RESERVE AND AUXILIARY FORCES

1953 No. 197

The Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order, 1953

Made - - - -	11*th February*, 1953
Laid before Parliament	12*th February*, 1953
Coming into Operation	20*th February*, 1953

At the Court at Buckingham Palace, the 11th day of February, 1953

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section sixty-five of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

GENERAL

1.—(1) This Order may be cited as the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order, 1953, and shall come into operation on the twentieth day of February, 1953.

(2) In this Order, "the Act" means the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.

(3) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

PART II

EXTENSION OF THE ACT TO NORTHERN IRELAND

2.—(1) The following provisions of the Act shall extend to Northern Ireland, with the additions, exceptions and modifications set out in Part III of this Order, that is to say:—

(*a*) in Part I, sections two to six and section thirteen;

(*b*) in Part II, sections fourteen to twenty, twenty-two, twenty-three and twenty-five;

(*c*) in Part III, sections twenty-seven to thirty-six;

(*d*) Part IV, Part V except section forty-nine and Part VI;

(*e*) in Part VII, sections sixty, sixty-one and sixty-four;

(*f*) the First, Second and Third Schedules.

(2) The said provisions of the Act shall, subject to the provisions as to retrospection contained in sections forty-four, fifty-three and fifty-eight thereof, have effect in Northern Ireland as from the twentieth day of February, 1953.

(a) 14 & 15 Geo. 6. c. 65. (b) 52 & 53 Vict. c. 63.

PART III

ADDITIONS AND EXCEPTIONS TO, AND MODIFICATIONS OF THE ACT IN ITS APPLICATION TO NORTHERN IRELAND

3.—(1) Any reference to the Crown shall include a reference to the Crown in right of Her Majesty's Government in Northern Ireland; any reference to His Majesty in right of His Government in the United Kingdom shall include a reference to Her Majesty in right of Her Government in Northern Ireland; any reference, however expressed, to a Department, Board in charge of any Department, Council or other Authority of the Government of the United Kingdom shall be construed as a reference to such Department, Board, Council or other Authority in so far as any powers or duties thereof are exercisable in Northern Ireland; any reference to a Minister of the Crown shall include a reference to a Minister of Northern Ireland; any reference to a Government department shall include a reference to a department of the Government of Northern Ireland; any reference to a Minister or Board in charge of any Government department shall, in relation to a department of the Government of Northern Ireland, include a reference to a Secretary, Assistant Secretary or other officer authorised to exercise any powers or perform any duties of such department by virtue of the Ministries of Northern Ireland Act, 1921 [N.I.](a).

(2) Any reference to moneys provided by Parliament shall be construed as including a reference to moneys provided by the Parliament of Northern Ireland; any reference to the Exchequer shall be construed as including a reference to the Exchequer of Northern Ireland.

(3) For any reference to the Lord Chancellor there shall be substituted a reference to the Lord Chief Justice of Northern Ireland; for any reference to the Court of Appeal there shall be substituted a reference to the Court of Appeal in Northern Ireland.

(4) Any reference, however expressed, to an enactment shall be construed as including a reference to an enactment of the Irish Parliament or the Parliament of Northern Ireland.

(5) For any reference to the commencement of the Act there shall be substituted a reference to the coming into operation of this Order, that is to say to the twentieth day of February, 1953.

(6) The provisions of this Article shall apply to the interpretation of any provisions which by virtue of this Order are added to or substituted for any of the provisions of the Act.

4. In section two—

(*a*) in paragraph (*d*) of subsection (1), for the reference to sections nineteen to twenty-seven of the Matrimonial Causes Act, 1950(b), there shall be substituted a reference to sections four and five of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1951(c); and the words "or under subsection (2) of section three or subsection (4) of section five of the Guardianship of Infants Act, 1925" shall be excepted;

(*b*) in subsection (6), for the references to an exempt private company and to subsection (4) of section one hundred and twenty-nine of the Companies Act, 1948(d), there shall be substituted references to a private company and to subsection (1) of section twenty-six of the Companies Act (Northern Ireland), 1932(e), respectively.

(a) 12 Geo. 5. c. 6 (N.I.).
(b) 14 Geo. 6. c. 25.
(c) 1951, c. 7 (N.I.).
(d) 11 & 12 Geo. 6. c. 38.
(e) 22 & 23 Geo. 5. c 7 (N.I.).

5. In subsection (9) of section three for the words "bankruptcy notice" there shall be substituted the words "debtor summons".

6. In section four—

(*a*) in subsection (2) for the reference to paragraph (*a*) of the First Schedule to the Rent Act of 1933 there shall be substituted a reference to paragraph (*a*) of subsection (1) of section five of the Rent Act of 1920 as amended by section four of the Rent Act of 1925 and paragraph (*a*) of subsection (1) of section eight of the Rent Act of 1940;

(*b*) in subsection (6) for the reference to section twenty-one of the Hire Purchase Act, 1938(**a**), there shall be substituted a reference to section twenty-one of the Hire Purchase Act (Northern Ireland), 1940(**b**).

