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PART V

Acts of the Indian Legislature assented to by the Governor General

GOVERNMENT OF INDIA

LEGISLATIVE ASSEMBLY DEPARTMENT

New Delhi, 18th September 1943

No. 4-1/43-P.—The following Statutes are republished for general information:—

THE WORKMEN'S COMPENSATION ACT, 1943
(6 & 7 Geo. 6, Ch. 6)

CHAPTER 6

An Act to extend section forty-seven of the Workmen's Compensation Act, 1925, to workmen suffering from pneumoconiosis and to provide for the payment of benefit in the case of such workmen; to enable the Treasury to contribute to certain medical expenses; to amend certain provision of the Coal Mines Act, 1911, relating to siliceous rock; to amend the provisions of the Workmen's Compensation Acts, 1925 to 1941, relating to certain dependants, to payments in the case of incapacity, to examining surgeons and to the making of rules of court; to provide for the repayment of certain sums paid to dependants of seamen by the Minister of Pensions; and for purposes connected with the matters aforesaid

[4th February 1943]

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:—

1. *Extension of s. 47 of Workmen's Compensation Act, 1925, to workmen suffering from any form of pneumoconiosis*—(1) Section forty-seven of the Workmen's Compensation Act, 1925 (15 & 16 Geo. 5, c. 84), [which as amended, by the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, provides for the making of schemes applying that Act to workmen suffering from fibrosis of the lungs due to silica dust or asbestos dust.] shall extend to workmen suffering from any form of pneumoconiosis; and accordingly the amendments specified in the second column of the Schedule to this Act shall be made in the provisions of the said section as so amended and of section two of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930 (20 & 21 Geo. 5, c. 29), mentioned in the first column of that Schedule.

(2) In this Act, the expression "pneumoconiosis" means fibrosis of the lungs due to silica dust, asbestos dust or other dust, and includes the condition of the lungs known as dust-reticulation.

(3) This section shall not effect the validity of any scheme made under the said section forty-seven or the said section to which is in force at the passing of this Act, and any such scheme made under the said section forty-seven shall have effect as if it had been made under that section as amended by the Schedule to this Act, and any scheme made under the said section two shall, pending any extension thereof in consequence of the passing of this section, have effect as if this section had not passed.

2. *Benefit scheme for workmen formerly employed in coal mining industry and suffering from pneumoconiosis*—

(1) The Secretary of State may by scheme (in this section referred to as "the benefit scheme") provide for the payment of benefit at a rate prescribed by the benefit scheme, out of a fund established under the benefit scheme, in the case of workmen not entitled to compensation under any scheme made under the said section forty-seven as amended by the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, and this Act, who are certified in such manner as may be prescribed by the benefit scheme—

(a) to have been employed in or about a coal mine on or after the twenty-second day of October, nineteen

hundred and thirty-four, but not after such date as may be specified in the benefit scheme; and

(b) to have been totally disabled at the date so specified or to have become totally disabled or to have died after that date, as the result of any form of pneumoconiosis or of any form of pneumoconiosis accompanied by tuberculosis;

Provided that benefit shall not be payable as aforesaid in any case where the total disablement of the workman or, if he died without previous total disablement, his death took place more than five years after the date so specified.

(2) Any benefit payable under the benefit scheme shall be in addition to any benefit payable under the National Health Insurance Acts, 1936 to 1941.

(3) The benefit scheme may make provision—

(a) for setting up an administrative board to administer the scheme and to settle claims and other matters arising thereunder and for the duties, powers and procedure of that board;

(b) for the establishment of a fund to be administered by the administrative board or otherwise as may be provided by the scheme;

(c) for requiring such payments as may be prescribed by the Minister of Fuel and Power to be paid to him, at such times and in such manner as may be so prescribed, by employers of workmen employed in or about a coal mine, and for the recovery of those payments in such manner as may be so prescribed; for the payment into the said fund of any sums paid to or recovered by the Minister of Fuel and Power as aforesaid; and for the payment and recovery out of the said fund of benefits payable under the scheme, and of any expenses arising under the scheme which are directed by the scheme to be so paid;

(d) for winding up the said fund when in the opinion of the Secretary of State it is no longer required for the purpose for which it was established, and for the payment of any balance standing to the credit of the said fund into the fund constituted under section twenty of the Mining Industry Act, 1920 (10 and 11 Geo. 5, c. 50); and

(e) generally for such further or supplemental matters as appear necessary for giving full effect to the scheme.

(4) Any payments made by the employer of workman employed in or about a coal mine under the benefit scheme shall be defrayed as part of the working expenses of the mine, and any sums paid under the benefit scheme into the fund constituted under section twenty of the Mining Industry Act, 1920, shall not be required to be allocated for the benefit of particular districts.

(5) The Minister of Fuel and Power may, with the consent of the Treasury advance to the administrative board out of moneys provided by Parliament such sums as the board may require for the purposes of the scheme pending the collection of payments from employers under the scheme, and may retain out of those payments and pay into the Exchequer such sums as may be necessary to repay any such advance.

(6) The powers conferred on the Secretary of State by section two of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, to make a general scheme applicable to all industries and processes to which compensation schemes apply, for the purpose of co-ordinating the medical arrangements necessary in connection with those compensation schemes, shall include power to extend any such general scheme so as to make provision for the medical arrangements necessary in connection with the benefit scheme.

