accordance with the provisions as to notice of appeal and recognisances, which would have been applicable to such an appeal if this Act had not been passed.

(3) The provisions of this Act shall not extend to Scotland or Northern Ireland.

Section 10.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848.	In section twenty-seven the words from "and if upon any such appeal" to the end of the section.
12 & 13 Vict. c. 45.	The Quarter Sessions Act, 1849.	Section one, so far as it relates to appeals from courts of summary jurisdiction.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	Section thirty-two.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	In subsection (1) of section seven the words from "in the same manner" to the end of the subsection, and section twenty-one.
22 & 23 Geo. 5. c. 48.	The Town and Country Planning Act, 1932.	Subsection (2) of section thirty-nine.

CHAPTER 39.

An Act to provide for the humane and scientific slaughter of animals; and for purposes connected therewith. [28th July 1933.]

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:—

Provisions as to slaughter of certain animals in

1.—(1) No animal to which this section applies shall be slaughtered in a slaughter-house or knacker's yard except in accordance with the following provisions, that is to say, every such animal shall be instantaneously