7. In section five—

(*a*) in subsection (1), for the words "England and Wales" there shall be substituted the words "Northern Ireland";

(*b*) for subsection (6) there shall be substituted the following subsection:—

"(6) Any rule made under this section by the Lord Chief Justice of Northern Ireland shall, whether or not it relates to a matter in respect of which the Parliament of Northern Ireland has power to make laws, be deemed to be a statutory rule to which the Rules Publication Act (Northern Ireland), 1925(**c**), applies, and shall be printed and published accordingly.".

8. In subsection (1) of section six, for the reference to a sheriff there shall be substituted a reference to an under-sheriff; and for the definition of "lease" there shall be substituted the following definition:—

"'lease' includes a fee farm grant, and any contract of tenancy whatsoever, and the expression 'lessee' shall be construed accordingly;".

9. Subsection (6) of section thirteen shall be excepted.

10. Paragraph (*a*) of subsection (2) of section fourteen shall be excepted.

11. For section fifteen there shall be substituted the following section:—

"Protection of tenure of furnished, and certain other, rented premises, by extension of the Rent Acts.

15.—(1) Subject to subsection (2) of the last preceding section, where at any time during a service man's period of residence protection—

(*a*) the rented family residence is let under the tenancy qualifying for protection either on terms which include payment for the use of furniture or for services, whether or not, in the case of such a tenancy of part of a house, the lessee is entitled, in addition to exclusive occupation thereof, to the use in common with any other person of other rooms or accommodation in the house, or on terms of sharing with the lessor, and

(*b*) a notice to quit has been served by the lessor on the lessee (whether after or before the beginning of the period of protection) and the notice has not expired,

the lessee or some other person on his behalf may, at any time before the expiry of the period at the end of which the notice takes effect, apply to a Rents Tribunal constituted under the

(a) 1 & 2 Geo. 6. c. 53. (b) 4 & 5 Geo. 6. c. 10 (N.I.).
(c) 15 & 16 Geo. 5. c. 6 (N.I.).

Excessive Rents (Prevention) Act (Northern Ireland), 1941(a), as extended by section one of the Rent Act of 1943 for an extension of that period.

(2) Notwithstanding anything contained in the Rent Restrictions Acts an application may be made under this section in respect of a tenancy which commenced before the first day of September, nineteen hundred and thirty-nine.

(3) On an application being made under this section—

(*a*) the notice to quit to which the application relates shall not, unless the application is withdrawn, have effect before the determination of the application;

(*b*) a Rents Tribunal, after making such inquiry as they think fit and giving to each party an opportunity of being heard, or, at his option, of submitting representations in writing, may direct that the notice to quit shall not have effect until the end of such period, not exceeding three months from the date at which the notice to quit would have effect apart from the direction, as may be specified in the direction;

(*c*) if a Rents Tribunal refuse a direction under this section, the notice to quit shall not have effect before the expiration of seven days from the determination of the application.

(4) On coming to a determination on an application under this section the Tribunal shall notify the parties of their determination.

(5) Where on an application under this section, a Rents Tribunal has refused a direction under subsection (3) thereof, no subsequent application under this section shall be made in relation to the same notice to quit.

(6) Subsection (3) of section one of the Excessive Rents (Prevention) Act (Northern Ireland), 1941, shall not apply in relation to a determination of a Rents Tribunal on an application made under this section.

(7) In paragraph (*a*) of subsection (1) of this section—

(*a*) the expression 'services' includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a house or part of a house, not being a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation;

(*b*) the reference to a letting on terms of sharing with the lessor is a reference to a letting under which—

(i) the lessee has the exclusive occupation of some accommodation (hereafter in this subsection referred to as 'the separate accommodation');

(ii) he has the use of other accommodation in common with the lessor or with the lessor and other persons; and

(iii) the accommodation mentioned in the last preceding sub-paragraph is or includes accommodation of such a nature that the circumstance specified in that sub-paragraph is sufficient to prevent the separate accommodation from being a dwelling-house to which the Rent Restrictions Acts apply, whether apart from that circumstance it would be such a dwelling-house or not.

(a) 5 & 6 Geo. 6. c. 20 (N.I.).

(8) Subject to subsection (2) of the last preceding section, where at any time during a service man's period of residence protection the rented family residence is let as mentioned in paragraph (*a*) of subsection (1) of this section and a notice to quit has been served as aforesaid and has not expired, the subsistence of a Crown interest in the premises shall not affect the application of this section in relation to the notice to quit, if the reversion immediately expectant on the tenancy in question is not a Crown interest.".