(7) In this section the expression "coal mine" has the meaning assigned to it by section six of the Workmen's Compensation (Coal Mines) Act, 1934 (24 and 25 Geo. 5, c. 23), except that it does not include any open working.

(8) A scheme made under this section may be extended or varied by a subsequent scheme made thereunder, but any such scheme shall be laid before each House of Parliament forthwith, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House sits after any such scheme is laid before it, praying that the scheme may be annulled, His Majesty in Council may annul the scheme and it shall thenceforward be void, but without prejudice to the validity of anything done thereunder.

(9) Section one of the Rules Publication Act, 1893 (56 and 57 Vict. c. 66), shall not apply to any scheme made under this section.

3. *Contributions to medical expenses fund*—The Secretary of State may, with the approval of the Treasury, make out of moneys provided by Parliament such contributions as he thinks fit to any medical expenses fund established by a general scheme made under the power conferred by section two of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930, as extended by this Act.

4. *Power to regulate drilling of siliceous rock*—General and special regulations made under sections eighty-six and eighty-seven respectively, of the Coal Mines Act, 1911 (1 and 2 Geo. 5, c. 50), may vary, amend or replace the provisions of section seventy-eight of the said Act (which requires the use of sprays when drilling siliceous rock).

5. *Power to disregard earnings of widow in respect of war work*—(1) Where, in the case of an injury to a workman resulting in death, the widow of the workman claims compensation under the Workmen's Compensation Acts, 1925 to 1943, or under any scheme made under the said Acts, and the tribunal by whom the claim is dealt with—

(a) is satisfied that any earnings of the widow were in respect of employment which she entered into on or after the third day of September, nineteen hundred and thirty-nine, and would not have entered into but for the war; and

(b) is of opinion that, if she had not entered into the said employment, she would have been dependent either wholly or partly upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent; the tribunal shall disregard those earnings, either wholly or to such extent as the tribunal thinks proper, and accordingly may treat the widow as wholly or partly dependent upon the earnings of the workman at the time of his death.

(2) Where, in any such case, a female member of the workman's family other than his widow claims compensation as aforesaid, the tribunal by whom the claim is dealt with shall treat her, for the purposes of the last foregoing sub-section, as if she were the widow of the workman, if the tribunal is satisfied that—

(a) she was acting as housekeeper to the workman, at the time of his death (otherwise than in a temporary capacity by reason of the accident); or

(b) she was acting as housekeeper to the workman at the time when she entered into the employment in question and would have been so acting at the time of the workman's death if she had not entered into the said employment.

(3) In this section, any reference to the tribunal by whom a claim is dealt with shall be construed as a reference to the country court judge, arbitrator, committee or board by whom the claim is settled or to the registrar or country court judge exercising powers under section twenty-five of the Workmen's Compensation Act, 1925, in relation to any agreement for the settlement of the claim, and the expression "the war" means any war in which His Majesty is engaged.

(4) This section shall not apply to any deaths taking place before the passing of this Act, and shall expire on such date as His Majesty may by Order in Council appoint, but without prejudice to anything previously done thereunder.

6. *Calculation of weekly payments in case of changes in rates of remuneration*—(1) For the purpose of calculating—

(a) any weekly payment payable under the Workmen's Compensation Acts, 1925 to 1943, or under any scheme made under those Acts for total or partial incapacity or

(b) any supplementary allowances payable in respect of any such weekly payment or the total amount of the supplementary allowances payable in respect of any such weekly payment,

the average weekly earning of the workman before the accident shall, if and whenever a change occurs after the

date of the accident in the rates of remuneration obtaining in the class of employment in which the workman was employed during the relevant period before the accident, be deemed, so long as the changed rates obtain without further change, to be the average weekly earnings which he would have earned during that period if the changed rates had obtained throughout that period.

(2) For the purpose of calculating any such weekly payment or supplementary allowances as aforesaid, the average weekly earnings of the workman before the accident shall, if any change or changes occurred in the relevant period before the accident in the rates of remuneration obtaining in the class of employment in which the workman was employed during that period, be deemed, subject to the last foregoing sub-section, to be the average weekly earnings which he would have earned during that period if the rates obtaining at the date of the accident had obtained throughout that period.

(3) Where any such weekly payment has been increased under sub-section (2) of section eleven of the Workmen's Compensation Act, 1925, or under that sub-section as applied by any such scheme as aforesaid, and, on any subsequent review of the weekly payment, it appears to the tribunal that any material change in rates of remuneration has occurred since the date when the weekly payment was so increased or (if it has been varied under this sub-section) since the date of the last such variation, and that the amount of the weekly payment would have been fixed at that date at a higher or lower figure if the rates of remuneration obtaining at the date of the subsequent review had obtained at the date aforesaid, the tribunal may (subject to the maximum provided in section nine of the said Act) make such increase or reduction of the weekly payment and of any supplementary allowances payable in respect thereof as, having regard to the said change in rates of remuneration and any other material change of circumstances, the tribunal thinks proper.

