

SCHEDULES

SCHEDULE 1

Section 5.

WORDS AND EXPRESSIONS DEFINED

Note: The years or dates which follow certain entries in this Schedule are relevant for the purposes of paragraph 4 of Schedule 2 (application to existing enactments).

Definitions

" Associated state " means a territory maintaining a status of association with the United Kingdom in accordance with the West Indies Act 1967. [16th February 1967]

" Bank of England " means, as the context requires, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England.

" Bank of Ireland " means, as the context requires, the Governor and Company of the Bank of Ireland or the bank of the Governor and Company of the Bank of Ireland.

" British Islands " means the United Kingdom, the Channel Islands and the Isle of Man. [1889]

" British possession " means any part of Her Majesty's dominions outside the United Kingdom ; and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed, for the purposes of this definition, to be one British possession. [1889]

" British subject " and " Commonwealth citizen " have the same meaning, that is—

- (a) a person who under the British Nationality Act 1948 is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in a country mentioned in section 1(3) of that Act is a citizen of that country; and
- (b) any other person who has the status of a British subject under that Act or any subsequent enactment.

" Building regulations ", in relation to England and Wales, means regulations made under section 61(1) of the Public Health Act 1936.

" Central funds ", in an enactment providing in relation to England and Wales for the payment of costs out of central funds, means money provided by Parliament.

" Charity Commissioners " means the Charity Commissioners for England and Wales referred to in section 1 of the Charities Act 1960.

" Church Commissioners " means the Commissioners constituted by the Church Commissioners Measure 1947.

" Colonial legislature ", and " legislature " in relation to a British possession, mean the authority, other than the Parliament of the United Kingdom or Her Majesty in Council, competent to make laws for the possession. [1889]

" Colony " means any part of Her Majesty's dominions outside the British Islands except—

- (a) countries having fully responsible status within the Commonwealth ;
- (b) territories for whose external relations a country other than the United Kingdom is responsible ;
- (c) associated states ;

Status: This is the original version (as it was originally enacted).

and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed for the purposes of this definition to be one colony. [1889] "Commencement", in relation to an Act or enactment, means the time when the Act or enactment comes into force.

" Committed for trial " means—

- (a) in relation to England and Wales, committed in custody or on bail by a magistrates' court pursuant to section 1 of the Magistrates' Courts Act 1952, or by any judge or other authority having power to do so, with a view to trial before a judge and jury ; [1889]
- (b) in relation to Northern Ireland, committed in custody or on bail by a magistrates' court pursuant to section 45 of the Magistrates' Courts Act (Northern Ireland) 1964, or by a court, judge, resident magistrate, justice of the peace or other authority having power to do so, with a view to trial on indictment. [1st January 1979]

" The Communities ", " the Treaties " or " the Community Treaties " and other expressions defined by section 1 of and Schedule 1 to the European Communities Act 1972 have the meanings prescribed by that Act.

" Comptroller and Auditor General " means the Comptroller-General of the receipt and issue of Her Majesty's Exchequer and Auditor-General of Public Accounts appointed in pursuance of the Exchequer and Audit Departments Act 1866.

" Consular officer " has the meaning assigned by Article 1 of the Vienna Convention set out in Schedule 1 to the Consular Relations Act 1968.

" The Corporation Tax Acts " means—

- (a) Parts X and XI of the Income and Corporation Taxes Act 1970;
- (b) all other provisions of that or any other Act relating to corporation tax or to any other matter dealt with in Part X or Part XI of that Act;
- (c) all the provisions of Part IV of the Finance Act 1965 and of any other enactment which, at the passing of the said Act of 1970, formed part of or was to be construed with the Corporation Tax Acts.

" County court " means—

- (a) in relation to England and Wales, a court held for a district under the County Courts Act 1959 ; [1846]
- (b) in relation to Northern Ireland, a court held for a division under the County Courts Act (Northern Ireland) 1959. [1889]

" Court of Appeal " means—

- (a) in relation to England and Wales, Her Majesty's Court of Appeal in England ;
- (b) in relation to Northern Ireland, Her Majesty's Court of Appeal in Northern Ireland.

" Court of summary jurisdiction ", " summary conviction " and " Summary Jurisdiction Acts ", in relation to Northern Ireland, have the same meanings as in Measures of the Northern Ireland Assembly and Acts of the Parliament of Northern Ireland.

" Crown Court " means—

- (a) in relation to England and Wales, the Crown Court constituted by section 4 of the Courts Act 1971;
- (b) in relation to Northern Ireland, the Crown Court constituted by section 4 of the Judicature (Northern Ireland) Act 1978.

" Crown Estate Commissioners " means the Commissioners referred to in section 1 of the Crown Estate Act 1961.

Status: This is the original version (as it was originally enacted).

" England " means, subject to any alteration of boundaries under Part IV of the Local Government Act 1972, the area consisting of the counties established by section 1 of that Act, Greater London and the Isles of Scilly. [1st April 1974].

" Financial year " means, in relation to matters relating to the Consolidated Fund, the National Loans Fund, or moneys provided by Parliament, or to the Exchequer or to central taxes or finance, the twelve months ending with 31st March. [1889]

" Governor-General " includes any person who for the time being has the powers of the Governor-General, and " Governor ", in relation to any British possession, includes the officer for the time being administering the government of that possession. [1889]

" High Court " means—

- (a) in relation to England and Wales, Her Majesty's High Court of Justice in England;
- (b) in relation to Northern Ireland, Her Majesty's High Court of Justice in Northern Ireland.