12. In section sixteen—

(*a*) in subsection (2)—

(i) for the reference in paragraph (*a*) to the Rent Act of 1939 there shall be substituted a reference to the Rent Act of 1940;

(ii) for paragraph (*b*) there shall be substituted the following paragraph:—

"(*b*) that those premises are such a dwelling-house as is mentioned in section seven of the Rent Act of 1951;";

(iii) paragraph (*d*) shall be excepted;

(iv) in paragraph (*e*) after the words "Rent Act of 1920" there shall be inserted the words "and subsection (4) of section three of the Rent Act of 1940";

(*b*) in subsection (4), paragraph (*b*) shall be excepted;

(*c*) in paragraph (*b*) of subsection (5), the words "(in such form as may be prescribed by the Minister of Local Government and Planning by statutory instrument)" shall be excepted;

(*d*) for subsection (7) there shall be substituted the following subsection:—

"(7) For the purposes of the said paragraph (*c*) the tribunal shall be a Rents Tribunal constituted under the Excessive Rents (Prevention) Act (Northern Ireland), 1941, as extended by section one of the Rent Act of 1943.";

(*e*) in subsection (8) before the word "Section" where it first occurs there shall be inserted the words "The provisions of" and at the end of the said subsection there shall be added the words "as if those provisions extended to Northern Ireland".

13. For section seventeen there shall be substituted the following section:—

"Provisions supplementary to section sixteen in case of rented premises which include accommodation shared otherwise than with the landlord.

17.—(1) Where at any time during a service man's period of residence protection a tenancy qualifying for protection ends as mentioned in paragraph (*a*) of subsection (1) of the last preceding section, and immediately before the ending of the tenancy—

(*a*) the tenant under the terms of the tenancy had the exclusive occupation of some accommodation (in this section referred to as 'the separate accommodation') and had the use of other accommodation in common with another person or other persons, not being or including the landlord; but

(*b*) by reason only of such circumstances as are mentioned in subsection (2) of the last preceding section, the separate accommodation would not apart from this section be a dwelling-house to which the Rent Restrictions Acts apply,

then subject to the next succeeding subsection the Rent Restrictions Acts shall during the remainder of the period of protection

apply in relation to the separate accommodation as if the circumstances referred to in paragraph (*b*) of this subsection did not exist, and had not existed immediately before the ending of the tenancy.

(2) As regards any period during which the Rent Restrictions Acts apply as mentioned in the last preceding subsection—

(*a*) if the said circumstances did not include the circumstances mentioned in paragraph (*e*) of subsection (2) of the last preceding section, the standard rent of the separate accommodation shall be the rent payable in respect of the tenancy immediately before its ending;

(*b*) if the said circumstances did include the circumstances mentioned in the said paragraph (*e*), then for ascertaining the standard rent of the separate accommodation the provisions of subsections (5) to (8) of the last preceding section shall apply with the necessary modifications.".

14. In section eighteen—

(*a*) in subsection (2)—

(i) in paragraph (*a*), the words " and section one of the Rent Act of 1949 shall not apply " shall be excepted,

(ii) after the words " Rent Act of 1920 " there shall be inserted the words " and subsection (4) of section three of the Rent Act of 1940 ";

(*b*) paragraph (*a*) of subsection (3) shall be excepted ; and

(*c*) subsection (6) shall be excepted.

15. In section nineteen—

(*a*) in subsection (2) for the words " paragraph (*h*) of the First Schedule to the Rent Act of 1933 " there shall be substituted the words " section six of the Rent Act of 1951 ";

(*b*) for subsection (3) there shall be substituted the following subsection:—

" (3) In the application to any premises of the Rent Restrictions Acts as mentioned in the last preceding subsection, they shall have effect with the substitution for references to the passing or commencement of the Rent Act of 1920 or of the Rent Act of 1940, of references to the beginning of the statutory tenancy referred to in paragraph (*a*) of subsection (1) of this section.";

(*c*) in subsection (4) after the words " Rent Act of 1920 " there shall be inserted the words " and subsection (3) of section three of the Rent Act of 1940 ";

(*d*) in subsection (5) after the words " Rent Act of 1920 " there shall be inserted the words " and the Rent Act of 1940 "; and

(*e*) subsection (6) shall be excepted.

16. In section twenty—

(*a*) in subsection (1) the words " (or, in the case of a policeman service man, the carrying out of his police duties) " shall be excepted, and for the words " paragraph (*a*) of the First Schedule to the Rent Act of 1933 " there shall be substituted the words " paragraph (*a*) of subsection (1) of section five of the Rent Act of 1920 (as amended by section four of the Rent Act of 1925) and paragraph (*a*) of subsection (1) of section eight of the Rent Act of 1940 ";

(*b*) in subsection (2) for the words " Paragraph (*g*) of the said First Schedule " there shall be substituted the words " Subsection (3) of section two of the Rent Act of 1943 as amended by section six of the Rent Act of 1951 ";

(*c*) in subsection (3) for the words " the said First Schedule " there shall be substituted the words " the said subsection (3) of section two of the Rent Act of 1943 as amended by section six of the Rent Act of 1951 " ; the words " or development corporation " in paragraph (*a*) and paragraph (*b*) thereof shall be excepted ; and in the proviso to the said subsection for the words " subsection (1) of section three of the Rent Act of 1933 " there shall be substituted the words " section five of the Rent Act of 1920 (as amended by section four of the Rent Act of 1925) and section eight of the Rent Act of 1940 " ; and

(*d*) for subsection (4) there shall be substituted the following subsection:—

" (4) In the last preceding subsection the following expressions have the meanings hereby respectively assigned to them, that is to say:—

' statutory undertakers ' means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of electricity, gas, hydraulic power or water, and ' statutory undertaking ' shall be construed accordingly ;

' local authority ' means the council of any county, county or other borough, or urban or rural district, or the commissioners of any town not being an urban district or the Belfast City and District Water Commissioners, and includes a local authority in their capacity as a public authority for the purposes of any enactment, a committee of a local authority, or a joint board or joint committee of more than one local authority ;

' public utility functions ' means powers or duties conferred or imposed by or under any enactment being powers or duties to carry on a statutory undertaking (as defined in this subsection) or to provide public sewers or provide for the disposal of sewage or being powers or duties of a drainage authority within the meaning of the Drainage Acts (Northern Ireland), 1925 to 1947, or the Erne Drainage and Development Act (Northern Ireland), 1950(a).".