(4) In this section the expression "the relevant period" means, in relation to any accident, the period before the accident by reference to which the average weekly earnings of the workman are calculated under sections nine and ten of the Workmen's Compensation Act, 1925, and the expression "the tribunal" means, in relation to any weekly payment, the country court judge, arbitrator, committee or board by whom any review of the payment is, in default of agreement, carried out.

(5) This section shall extend to cases where the accident took place before the passing of this Act and to changes in rates of remuneration occurring before the passing of this Act:

Provided that this section shall not affect the amount of any weekly payment payable in respect of any week commencing before the passing of this Act.

(6) Sub-section (3) of section eleven of the Workmen's Compensation Act, 1925, shall cease to have effect, but without prejudice to anything done thereunder before the passing of this Act.

(7) Section five of the Workmen's Compensation (Supplementary Allowances) Act, 1940 (3 and 4 Geo. 6. c. 47), (which enables the Registrar of Friendly Societies to amend schemes certified by him under section thirty-one of the Workmen's Compensation Act, 1925), shall apply in relation to the provisions of this section in like manner as it applies in relation to the provisions of that Act.

7. *Exercise of functions by examining surgeon for district where workman resides*—In such cases and subject to such conditions as the Secretary of State may direct the powers and duties under Part II of the Workmen's Compensation Act, 1925, of the examining surgeon for the district in which a workman is employed may be exercised and performed by the examining surgeon for the district where the workman resides or to which he has been removed for medical treatment.

8. *Amendment of s. 27 of Workmen's Compensation Act, 1925*—(1) In sub-section (2) of section twenty-seven of the Workmen's Compensation Act, 1925, for the words from and such rules may, in England," to the end of the sub-section, there shall be substituted the words "and such rules shall, in England, be made by the rule committee appointed under section ninety-nine of the County Court, Art. 1934 (24 and 25 Geo. 5, c. 53. 15 and 16 Geo. 5, c. 49), and in the manner provided in that section, except that no such rules shall be subject to the concurrence of the authority for the time being empowered to make rules of court under the Supreme Court of Judicature (Consolidation) Act, 1925".

(2) At the end of the section two of the Administration of Justice (Emergency Provisions) Act, 1939 (2 and 3 Geo. 6, c. 78), the following sub-section shall be added:—

“(3) The power of making rules of court under sub-section (2) of section twenty-seven of the Workmen's Compensation Act, 1925, as amended by any subsequent enactment, shall be exercised by the Lord Chancellor instead of being exercised in the manner provided in the said sub-section.”

(3) Nothing in this section shall affect any rules of court made under sub-section (2) of the said section twenty-seven which are in force at the date of the passing of this Act, and any such rules shall (subject to the power of amendment and revocation) continue in force.

9. *Power to deduct or repay out of workmen's compensation provisional payments made by Minister of Pensions to dependants of seamen*—(1) Where on the death of a person to whom section three or section four of the Pensions (Navy Army, Air Force and Mercantile Marine) Act, 1939 (2 and 3 Geo. 6, c. 83. 5 and 6 Geo. 6, c. 26), as amended by the Pensions (Mercantile Marine) Act, 1942, applies—

(a) compensation is payable under the Workmen's Compensation Acts, 1925 to 1943, to or in respect of the dependants of that person and is required to be paid into the county court under section twenty-six of the Workmen's Compensation Act, 1925; and

(b) the Minister of Pensions has, before it was decided that no pension or other grant was payable under a scheme made under either of the said sections, made provisional payments to or in respect of those dependants; the amount of the said payments, if and so far as they have been repaid to the Minister by the person liable for the said compensation, shall be deducted from the amount required to be paid into court, and, if and in so far as they have not been so repaid, shall be ordered by the county court to be paid to the Minister out of the money paid into court, and the person liable for the said compensation shall, as respects the amount of the said payments, be deemed to have discharged his liability for compensation.

(2) A certificate issued by the Minister of Pensions stating that—

(a) a person of the name and description specified in the certificate is a person to whom the said section three or the said section four of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, as so amended, applies; and

(b) the said Minister has made such provisional payments as aforesaid of the amount specified in the certificate to or in respect of the dependants of that person; and

(c) the persons liable for the said compensation has repaid to the Minister the said payments to such extent (if any) as may be so specified.

shall be conclusive evidence of the matter referred to in paragraph (a) hereof and shall be sufficient evidence of the matters referred to in paragraphs (b) and (c) hereof, until the contrary is proved.

10. *Short title, citation and construction*—This Act may be cited as the Workmen's Compensation Act, 1943, and the provisions of this Act except sections two and four thereof shall be construed as one with the Workmen's Compensation Act, 1925, and the Workmen's Compensation Acts, 1925 to 1941, and the said provisions of the Act may be cited together as the Workmen's Compensation Acts, 1925 to 1943; and the Coal Mines Acts, 1887 to 1937, and section four of this Act may be cited together as the Coal Mines Acts, 1887 to 1943.

SCHEDULE Section I

Amendments of section forty-seven of the Workmen's Compensation Act, 1925, and section two of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930.

