

SCHEDULES

FIRST SCHEDULE

Section 2.

AMENDMENTS IN DEFENCE REGULATIONS

Regulation 55 of the Defence (General) Regulations, 1939

1 For so much of paragraph (1) as precedes sub-paragraph (e) thereof there shall be substituted the following—

“(1) A competent authority may by order provide—

- (a) for imposing in respect of the movement, transport, disposal or acquisition of any article situated outside the United Kingdom, or in respect of the re-export of any article from the United Kingdom, or in respect of the construction of ships, such prohibitions or restrictions as appear to the competent authority to be expedient having regard to any agreement or arrangement concluded in respect of defence matters, or any consultations held in respect of such matters, between Her Majesty's Government in the United Kingdom and the government of any country outside the United Kingdom;
- (b) for imposing in respect of the disposal, acquisition or possession of articles of any description under hire-purchase agreements or credit-sale agreements, or under agreements for letting on hire, such prohibitions or restrictions as appear to the competent authority to be required for restricting excessive credit;
- (c) for regulating or prohibiting, so far as appears to the competent authority to be required having regard to any scheme administered by any government department for the provision of any welfare food—
 - (i) the acquisition, treatment, keeping, storage, transport, distribution, disposal, use or consumption of any welfare food other than liquid milk ;
 - (ii) the disposal, use or consumption of liquid milk ;
- (d) where it appears to the competent authority, and is so declared in the order, that a shortage of articles of any description essential to the wellbeing of the community or to national defence, being a shortage such as to threaten that wellbeing or defence, has arisen or is expected as the result of measures taken by the government of any country outside the United Kingdom or as the result of other special circumstances arising in any such country, for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of any articles of that description or of any substitute for any such article”.

Status: This is the original version (as it was originally enacted).

- 2 In paragraph (1F) after the word " shall" in the first place where that word occurs, there shall be inserted the words " in the case of an order made wholly or partly by virtue of sub-paragraph (d) of that paragraph. " .
- 3 In paragraph (5), the words from " and any such " onwards shall be omitted.
- 4 In paragraph (6), in the sub-paragraph commencing "breach of the control", for the words from "any provision" onwards there shall be substituted the words " any provision of any order under this Regulation for the time being in force, being a provision such as is mentioned in any of sub-paragraphs (a) to (d) of paragraph (1) of this Regulation " ; and after the sub-paragraph commencing as aforesaid there shall be inserted the following—
- “ ' credit-sale agreement ' means an agreement for the sale of goods in which the whole or part of the purchase price is payable by instalments, whether the agreement is absolute or conditional;
- ' hire-purchase agreement ' means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, whether on the performance of any act by the parties to the agreement or any of them or in any other circumstances ;
- ' welfare food ' means liquid milk, dried milk, concentrated orange juice, cod liver oil or vitamin tablets.”
- 5 At the end of paragraph (7) there shall be inserted the following—
- “(b) for the reference in sub-paragraph (b) of paragraph (1) to hire-purchase agreements there shall be substituted a reference to contracts to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies by virtue of paragraph (a) of section one of that Act, or would so apply ,if the limitation as to value contained in the said paragraph (a) were omitted ; and so much of paragraph (6) as defines ' hire-purchase agreement' shall not apply.”

Regulation 55aa of the Defence (General) Regulations, 1939

- 6 In paragraph (1)—
- (a) the words " so far as appears to that authority to be necessary so to do for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945 " shall be omitted ;
- (b) after the word "undertakings" in the first place where that word occurs there shall be inserted the words " being an undertaking or class or description of undertakings concerned with articles in relation to which an order is for the time being in force under Regulation 55 or 55ab of these Regulations, with medical supplies required for the purposes of the National Health Service Acts, 1946 to 1952, or the National Health Service (Scotland) Acts, 1947 to 1953, or with services required for the purposes of the said Acts " :
- (c) the sub-paragraph commencing with the words " A competent authority " in the last place where those words occur, shall be omitted.
- 7 In paragraph (2)—
- (a) the words " for any of the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945," shall be omitted ; and

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

(b) at the end of sub-paragraph '(c) there shall be added the words " in connection with any of these Regulations or any order made or direction given thereunder ".

8 In paragraph (6), in the sub-paragraph commencing " competent authority " the words " delegation from or " shall be omitted ; and after the sub-paragraph commencing " designated officer " there shall be inserted the following—

“ medical supplies ' includes surgical, derital and optical materials and equipment”.

Regulation 55ab of the Defence (General) Regulations, 1939

9 In paragraph (1), for the words " goods of any description or the charges to be made for services of any description " there shall be substituted the words "any of the following goods, that is to say—

- (a) liquid milk;
- (b) any other welfare food in relation to which an order under Regulation 55 of these Regulations is for the time being in force ;
- (c) medical supplies ;
- (d) any goods in relation to which an order under the said Regulation 55 made wholly or partly by virtue of sub-paragraph (d) of paragraph (1) of that Regulation is for the time being in force ".

10 In paragraph (5) after the word " order " there shall be inserted the words " in relation to any goods in relation to which an order under the said Regulation 55 made wholly or partly by virtue of sub-paragraph (d) of paragraph (1) of that Regulation is for the time being in force ".

11 In paragraph (7), after the word "State" there shall be inserted the words " the Board of Trade, the Minister of Supply " and the words from " and any such " onwards shall be omitted.

12 In paragraph (8)—

(a) after the sub-paragraph commencing " commission" there shall be inserted the following—

“ medical supplies ' includes surgical, dental and optical materials and equipment”;

(b) after the sub-paragraph commencing " undertaking" there shall be inserted the following—

“ welfare food ' means liquid milk, dried milk, concentrated orange juice, cod liver oil or vitamin tablets”.

13 Paragraph (9) shall be omitted.

Part V of the Defence (General) Regulations, 1939

14 In Regulation 83, there shall be added at the end the words " and any person who contravenes this Regulation shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine. "

15 For Regulation 91 there shall be substituted the following—

“91 (1) Where an offence under any of these Regulations committed by a body corporate is proved to have been committed with the consent or connivance

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

of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In this Regulation, the expression "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate."

16 In Regulation 99, after (the words "President of the Board" there shall be inserted the words "any Minister of State with duties concerning the affairs of the Board".

The Defence (Finance) Regulations, 1939

17 In paragraph (1) of Regulation 2a, for the words from the beginning to the word "war" there shall be substituted the words "Where the Treasury are satisfied that action to the detriment of the economic position of the United Kingdom is being, or is likely to be, taken by the government of, or persons resident in, any country or territory outside the United Kingdom. "

18 In Regulation 10—

- (a) in paragraph (1), after the words "as if" there shall be inserted the words "the Channel Islands and";
- (b) paragraph (3) shall be omitted.

General

19 For any reference in any of the Regulations continued in force by section two of this Act to the Army Act or to the Air Force Act there shall be substituted a reference to the Army Act, 1955, or, as the case may be, to the Air Force Act, 1955, or, where the context permits, air-force law.