17. In section twenty-two—

(*a*) in subsection (1) for the words " a rent tribunal under the Furnished Houses (Rent Control) Act, 1946 ", there shall be substituted the words " a Rents Tribunal under the Excessive Rents (Prevention) Act (Northern Ireland), 1941, as extended by section one of the Rent Act of 1943 " ; and

(*b*) subsections (4), (5) and (6) shall be excepted.

18. In subsection (1) of section twenty-three (which relates to the interpretation of certain expressions) the following shall be excepted:—

" agricultural land ", " policeman service man ", " police force ", and " relevant police authority ".

19. In subsection (5) of section twenty-five the words " and subsection (1) of section eleven " shall be excepted.

(a) 1950, c. 15 (N.I.).

20. In section twenty-seven—

(*a*) in the proviso to subsection (1) the words "within the meaning of the Agricultural Holdings Act, 1948" and the words "or if the expiring tenancy was granted in pursuance of subsection (2) of section four of the War Damaged Sites Act, 1949" shall be excepted;

(*b*) in subsection (5), after the words "the Companies Act, 1948" there shall be inserted the words "or in relation to a company registered in Northern Ireland, the Companies Act (Northern Ireland), 1932"; and after paragraph (*c*) there shall be inserted the following new paragraph:—

"(*d*) the expression 'agricultural holding' means any agricultural land within the meaning of the Agriculture Act (Northern Ireland), 1949(**a**), comprised in a contract of tenancy, not being a contract in which the said land is let to the tenant during his continuance in any office, appointment or employment held under the landlord.";

(*c*) in subsection (6), for any references to section forty-five of the Finance (1909-10) Act, 1910(**b**), there shall be substituted references to the said section forty-five of the said Act as amended by section four of the Revaluation (Consequential Provisions) Act (Northern Ireland), 1936(**c**); and for the reference to the Commissioners of Customs and Excise there shall be substituted a reference to the Ministry of Finance for Northern Ireland.

21. In section twenty-nine—

(*a*) in paragraph (*b*) of subsection (2), the words "by statutory instrument" shall be excepted;

(*b*) in subsection (6) before the word "Section" where it first occurs there shall be inserted the words "The provisions of", and at the end of the said subsection there shall be added the words "as if those provisions extended to Northern Ireland"; and

(*c*) after subsection (6) there shall be added the following new subsection:—

"(7) Any regulation made under this section by the Lord Chief Justice of Northern Ireland shall, whether or not it relates to a matter in respect of which the Parliament of Northern Ireland has power to make laws, be deemed to be a statutory rule to which the Rules Publication Act (Northern Ireland), 1925, applies, and shall be printed and published accordingly.".

22. In section thirty—

(*a*) in subsection (4) for the words "(as defined in the Town and Country Planning Act, 1947), by statutory undertakers (as so defined) or by a development corporation (as defined in the New Towns Act, 1946)" there shall be substituted the words "or statutory undertakers as defined in subsection (4) of section twenty of this Act"; and

(*b*) subsection (6) shall be excepted.

23. In section thirty-two, subsection (3) shall be excepted.

24. For section forty-one there shall be substituted the following section:—

"Treatment of service to which Part IV applies for pension purposes.

41.—(1) Where a person immediately before he enters upon service of a description specified in the First Schedule to this Act is a civil servant or is serving in an unestablished capacity in the civil service, then, the period of that service and such further period, if any, after the termination thereof, subject as

(a) 1949, c .2 (N.I.). (b) 10 Edw. 7 & 1 Geo. 5. c. 8.
(c) 26 Geo. 5 & 1 Edw. 8. c. 11 (N.I.).

hereafter in this subsection provided shall be treated for the purposes of the Superannuation Acts (Northern Ireland) for the time being in force as service as a civil servant or in an unestablished capacity in the civil service:

Provided that this subsection shall not apply unless—

(*a*) the person concerned enters upon such service as aforesaid with the consent of the head officer of the Department in which he is employed; and

(*b*) resumes his employment in the civil service immediately after the termination of such service as aforesaid or within such further period thereafter as the Ministry of Finance may in any particular case allow.

(2) Where a person who has been successful in a competitive examination for posts in the permanent civil service of Northern Ireland or who has been nominated by a government department with the approval of the Ministry of Finance for appointment to such a post enters upon service of a description specified in the First Schedule to this Act before becoming a civil servant, then, so much of the period of such service as falls after the date on which, but for such service, he would have become a civil servant and any further period of such service shall be treated for the purposes of the Superannuation Acts (Northern Ireland) for the time being in force, as service as a civil servant.