Provisions to be amended

Amendment

S. 47 of the Workmen's Compensation Act, 1925

Sub-section (1)—After the words “silica dust or asbestos dust”; there shall be inserted the words “or other dust”; in paragraph (a) of that sub-section for the words “the disease known as ‘silicosis’ (that is to say, fibrosis of the lungs due to silica dust) or from fibrosis of the lungs due to asbestos dust or from either of those diseases” there shall be substituted the words “pneumoconiosis or from pneumoconiosis”, and in paragraph (b) of that sub-section for the words “silicosis, or from fibrosis of the lungs due to asbestos dust or from either of those diseases” there shall be substituted the words “pneumoconiosis or from pneumoconiosis”.

Sub-section (2)—For the words “silicosis or fibrosis of the lungs due to asbestos dust, or from either of those diseases” there shall be substituted the words “pneumoconiosis or from pneumoconiosis”.

Sub-section (3)—In paragraph (e) thereof, after the words “asbestos dust”, where they first occur, there shall be inserted the words “or to other dust”; and for the words “silicosis or fibrosis of the lungs due to asbestos dust, or from either of those diseases” there shall be substituted the words “pneumoconiosis or from pneumoconiosis”.

After sub-section (3) the following sub-section shall be inserted:—

“(3A) Different schemes may be made under this section with respect to different forms of pneumoconiosis as well as with respect to different industries or processes or groups of industries or processes.”

S. 2 of the Workmen's Compensation (Silicosis and Asbestosis) Act, 1930

Sub-section (1)—In paragraph (d) thereof after the words “asbestos dust” in both places where they occur, there shall be inserted the words “or other dust”.

THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914, (6 and 7 Geo. 6, Ch. 14) CHAPTER 14

An Act to amend the law relating to the nationality of children born abroad of British fathers; to make special provision for the naturalization of persons rendering service in connection with the present war; to restrict the making of declarations of alienage in time of war; and to extend the power to make regulations under section nineteen of the British Nationality and Status of Aliens Act, 1914. [22nd April 1913].

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:—

British Nationality of Certain Persons born abroad

1. *British nationality by registration*—(1) Sub-paragraph (v) of paragraph (b) of sub-section (1) of section one of the British Nationality and Status of Aliens Act, 1914 (4 and 5 Geo. V, c. 17) (hereinafter referred to as “the principal Act”), shall cease to have effect.

(2) A person born outside His Majesty's dominions whose father was at the time of the birth a British subject shall be deemed to be and always to have been a natural-born British subject—

(a) in the case of a person born after or within one year before the commencement of this Act, if his birth is registered at a consulate of His Majesty within one year after its occurrence;

(b) in the case of any persons, whether born before or after the commencement of this Act, if his birth is at any time registered at such a consulate with the permission of the Secretary of State or the Secretary of State directs that although registered without his permission it shall be deemed to have been registered with his permission.

2. *British nationality of persons born in foreign countries where His Majesty exercises jurisdiction*—(1) Any person born, whether before or after the commencement of this Act, in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty was at the time of that person's birth exercising jurisdiction over British subjects shall, if at the time of his birth his father was a British subject, be deemed to be and, in the case of a person born before the commencement of this Act, always to have been a natural-born British subject.

(2) For the purposes of sub-paragraph (1) of paragraph (b) of sub-section (1) of section one of the principal Act, any such person as aforesaid shall be deemed to have been born within His Majesty's allegiance.

3. *British nationality of posthumous children*—Any person born after the death of his father, whether before or after the commencement of this Act, shall, if his father died a British subject, be deemed to be and, in the case of a person born before the commencement of this Act, always to have been, a natural-born British subject in any case in which he would have been a natural-born British subject if his father had survived and remained a British subject until after the birth.

NATURALIZATION OF ALIENS

4. *Special power to grant certificates of naturalization to French nationals serving in His Majesty's forces*—If at any time during the present war period an application for a certificate of naturalization is made to the Secretary of State by any person appearing to him to be or to have been at any time during that period a French national, then if the Secretary of State is satisfied that the applicant—

(a) is, or has at any time during that period been, a member of His Majesty's forces; and

(b) is a proper person to be naturalized as a British subject,

the Secretary of State may grant to the applicant a certificate of naturalization under section two of the principal Act notwithstanding that the requirements of sub-section (1) of that section are not complied with.

5. *Special certificates of imperial naturalization granted in Dominions*—A certificate of naturalization granted in accordance with any law in force in any Dominion, being a law providing for the naturalization of persons in consideration of service rendered at any time during the present war period in connection with the prosecution of the war, shall have the same effect as a certificate of naturalization granted by the Secretary of State under Part II of the said Act and shall be deemed for the purposes of that Act to be a certificate of naturalization granted thereunder.

LOSS OF BRITISH NATIONALITY

6. *Requirements as to assertion of nationality by persons having British nationality by registration*—(1) Subject to the provisions of this section, a person whose British nationality depends upon the fact that his birth was registered at a consulate of His Majesty shall, if his birth was so registered before he attained the age of twenty-one years, cease to be a British subject at the expiration of one year after he attains that age unless within that period he asserts his British nationality by a declaration of retention of British nationality registered in accordance with regulations made under the principal Act :

Provided that if such a declaration is made by any person after the expiration of that period with the permission of the Secretary of State, that person shall be deemed not to have ceased to be a British subject.