" The Income Tax Acts " means all enactments relating to income tax, including any provisions of the Corporation Tax Acts which relate to income tax.

" Land " includes buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land. [1st January 1979].

" Lands Clauses Acts " means—

- (a) in relation to England and Wales, the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860, and any Acts for the time being in force amending those Acts ; [1889]
- (b) in relation to Scotland, the Lands Clauses Consolidation (Scotland) Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860, and any Acts for the time being in force amending those Acts ; [1889]
- (c) in relation to Northern Ireland, the enactments defined as such by section 46(1) of the Interpretation Act (Northern Ireland) 1954. [1889]

" Local land charges register ", in relation to England and Wales, means a register kept pursuant to section 3 of the Local Land Charges Act 1975, and " the appropriate local land charges register " has the meaning assigned by section 4 of that Act.

" London borough " means a borough described in Schedule 1 to the London Government Act 1963, " inner London borough " means one of the boroughs so described and numbered from 1 to 12, and " outer London borough " means one of the boroughs so described and numbered from 13 to 32, subject (in each case) to any alterations made under Part IV of the Local Government Act 1972.

" Lord Chancellor " means the Lord High Chancellor of Great Britain.

" Magistrates' court " has the meaning assigned to it—

- (a) in relation to England and Wales, by section 124 of the Magistrates' Courts Act 1952 ;
- (b) in relation to Northern Ireland, by section 1 of the Magistrates' Courts Act (Northern Ireland) 1964.

" Month " means calendar month. [1850]

" National Debt Commissioners " means the Commissioners for the Reduction of the National Debt.

" Northern Ireland legislation " has the meaning assigned by section 24(5) of this Act. [1st January 1979]

" Oath " and " affidavit " include affirmation and declaration, and " swear " includes affirm and declare.

" Ordnance Map " means a map made under powers conferred by the Ordnance Survey Act 1841 or the Boundary Survey (Ireland) Act 1854.

Status: This is the original version (as it was originally enacted).

" Parliamentary Election " means the election of a Member to serve in Parliament for a constituency. [1889]

" Person " includes a body of persons corporate or unincorporate. [1889]

" Police area ", " police authority " and other expressions relating to the police have the meaning or effect described—

(a) in relation to England and Wales, by section 62 of the Police Act 1964;

(b) in relation to Scotland, by sections 50 and 51(4) of the Police (Scotland) Act 1967.

" The Privy Council " means the Lords and others of Her Majesty's Most Honourable Privy Council.

" Registered medical practitioner " means a fully registered person within the meaning of the Medical Act 1956. [1st January 1979]

" Rules of Court " in relation to any court means rules made by the authority having power to make rules or orders regulating the practice and procedure of that court, and in Scotland includes Acts of Adjournal and Acts of Sederunt; and the power of the authority to make rules of court (as above defined) includes power to make such rules for the purpose of any Act which directs or authorises anything to be done by rules of court. [1889]

" Secretary of State " means one of Her Majesty's Principal Secretaries of State.

" Sheriff ", in relation to Scotland, includes sheriff principal. [1889]

" Statutory declaration

" means a declaration made by virtue of the Statutory Declarations Act 1835.

" Supreme Court " means—

(a) in relation to England and Wales, the Court of Appeal and the High Court together with the Crown Court;

(b) in relation to Northern Ireland, the Supreme Court of Judicature of Northern Ireland.

" The Tax Acts " means the Income and Corporation Taxes Act 1970 and all other provisions of the Income Tax Acts and the Corporation Tax Acts. [12th March 1970]

" The Treasury " means the Commissioners of Her Majesty's Treasury.

" United Kingdom " means Great Britain and Northern Ireland. [12th April 1927]

" Wales " means, subject to any alteration of boundaries made under Part IV of the Local Government Act 1972, the area consisting of the counties established by section 20 of that Act. [1st April 1974]

" Water authority ", in relation to England and Wales, means an authority established in accordance with section 2 of the Water Act 1973 ; and " water authority area ", in relation to any functions of such an authority, means the area in respect of which the water authority are for the time being to exercise those functions.

" Writing " includes typing, printing, lithography, photography and other modes of representing or reproducing words in a visible form, and expressions referring to writing are construed accordingly.

Construction of certain expressions relating to children

In relation to England and Wales the following expressions and references, namely—

(a) the expression " the parental rights and duties ";

(b) the expression "legal custody" in relation to a child (as defined in the Children Act 1975); and

(c) any reference to the person with whom a child (as so defined) has his home,

are to be construed in accordance with Part IV of that Act. [12th November 1975]

Status: This is the original version (as it was originally enacted).

Construction of certain expressions relating to offences

In relation to England and Wales—

- (a) " indictable offence " means an offence which, if committed by an adult, is triable on indictment, whether it is exclusively so triable or triable either way ;
- (b) " summary offence" means an offence which, if committed by an adult, is triable only summarily;
- (c) " offence triable either way" means an offence which, if committed by an adult, is triable either on indictment or summarily;

and the terms " indictable ", " summary " and " triable either way ". in their application to offences, are to be construed accordingly. In the above definitions references to the way or ways in which an offence is triable are to be construed without regard to the effect, if any, of section 23 of the Criminal Law Act 1977 on the mode of trial in a particular case.