In this subsection the expression 'any further period of such service' means, in relation to any person to whom this subsection applies, any further period exceeding the period of the original engagement during which with the consent of the head officer of his Department he continues in such service.

(3) Where a person immediately before he enters upon service of a description specified in the First Schedule to this Act is employed in one or more than one office pensionable under—

(*a*) any of the enactments set out in the first column of the Second Schedule to the Local Government (Superannuation) Act (Northern Ireland), 1950(**a**), or under any such enactments as extended or applied by any of the enactments set out in the second column of that Schedule; or

(*b*) any local Act which makes provision for the superannuation of any officers of a local authority,

then, the period of his service of a description specified in the First Schedule to this Act shall be treated as service which is reckonable for pension under those enactments as if he had remained in the employment in which he was engaged immediately before he undertook that service.

(4) Where a person immediately before he enters upon service of a description specified in the First Schedule to this Act either—

(*a*) is an officer of a local authority or is in any other employment by virtue of which he is for the time being entitled to participate in superannuation benefits provided under any regulations or scheme made under the Local Government (Superannuation) Act (Northern Ireland), 1950; or

(a) 1950, c. 10 (N.I.).

(*b*) is a person entitled to participate in superannuation benefits provided under regulations made under section sixty-one of the Health Services Act (Northern Ireland), 1948(**a**) ; or

(*c*) is employed in contributory or recognised service within the meaning of the Teachers (Superannuation) Acts (Northern Ireland), 1950 and 1951(**b**), or is so circumstanced that he is treated for any of the purposes of those Acts as engaged in a period of contributory or recognised service,

then, for the purposes of any regulations or scheme made under any of the enactments referred to in paragraph (*a*) or (*b*) or the enactments referred to in paragraph (*c*) of this subsection the period of that service and such further period, if any, after the termination thereof, as may be specified in any scheme or regulations made under any of the said enactments shall be treated as service which is reckonable for superannuation benefits as if the person concerned had remained in the employment in which he was engaged immediately before he undertook that service and any such regulations or scheme may make provision accordingly.

(5) The appropriate Ministry may make rules for securing that, where a person undertakes service of a description specified in the First Schedule to this Act—

(*a*) the same period of time shall not be reckoned both for the purposes of any superannuation benefits which may become payable to or in respect of him by virtue of any provisions of this section and also for the purposes of naval, military or air force service retired pay, service pension, or service gratuity ; and

(*b*) for the purpose of computing any superannuation benefits which may become payable as aforesaid, that person shall be treated as having received during the period of that service the remuneration which he would have received if he had remained in the employment in which he was engaged immediately before he undertook that service.

(6) The appropriate Ministry for the purpose of the preceding subsection shall be—

(*a*) in relation to persons referred to in subsections (1) and (2) of this section, the Ministry of Finance ;

(*b*) in relation to persons referred to in subsection (3) and in paragraph (*a*) of subsection (4) of this section, the Ministry of Health and Local Government, and in relation to persons referred to in paragraph (*b*) of subsection (4) of this section, the Ministry of Health and Local Government acting with the consent of the Ministry of Finance ;

(*c*) in relation to persons referred to in paragraph (*c*) of subsection (4) of this section, the Ministry of Education acting with the consent of the Ministry of Finance,

and the preceding subsection shall be construed accordingly.

(7) The provisions of the Superannuation Schemes (War Service) Act (Northern Ireland), 1941(**c**), shall apply in relation to persons who cease to follow their employment after the period of the

(**a**) 1948, c. 3 (N.I.). (**b**) 1950, c. 33 (N.I.) and 1951, c. 28 (N.I.).
(**c**) 5 & 6 Geo. 6. c. 6 (N.I.).

present emergency (as defined in the said Act) in order to undertake service of a description specified in the First Schedule to this Act as they apply in relation to persons who cease to follow their employment during the period of the present emergency (as so defined) in order to undertake service in any of the naval, military or air forces of the Crown.".

25.—(1) For subsection (1) of section forty-two there shall be substituted the following subsections:—

"(1) Section ten of the Fire Services (Amendment) Act (Northern Ireland), 1950(**a**) (which relates to the pensions of officers, fire officers and firemen employed by the Northern Ireland Fire Authority) shall have effect as if, after subsection (3) thereof, there were inserted the following subsection:—

'(3A) An order made under subsection (1) of this section may provide where a person, immediately before he undertakes service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or attends for hourly instruction as defined in section forty-two of that Act, is an officer, fire officer or fireman employed by the Authority, for treating the period of such service or instruction and such further period, if any, as may be specified in the order, on such conditions, if any, as may be so specified, as service in the employment of the Authority.',

(2) Section thirteen of the Fire Services (Amendment) Act (Northern Ireland), 1950 (which relates to the pensions of fire officers and firemen employed by the council of the county borough of Belfast) shall have effect as if after subsection (2) thereof there were inserted the following subsection:—

'(3) A scheme established under this section may provide, where any fire officer or fireman employed by the Council undertakes service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or attends for hourly instruction as defined in section forty-two of that Act, for treating the period of such service or instruction and such further period, if any, as may be specified in the scheme, on such conditions, if any, as may be so specified, as service in the employment of the Council.'".