(2) If any such person as aforesaid has at any time during the present war period been a member of His Majesty's forces, that person shall not cease by virtue of the foregoing sub-section to be a British subject or, if he has, by virtue of that sub-section or of any enactment repealed by this Act, previously ceased to be a British subject, shall be deemed never to have so ceased.

(3) If any such person as is mentioned in sub-section (1) of this section satisfies the Secretary of State that he was not a member of His Majesty's forces during the present war period by reason only of his having been otherwise engaged on work of national importance or of his having been prevented from becoming a member of those forces by causes outside his control, the Secretary of State may direct that the last foregoing sub-section shall apply to him as if he had been a member of those forces.

7. *Provisions as to declarations of alienage*—A declaration of alienage made after the commencement of this Act under any provision of the principal Act shall be of no effect until it has been registered in accordance with regulations made under the principal Act, and, in the case of a declaration made during any war in which His Majesty may be engaged, unless it is so registered with the permission of the Secretary of State.

MISCELLANEOUS AND GENERAL

8. *Amendments of section nineteen of principal Act*—Regulations may be made under section nineteen of the principal Act—

(a) for any purpose for which it appears to the Secretary of State to be expedient to make such regulations in consequence of the provisions of this Act :

(b) for enabling the births and deaths of British subjects born or dying in any country in which His Majesty has for the time being no diplomatic or consular representatives to be registered by persons serving in the diplomatic, consular or other foreign service of any Power which, by arrangement with His Majesty, has undertaken to represent His interests in that country or by a person authorised in that behalf by the Secretary of State :

(c) for securing that any declaration made, registration effected, or permission, consent, or direction given, whether before or after the commencement of this Act, in accordance with any provision of any law in force in any Dominion, may, for the purposes of this Act and the principal Act have the like effect as a declaration, registration, permission, consent, or direction, made, effected, or given, in accordance with any corresponding provision of those Acts respectively or of the regulations made thereunder.

9. *Special provisions as to registration of births in time of war*—If during any war in which His Majesty may be engaged the birth of any person is registered in accordance with regulations made under the principal Act by a person serving in the diplomatic, consular or other foreign service of a foreign Power, or by a person authorised in that behalf by the Secretary of State, the birth of that person

shall be deemed for the purposes of section one of this Act to have been registered at a consulate of His Majesty.

10. *Interpretation and construction*—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

"Consulate of His Majesty" means the office of a consular officer of His Majesty where a register of births is kept, or, in the case of any territory where there is no such office and there is a resident or administrator appointed by a Government of His Majesty, or any other representative of His Majesty, the office of such resident, administrator or representative :

"Dominion" means a Dominion specified in the First Schedule to the principal Act :

"The present war period" means the period beginning with the third day of September, nineteen hundred and thirty-nine, and ending with such date as His Majesty may by Order in Council appoint.

(2) Sub-section (1) of section eight of the principal Act (which extends to British Possessions the provisions of that Act as to the grant and revocation of certificates of naturalization, subject to the modifications therein mentioned), and sections twenty, twenty-two and twenty-three, and sub-section (1) of section twenty-six of that Act (which relate to proof of documents and other supplemental matters) shall have effect as if the references therein to that Act included references to this Act.

11. *Short title, citation and repeals*—(1) This Act may be cited as the British Nationality and Status of Aliens Act, 1943, and this Act and the British Nationality and Status of Aliens Acts, 1914 to 1933, may be cited together as the British Nationality and Status of Aliens Acts, 1914 to 1943.

(2) The provisions of the principal Act set out in the first column of the Schedule to this Act are hereby repealed to the extent specified in the second column of that Schedule.

SCHEDULE

Section II

Provisions of British Nationality and Status of Aliens Act, 1914, repealed

Section	Extent of repeal
Section one	.. In sub-section (1) the words from "or (v) his birth" to "nineteen hundred and twenty-two" and the words from "Provided that" to the end of the sub-section.
Section twenty-seven	.. In sub-section (1) the words from "The expression 'British consulate'" to the end of the sub-section.

ARMY AND AIR FORCE (ANNUAL) ACT, 1943

(6 and 7 Geo. 6, Ch. 15)

CHAPTER 15

An Act to provide, during twelve months, for the discipline and regulation of the Army and the Air Force.

[22nd April 1943.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law :

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of such number as His Majesty may deem necessary :

And whereas under the Air Force (Constitution) Act, 1917 (7 and 8 Geo. 5 c. 51), His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of such number as His Majesty may deem necessary :

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid :

And whereas the said marine forces may frequently be quartered or be on shore, or be sent to do duty or be on board transport ships or vessels, merchant ships or vessels or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the Government of His Majesty's forces by sea :

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner

than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and forty-three on the following days:—

(a) In Great Britain and Northern Ireland the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(b) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore 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:—

1. *Short title*—This Act may be cited as the Army and Air Force (Annual) Act, 1943.

2. *Army Act and Air Force Act to be in force for specified times*—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament, that is to say:—

(a) Within Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and forty-three, to the thirtieth day of April, one thousand nine hundred and forty-four, both inclusive; and

(b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and forty-three, to the thirty-first day of July, one thousand nine hundred and forty-four, both inclusive.