(2) Subsection (2) of section forty-two shall stand as subsection (3).

26. For section forty-three there shall be substituted the following section:—

"Provisions as to police pensions.

43.—(1) Section two of the Constabulary (Pensions) Act (Northern Ireland), 1949(**b**), shall have effect as if after subsection (2) thereof, there were inserted the following subsection:—

'(3) The said power shall include power to provide where a person, immediately before he undertakes service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or attends for hourly instruction as defined in section forty-two of that Act, is a member of the Royal Ulster Constabulary, for treating the period of such service or instruction and such further period, if any, as may be specified in the order, on such conditions, if any, as may be so specified, as service in the Royal Ulster Constabulary.'.

(**a**) 1950, c. 4 (N.I.). (**b**) 1949, c. 9 (N.I.).

(2) Paragraph (1) of section eight of the Constabulary Act (Northern Ireland), 1922(a), shall have effect as if at the end thereof there were inserted the following words:—

'and such regulations may provide that where a person immediately before he undertakes service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or attends hourly instruction as defined in section forty-two of that Act, is a special constable the period of such service or instruction and such further period, if any, as may be specified in the regulations, may be treated in such manner, to such extent and on such conditions as may be so specified, as a period of service as a special constable'".

27. For section forty-four there shall be substituted the following section:—

"Retrospective effect of Part IV.

44.—(1) Section forty-one of this Act shall be deemed to have had effect from the fifteenth day of July, nineteen hundred and fifty, and any rules made under that section may be framed so as to have effect as from the said date.

(2) All rules made under section forty-one of this Act shall as soon as may be after they are made be laid before each House of the Parliament of Northern Ireland. If either such House within the statutory period next after any such rules have been so laid resolves that the rules shall be annulled those rules shall, after the date of the resolution, be void, but without prejudice to the validity of anything done thereunder or to the making of new rules.

(3) Any order or provision made for the purposes of section forty-two or section forty-three of this Act may be framed so as to have effect as from a date not earlier than the fifteenth day of July, nineteen hundred and fifty.".

28. In section forty-six—

(*a*) in subsection (1) the words "of Part I or Part II" shall be excepted;

(*b*) in subsection (3) for paragraphs (i), (ii) and (iii) there shall be substituted the following paragraphs:—

"(i) any regulations or scheme made under the Local Government (Superannuation) Act (Northern Ireland), 1950; or

(ii) any regulations made under section sixty-one of the Health Services Act (Northern Ireland), 1948; or

(iii) any order or scheme made under section ten or section thirteen of the Fire Services (Amendment) Act (Northern Ireland), 1950;";

and paragraph (iv) shall be excepted;

(*c*) subsection (4) shall be excepted.

29. In section forty-seven—

(*a*) in subsection (1) the words "Part I of" shall be excepted and for the words "Part I" where they secondly occur there shall be substituted the word "Schedule";

(*b*) subsections (2) and (3) shall be excepted.

30. In section forty-eight, the words "or clerk of the peace, or justices' clerk" shall be excepted.

(a) 12 & 13 Geo. 5. c. 8. (N.I.).

31. In section fifty—

(*a*) for subsection (2) there shall be substituted the following subsection:—

"(2) In relation to the provisions of subsection (6) of section ten and paragraph (*c*) of subsection (3) of section twelve of the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946(**a**) (which relate to contributions towards the cost of salaries of medical officers of health and sanitary inspectors), the reference in the foregoing subsection to any payment under the foregoing provisions of this Part of this Act shall include a reference to the remuneration of another person acting temporarily in the absence of the medical officer of health or, as the case may be, of the sanitary inspector.";

(*b*) subsection (3) shall be excepted.

32. In section fifty-three for the words "the fifteenth day of July, nineteen hundred and fifty" there shall be substituted the words "the first day of October, nineteen hundred and fifty-one".

33. In subsection (4) of section fifty-four for the words "Industrial Assurance Act, 1923" there shall be substituted the words "Industrial Assurance Act (Northern Ireland), 1924(**b**)".

34. In subsection (5) of section fifty-six, for the reference to the Industrial Assurance Acts, 1923 to 1948, there shall be substituted a reference to the Industrial Assurance Acts (Northern Ireland), 1924 to 1948.

35. In section fifty-seven—

(*a*) in subsection (1) after the words "in every county" and the words "in any county" respectively there shall be inserted the words "in Northern Ireland";

(*b*) in subsection (2) for the words "Industrial Assurance Act, 1923" there shall be substituted the words "Industrial Assurance Act (Northern Ireland), 1924";

(*c*) in subsection (4) for the words "by the Commissioner with the consent of the Treasury, by statutory instrument" there shall be substituted the words "by the Ministry of Commerce for Northern Ireland";

(*d*) in subsection (5) for the words "Industrial Assurance Act, 1923" there shall be substituted the words "Industrial Assurance Act (Northern Ireland), 1924";

(*e*) subsection (6) shall be excepted;

(*f*) for subsection (7) there shall be substituted the following subsection:—

"(7) All regulations made under this section shall as soon as may be after they are made be laid before each House of the Parliament of Northern Ireland. If either such House within the statutory period next after any such regulations have been so laid resolves that the regulations shall be annulled those regulations shall, after the date of the resolution, be void, but without prejudice to the validity of anything done thereunder or to the making of new regulations.".

36. In section fifty-nine—

(*a*) in subsection (1) for the references to the Industrial Assurance Acts, 1923 to 1948, and to the Friendly Societies Acts, 1896 to 1948, there shall be substituted references to the Industrial Assurance Acts (Northern Ireland), 1924 to 1948, and to the Friendly Societies Acts (Northern Ireland), 1896 to 1948, respectively;

(**a**) 1946, c. 19 (N.I.). (**b**) 14 & 15 Geo. 5. c. 21 (N.I.).

(*b*) in subsection (2) for the references to the Industrial Assurance Commissioner and to the Chief Registrar of Friendly Societies there shall be substituted references to the Industrial Assurance Commissioner for Northern Ireland and to the Registrar of Friendly Societies for Northern Ireland, respectively;

(*c*) subsection (3) shall be excepted.

37. In section sixty-one—

(*a*) in subsection (1) for paragraphs (*b*), (*c*) and (*d*) there shall be substituted the following paragraphs:—

"(*b*) any regulations or scheme made under the Local Government (Superannuation) Act (Northern Ireland), 1950;

(*c*) any regulations made under section sixty-one of the Health Services Act (Northern Ireland), 1948 (which relate to the superannuation of officers of the Health Services);

(*d*) any order or scheme made under section ten or section thirteen of the Fire Services (Amendment) Act (Northern Ireland), 1950 (which relates to the pensions of officers, fire officers and firemen employed by a fire authority)";

and paragraph (*e*) shall be excepted;

(*b*) in subsection (5)—

(i) the words "or, as the case may be, subsection (2)" shall be excepted, and

(ii) for all words in the proviso after the words "an officer of" there shall be substituted the words "the Northern Ireland Tuberculosis Authority constituted under the Public Health (Tuberculosis) Act (Northern Ireland), 1946(**a**), the Northern Ireland General Health Services Board or the Northern Ireland Hospitals Authority, the appropriate authority shall be the Ministry of Health and Local Government for Northern Ireland".

38. In subsection (1) of section sixty-four—

(*a*) before the definitions of "local authority and local Act scheme" there shall be inserted the following definitions:—

"'civil servant', 'unestablished capacity' and 'civil service' have the same meanings as in the Superannuation Acts (Northern Ireland), 1921 to 1951;";

(*b*) for the definitions of "local authority" and "local Act scheme" there shall be substituted the following definitions:—

"'local authority' and 'local Act' have the same meanings as in the Local Government (Superannuation) Act (Northern Ireland), 1950";

(*c*) for the definition of "Rent Restrictions Acts" there shall be substituted the following definition:—

"'Rent Restrictions Acts' means the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland), 1920 to 1951; and references to the Rent Acts of 1920, 1925, 1940, 1943 and 1951 are respectively to the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920(**b**), to the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland),

(a) 1946, c. 6 (N.I.). (b) 10 & 11 Geo. 5. c. 17.

1925(a), to the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1940(b), to the Rent Restriction Law (Amendment) Act (Northern Ireland), 1943(c), and to the Rent Restriction Law (Amendment) Act (Northern Ireland), 1951(d).

39. For the Second Schedule there shall be substituted the Schedule set out in the Schedule to this Order.

40. In the Third Schedule—

(*a*) in sub-paragraph (3) of paragraph 1, the words "or (*e*)" shall be excepted;

(*b*) in sub-paragraph (2) of paragraph 2, the words "or (*e*)" shall be excepted.

W. G. Agnew.

SCHEDULE

Article 39

SECOND SCHEDULE

Sections 46, 52

CAPACITIES IN RESPECT OF WHICH PAYMENTS MAY BE MADE UNDER PART V AND PAYING AUTHORITIES

Capacity	*Paying Authority*
1. Clerk of Petty Sessions, Officer employed in Petty Sessions Service	Authority administering the Petty Sessions Service.
2. Coroner	The council by whom the coroner's salary is paid immediately before he begins to perform relevant service to which Part V of this Act applies.
3. Under-sheriff	The council by whom the Under-sheriff's salary is paid (to the extent to which the council is responsible for payment of his salary) immediately before he begins to perform relevant service to which Part V of this Act applies.
4. Officer of a local authority or a designated body within the meaning of the Local Government (Superannuation) Act (Northern Ireland), 1950, or of the Northern Ireland Local Government Officers' Superannuation Committee constituted under that Act	The local authority, the designated body or the Committee, as the case may be.
5. Employee of a fire authority	The fire authority within the meaning of the Fire Services Acts (Northern Ireland), 1947 to 1950.