(2) Notwithstanding anything in sub-section (1) of section fifteen of the Army and Air Force (Annual) Act, 1932 (22 and 23 Geo. 5, c. 22), the amendments of the Army Act and of the Air Force Act made by this Act shall come into operation in all places as from the thirtieth day of April, nineteen hundred and forty-three.

(3) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS

3. *Amendment of s. 33A of Air Force Act*—(1) In sub-section (2) of section thirty-nine A of the Air Force Act (which relates to special offences in relation to aircraft etc.), after the words "Air Council" there shall be inserted the words "or the Army Council".

(2) At the end of the said section the following sub-section shall be added:—

"(3) The following provisions shall have effect as respects powers of command in aircraft:—

(a) every person subject to this Act, whatever his rank, shall, while he is in an aircraft, be under the command, as respects all matters relating to the flying or handling of the aircraft or affecting the safety thereof, of the captain of the aircraft, whether the latter is subject to this Act or not;

(b) if the aircraft is a glider aircraft and is being towed by another aircraft, the captain of the glider aircraft, being a person subject to this Act, shall, so long as his aircraft is being towed, be under the command (as respects all the matters aforesaid) of the captain of the towing aircraft, whether the latter is subject to this Act or not;

(c) any person subject to this Act who disobeys any lawful command given as respects any of the matters aforesaid by a person under whose command he is placed by virtue of this sub-section shall, on conviction by court-martial, be liable to suffer penal servitude or such less punishment as is in this Act mentioned."

(3) Sub-section (3) of section nine of the Air Force Act shall cease to have effect.

4. *Inclusion in Army Act of special provisions in relation to aircraft, etc.*—After section thirty-nine of the Army Act the following section shall be inserted:—

"39-A. *Damage to aircraft, flying offences, etc.*—(1) Every person subject to military law who commits any of the following offences, that is to say,

(a) wilfully or by wilful neglect or negligently damages, destroys, or loses any of His Majesty's aircraft or aircraft material; or

(b) is guilty of any act or neglect likely to cause such damage, destruction, or loss; or

(c) is guilty of any act or neglect (whether wilful or otherwise) which causes damage to or destruction of any public property by fire; or

(d) without lawful authority disposes of any His Majesty's aircraft or aircraft material; or

(e) is guilty of any act or neglect in flying, or in the use of any aircraft or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person; or

(f) during a state of war wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of His Majesty's aircraft shall, on conviction by court-martial, be liable, if he has acted wilfully or with wilful neglect, to suffer penal servitude, or such less punishment as is in this Act mentioned, and in any case to suffer imprisonment, or such less punishment as in this Act mentioned.

(2) Every person subject to military law who commits any of the following offences, that is to say—

(a) signs any certificate in relation to an aircraft or aircraft material without ensuring the accuracy thereof; or

(b) being the pilot of one of His Majesty's aircraft, flies it at a height less than such height as may be prescribed by any regulation issued under the authority of the Army Council, or the Air Council except—

(i) while taking off or alighting; or

(ii) in such other circumstances as may be so prescribed or

(c) being the pilot of one of His Majesty's aircraft flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person,

shall on conviction by court-martial be liable to suffer imprisonment, or such less punishment as is in this Act mentioned.

(3) The following provisions shall have effect as respects powers of command in aircraft:—

(a) every person subject to military law, whatever his rank, shall, while he is in an aircraft, be under the command, as respects all matters relating to the flying or handling of the aircraft or affecting the safety thereof, of the captain of the aircraft, whether the latter is subject to military law or not;

(b) if the aircraft is a glider aircraft and is being towed by another aircraft, the captain of the glider aircraft, being a person subject to military law, shall, so long as his aircraft is being towed, be under the command (as respects all the matters aforesaid) of the captain of the towing aircraft, whether the latter is subject to military law or not;

(c) any person subject to military law who disobeys any lawful command given as respects any of the matters aforesaid by a person under whose command he is placed by virtue of this sub-section shall, on conviction by court-martial, be liable to suffer penal servitude or such less punishment as is in this Act mentioned."

5. *Amendment of s. 47 of Army Act*—For the proviso to sub-section (1) of section forty-seven of the Army Act (which gives power to deal summarily with charges against officers and warrant officers) there shall be substituted the following proviso—

"Provided that—

(a) in such cases or classes of cases and subject to such restrictions as the Army Council may direct, the powers exercisable under this section by a major-general appointed for the purpose may be exercised by a brigadier appointed in like manner;

(b) no charge against a field officer shall be dealt with summarily under this section except by a general or air officer authorised to convene a general court martial or an officer not under the rank of lieutenant-general."

6. *Temporary release of persons detained in military and air force prisons and detention barracks*—(1) Section one hundred and thirty-two of the Army Act (which provides for the establishment and regulation of military prisons and detention barracks) shall be amended as follows:—

(a) at the end of paragraph (d) of sub-section (2) there shall be added the words "and

(e) for the temporary release, in such cases, for such periods and subject to such conditions as may be prescribed by the rules, of such prisoners or soldiers";

(b) after the said sub-section (2) the following sub-section shall be inserted:—

"(2A) Where any person has been temporarily released from a military prison or detention barrack in accordance with rules made under this section, the currency of any sentence which he may be serving shall be suspended for a period beginning with and including the day after that on which he was released and ending with and including the day on which he returns to the prison or detention barrack or is otherwise taken into custody under this sub-section, and, if any such person fails to comply with any of the conditions subject to which he was released or to return at the expiration of the period for which he was released, he may be arrested without warrant by any constable or taken into military custody, and may be kept in custody, whether civil or military, until he is taken back to the prison or detention barrack, and unless proceedings are taken against him for an offence under section twelve or section fifteen of this Act, he shall be liable to such punishment as may be prescribed by the rules, which may include forfeiture of all ordinary pay for every day during which he was at large after the expiration of the said period."