(a) 15 & 16 Geo. 5. c. 12. (N.I.)
(b) 4 & 5 Geo. 6. c. 7. (N.I.)
(c) 1943, c. 9. (N.I.)
(d) 1951, c. 23. (N.I.)

Capacity	*Paying Authority*
6. Registration officer within the meaning of the Local Government (Superannuation) Act (Northern Ireland), 1950, as amended by the Local Government (Superannuation) (Amendment) Act (Northern Ireland), 1951	The health authority, within the meaning of that Act, in whose employment he is or is deemed to be for the purposes thereof.
7. Teacher, officer or servant employed in a school or institution which is grant-aided under the Education Acts (Northern Ireland), 1947 to 1952	The local education authority, the managers or other governing body of the school or institution or the Ministry of Education, as the case may be.
8. Officer or servant of a central or local voluntary organisation which is grant-aided under the Youth Welfare, Physical Training and Recreation Acts (Northern Ireland), 1938 to 1947	The central or local voluntary organisation.
9. Officer of the Northern Ireland Tuberculosis Authority constituted under the Public Health (Tuberculosis) Act (Northern Ireland), 1946	The Authority or the Board.
10. Officer of the Northern Ireland General Health Services Board or the Northern Ireland Hospitals Authority constituted under the Health Services Act (Northern Ireland), 1948	
11. Dental practitioner providing general dental services under the Health Services Act (Northern Ireland), 1948, at a health centre who is remunerated by an annual salary.	The Northern Ireland General Health Services Board.

TABLE OF STATUTES REFERRED TO IN THIS ORDER

PART I

ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM

Statute	*Year and Chapter No.*
Interpretation Act, 1889	52 & 53 Vict. c. 63
Finance (1909–10) Act, 1910	10 Edw. 7 & 1 Geo. 5. c. 8
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	10 & 11 Geo. 5. c. 17
Hire Purchase Act, 1938	1 & 2 Geo. 6. c. 53
Companies Act, 1948	11 & 12 Geo. 6. c. 38
Matrimonial Causes Act, 1950	14 Geo. 6. c. 25
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.	14 & 15 Geo. 6. c. 65

PART II

ACTS OF THE PARLIAMENT OF NORTHERN IRELAND

Statute	*Year and Chapter No.*
Ministries of Northern Ireland Act, 1921 [N.I.].	12 Geo. 5. c. 6 (N.I.)
Constabulary Act (Northern Ireland), 1922	12 & 13 Geo. 5. c. 8 (N.I.)
Industrial Assurance Act (Northern Ireland), 1924.	14 & 15 Geo. 5. c. 21 (N.I.)
Rules Publication Act (Northern Ireland), 1925.	15 & 16 Geo. 5. c. 6 (N.I.)
Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1925.	15 & 16 Geo. 5. c. 12 (N.I.)
Companies Act (Northern Ireland), 1932...	22 & 23 Geo. 5. c. 7 (N.I.)
Revaluation (Consequential Provisions) Act (Northern Ireland), 1936.	26 Geo. 5 & 1 Edw. 8. c. 11 (N.I.).
Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1940.	4 & 5 Geo. 6. c. 7 (N.I.)
Hire Purchase Act (Northern Ireland), 1940	4 & 5 Geo. 6. c. 10 (N.I.)
Superannuation Schemes (War Service) Act (Northern Ireland), 1941.	5 & 6 Geo. 6. c. 6 (N.I.)
Excessive Rents (Prevention) Act (Northern Ireland), 1941.	5 & 6 Geo. 6. c. 20 (N.I.)
Rent Restriction Law (Amendment) Act (Northern Ireland), 1943.	1943, c. 9 (N.I.)
Public Health (Tuberculosis) Act (Northern Ireland), 1946.	1946, c. 6 (N.I.)
Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946.	1946, c. 19 (N.I.)
Health Services Act (Northern Ireland), 1948	1948, c. 3 (N.I.)
Agriculture Act (Northern Ireland), 1949...	1949, c. 2 (N.I.)
Constabulary (Pensions) Act (Northern Ireland), 1949.	1949, c. 9 (N.I.)
Fire Services (Amendment) Act (Northern Ireland), 1950.	1950, c. 4 (N.I.)
Local Government (Superannuation) Act (Northern Ireland), 1950.	1950, c. 10 (N.I.)
Erne Drainage and Development Act (Northern Ireland), 1950.	1950, c. 15 (N.I.)
Teachers (Superannuation) Acts (Northern Ireland), 1950 and 1951.	1950, c. 33 (N.I.) and 1951, c. 28 (N.I.).
Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1951.	1951, c. 7 (N.I.)
Rent Restriction Law (Amendment) Act (Northern Ireland), 1951.	1951, c. 23 (N.I.)

EXPLANATORY NOTE

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

This Order extends to Northern Ireland with additions, exceptions and modifications, taking into account the law thereof, the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, which provides for protecting in Great Britain the interests of persons called up or volunteering for certain naval, military or air force service or doing work or training under the National Service Act, 1948, by virtue of being conditionally registered under that Act as conscientious objectors, and of other persons consequentially affected, in respect of civil rights and liabilities of theirs.