(2) The reference in the last foregoing sub-section to section one hundred and thirty-two of the Army Act shall be deemed to include a reference to the corresponding section of the Air Force Act, and in the application of that sub-section to the Air Force Act, the references therein to soldiers, a military prison and military custody shall be construed as references to airmen, an air-force prison and air-force custody, respectively.

7. Application of Army Act and Air Force Act to women's forces—(1) After section one hundred and seventy-six of the Army Act, the following section shall be inserted:—

"176A. *Application of Army Act to women's forces*—The Army Act shall apply, in such manner, to such extent and subject to such adaptations and modifications as may be specified in instructions of the Army Council, in relation to women who—

(a) are employed with the Royal Army Medical Corps or the Army Dental Corps with relative rank as officers; or

(b) are enrolled in Queen Alexandra's Imperial Military Nursing Service of the reserve thereof; or

(c) are enrolled in the Territorial Army Nursing Service or the reserve thereof; or

(d) are enrolled in the Auxiliary Territorial Service; not being, in any of the said cases, women whose enrolment or other undertaking to serve was for part-time service only or for service without remuneration."

(2) After section one hundred and seventy-six of the Air Force Act, the following section shall be inserted:—

"176A. *Application of Air Force Act to women's forces*—The Air Force Act shall apply, in such manner, to such extent and subject to such adaptations and modifications as may be specified in instructions of the Air Council, in relation to women who—

(a) are employed with the Medical Branch or the Dental Branch of the Royal Air Force with relative rank as officers; or

(b) are enrolled in Princess Mary's Royal Air Force Nursing Service or the reserve thereof; or

(c) are enrolled in the Women's Auxiliary Air Force; not being, in any of the said cases, women whose enrolment or other undertaking to serve was for part-time service only or for service without remuneration."

(3) Regulation six of the Defence (Women's Forces) Regulations, 1941, shall cease to have effect:

Provided that any instructions issued under the said Regulation by the Army Council or the Air Council which are in force when this section comes into operation shall continue in force (without prejudice to the power of revocation or amendment thereof) and shall have effect as if they had been issued under the section inserted in the Army Act or the Air Force Act, as the case may be, by this section.

8. Amendment of s. 182 of Army Act—In paragraph (2) of section one hundred and eighty-three of the Army Act (which specifies the authorities who have power to reduce a non-commissioned officer to the ranks or to a lower grade) for the words "or brigadier" there shall be substituted the words "brigadier or colonel".

9. Amendment of s. 187C of Army Act and s. 187C of Air Force Act—Section one hundred and eighty-seven C

of the Army Act (which provides for the extra-territorial operation of the military law of certain Dominions) and section one hundred and eighty-seven C of the Air Force Act (which contains corresponding provisions relating to air force law) shall cease to apply to the Commonwealth of Australia and accordingly shall have effect subject to the following amendments:—

(a) for the words "a Dominion to which this sub-section applies" there shall be substituted the words "the Dominion of New Zealand"; and

(b) the words "the Dominions to which this sub-section applies are the Commonwealth of Australia and the Dominion of New Zealand" shall be omitted.

10. Amendment of s. 190 of Army Act—(1) In sub-paragraph (a) of paragraph (34) of section one hundred and ninety of the Army Act the words "and Northern Ireland" and the word "and" at the end of that sub-paragraph shall be omitted, and at the end of the said paragraph there shall be inserted the words "and

(c) as regards Northern Ireland, means the Petty Sessions (Ireland) Act, 1851 (14 and 15 Vict. c. 93), and any Act (including an Act of the Parliament of Northern Ireland) amending that Act."

(2) In sub-paragraph (a) of paragraph (35) of the said section one hundred and ninety the words "and Northern Ireland" and the word "and" at the end of sub-paragraph (b) of the said paragraph shall be omitted, and after the said sub-paragraph (b) there shall be inserted the words—

"(c) as regards Northern Ireland, means a court of summary jurisdiction constituted in accordance with the provisions of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935; and"

(3) After paragraph (41) of the said section one hundred and ninety there shall be added the following paragraphs:—

"(42) The expression 'aircraft' includes aeroplanes, balloons, kite balloons, airships, gliders or other machines for flying.

(43) The expression "aircraft material" includes any engines, fittings, guns, gear, instruments or apparatus for use in connection with aircraft, and any components and accessories of aircraft, and petrol and any other substance used for providing motive power for aircraft, and lubricating oil."

11. Amendment of s. 190 of Air Force Act—(1) In paragraph (4) of section one hundred and ninety of the Air Force Act (which paragraph defines the expression "officer"), the word "and" at the end of sub-paragraph (c) shall be omitted, and at the end of sub-paragraph (d) there shall be inserted the words "and (e) any officer of His Majesty's Indian Air Force".

(2) In sub-paragraph (a) of paragraph (34) of the said section one hundred and ninety the words "and Northern Ireland" and the word "and" at the end of that sub-paragraph shall be omitted, and at the end of the said paragraph there shall be inserted the words "and

(c) as regards Northern Ireland, means the Petty Sessions (Ireland) Act, 1851, and any Act (including an Act of the Parliament of Northern Ireland) amending that Act."

(3) In sub-paragraph (a) of paragraph (35) of the said section one hundred and ninety the words "and Northern Ireland" and the word "and" at the end of sub-paragraph (b) of the said paragraph shall be omitted, and after the said sub-paragraph (b) there shall be inserted the words—

"(c) as regards Northern Ireland, means a court of summary jurisdiction constituted in accordance with the provisions of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935; and", and the sub-paragraph at present numbered "(c)" shall be re-numbered "(d)".

(4) In paragraph (42) of the said section one hundred and ninety after the word "airships" there shall be inserted the word "gliders".

THE EVIDENCE AND POWERS OF ATTORNEY ACT, 1943

(6 and 7 Geo. 6. Ch. 18)

CHAPTER 18

An Act to amend the Evidence and Powers of Attorney Act, 1940, to provide for the proof of notarial acts of certain foreign, diplomatic and consular representatives, and for purposes connected therewith

[22nd April, 1943]

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 :—

1. Authority to administer oaths in certain countries—The Evidence and Powers of Attorney Act, 1940 (3 and 4 Geo. 6, c. 28) (hereafter in this Act referred to as the "principal Act") shall have effect as if after sub-section (2) of section one of that Act (which enables provision to be made for empowering officers of His Majesty's naval, military and air forces and members of the diplomatic, consular or other foreign service of a foreign Power to administer oaths and take affidavits in time of war) the following sub-section were inserted :—

"(2A) If the Lord Chancellor is satisfied that in any country or place outside the United Kingdom conditions are such that adequate provision for the administration of oaths and the taking of affidavits cannot be made by means of orders conferring powers upon persons of the descriptions specified in the foregoing provisions of this section, he may by order provide for empowering other persons having such qualifications as may be specified in the order, or acting in any such capacity as may be so specified, to administer oaths and take affidavits in that country or place for all or any of the purposes aforesaid."

2. Deposit of photographic copies of certain powers of attorney.—Rules of court made in pursuance of section

three of the principal Act (which requires the deposit or registration of certain instruments creating powers of attorney executed outside the United Kingdom during the present war) may make provision, in such cases and subject to such conditions as may be specified in the rules, for the deposit or registration of photographic copies of such instruments and of any affidavits of due execution required in connection therewith, instead of the originals.

3. Offences—(1) If any person in any oath or affidavit taken or made in pursuance of section one of the principal Act in any place outside the United Kingdom for the purposes of any proceeding or matter in any part of the United Kingdom, makes any statement which, if the oath or affidavit had been taken or made in that part, would constitute the offence of perjury, he shall be guilty of the like offence as if the oath or affidavit had been so taken or made.

(2) Where any document made outside the United Kingdom, or any copy of such a document, is transmitted to any part of the United Kingdom for deposit or registration under section three of the principal Act, any act done in relation thereto which, if it had been done in that part, would constitute, in England or Northern Ireland, an offence against the Forgery Act, 1913 (3 and 4 Geo. 5, c. 27),

or, in Scotland, the crime of uttering a forged document, shall be deemed to have been so done, and for the purpose of this sub-section and of section six of the said Act (which relates to the uttering of forged documents) any copy so transmitted of a forged document shall be deemed itself to be a forged document.

(3) In any proceedings in respect of an offence committed outside the United Kingdom in connection with any affidavit or other document of which a photographic copy is transmitted to any part of the United Kingdom the copy may be used in evidence without proof of the destruction of the original as if such proof had been given.

(4) A person charged with an offence under this section may be proceeded against, indicted, tried and punished in any country or place where he is apprehended or is in custody as if the offence had been committed in that country or place, and for all purposes incidental to or consequential on the trial or punishment of the offence, it shall be deemed to have been committed in that country or place.

4. Evidence of notarial acts done by certain foreign diplomatic and consular representatives.—The Secretary of State may by order direct that so much of sub-section

(2) of section six of the Commissioners for Oaths Act, 1889 (52 and 53 Vict. c. 10), as relates to the proof of notarial acts done in foreign countries and places by British diplomatic and consular officers shall apply in relation to notarial acts done by such persons as may be specified in the order, being persons serving in the diplomatic, consular or other foreign service of a Power which, by arrangement with His Majesty, has undertaken to represent His interests in any country or place in which His Majesty has for the time being no diplomatic or consular representatives appointed on the advice of His Government in the United Kingdom.

5. Construction, short title and citation.—(1) References in this Act to the principal Act shall, except where the context otherwise requires, be construed as references to that Act as amended by this Act.

(2) This Act may be cited as the Evidence and Powers of Attorney Act, 1943, and this Act and the principal Act may be cited together as the Evidence and Powers of Attorney Acts, 1940 and 1943.

SHAVAX A. LAL
Secy. to the Govt. of India