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Laws of England

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FOURTH EDITION

LORD HAILSHAM OF ST. MARYLEBONE

Lord High Chancellor of Great Britain

Volume 43

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Volume 43

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**LORD HAILSHAM OF ST. MARYLEBONE**  
LORD HIGH CHANCELLOR OF GREAT BRITAIN

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The law stated in this volume is in general that in force on 1st November 1982

# REFERENCES AND ABBREVIATIONS

|                     |   |   |   |   |                                                                                                                    |
|---------------------|---|---|---|---|--------------------------------------------------------------------------------------------------------------------|
| A.C.T.              | . | . | . | . | Australian Capital Territory                                                                                       |
| A-G                 | . | . | . | . | Attorney General                                                                                                   |
| Adv-Gen             | . | . | . | . | Advocate General                                                                                                   |
| affd.               | . | . | . | . | affirmed                                                                                                           |
| Alta.               | . | . | . | . | Alberta                                                                                                            |
| App.                | . | . | . | . | Appendix                                                                                                           |
| art.                | . | . | . | . | article                                                                                                            |
| Aust.               | . | . | . | . | Australia                                                                                                          |
| B                   | . | . | . | . | Baron                                                                                                              |
| B.C.                | . | . | . | . | British Columbia                                                                                                   |
| BFSP                | . | . | . | . | British and Foreign State Papers                                                                                   |
| B.S.                | . | . | . | . | British Standard                                                                                                   |
| Bk.                 | . | . | . | . | Book                                                                                                               |
| C.                  | . | . | . | . | Command Paper (of a series published before 1900)                                                                  |
| c.                  | . | . | . | . | chapter number of an Act                                                                                           |
| CA                  | . | . | . | . | Court of Appeal                                                                                                    |
| CA in Ch            | . | . | . | . | Court of Appeal in Chancery                                                                                        |
| CCA                 | . | . | . | . | Court of Criminal Appeal                                                                                           |
| CC Fees Order 1978  | . | . | . | . | County Court Fees Order 1978 (S.I. 1978 No. 1243) as subsequently amended (see the current County Court Practice)  |
| CC Funds Rules 1965 | . | . | . | . | County Court Funds Rules 1965 (S.I. 1965 No. 1500) as subsequently amended (see the current County Court Practice) |
| CCR 1981            | . | . | . | . | County Court Rules 1981 (S.I. 1981 No. 1687) as subsequently amended (see the current County Court Practice)       |
| CCR                 | . | . | . | . | Crown Cases Reserved                                                                                               |
| CCT                 | . | . | . | . | Common Customs Tariff                                                                                              |
| C-MAC               | . | . | . | . | Courts-Martial Appeal Court                                                                                        |
| Can.                | . | . | . | . | Canada                                                                                                             |
| Cd.                 | . | . | . | . | Command Paper (of the series published 1900-18)                                                                    |
| Cf.                 | . | . | . | . | compare                                                                                                            |
| ch.                 | . | . | . | . | chapter                                                                                                            |
| cl.                 | . | . | . | . | clause                                                                                                             |
| Cmd.                | . | . | . | . | Command Paper (of the series published 1919-56)                                                                    |
| Cmnd.               | . | . | . | . | Command Paper (of the series published 1956 to date)                                                               |

|                                         |                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Commons Journals . . . . .              | Journals of the House of Commons                                                                                                                                                                                                                                                                                                                            |
| Court Forms (2nd Edn) . . . . .         | Atkin's Encyclopaedia of Court Forms in Civil Proceedings, 2nd Edn. See note 2, p. 14, post                                                                                                                                                                                                                                                                 |
| DC . . . . .                            | Divisional Court                                                                                                                                                                                                                                                                                                                                            |
| Digest (Repl). . . . .                  | English and Empire Digest Replacement Volumes (Blue Band). Continuation Volume A ("Cont Vol A") includes cases reported 1952-63; Continuation Volume B includes cases reported 1964-66; Continuation Volume C includes cases reported 1967-70; Continuation Volume D includes cases reported 1971-75; Continuation Volume E includes cases reported 1976-79 |
| Digest (Reissue) . . . . .              | English and Empire Digest Reissue Volumes (Green Band)                                                                                                                                                                                                                                                                                                      |
| EAT . . . . .                           | Employment Appeal Tribunal                                                                                                                                                                                                                                                                                                                                  |
| EC . . . . .                            | European Communities                                                                                                                                                                                                                                                                                                                                        |
| ECJ . . . . .                           | Court of Justice of the European Communities                                                                                                                                                                                                                                                                                                                |
| ECSC . . . . .                          | European Coal and Steel Community                                                                                                                                                                                                                                                                                                                           |
| EEC . . . . .                           | European Economic Community                                                                                                                                                                                                                                                                                                                                 |
| ECt HR . . . . .                        | European Court of Human Rights                                                                                                                                                                                                                                                                                                                              |
| Edn . . . . .                           | Edition                                                                                                                                                                                                                                                                                                                                                     |
| EFTA . . . . .                          | European Free Trade Association                                                                                                                                                                                                                                                                                                                             |
| Euratom . . . . .                       | European Atomic Energy Community                                                                                                                                                                                                                                                                                                                            |
| Ex Ch . . . . .                         | Court of Exchequer Chamber                                                                                                                                                                                                                                                                                                                                  |
| FC . . . . .                            | Full Court                                                                                                                                                                                                                                                                                                                                                  |
| Fed. . . . .                            | Federal                                                                                                                                                                                                                                                                                                                                                     |
| Forms & Precedents (4th Edn)            | Encyclopaedia of Forms and Precedents other than Court Forms, 4th Edn. See note 2, p. 14, post                                                                                                                                                                                                                                                              |
| HC . . . . .                            | High Court                                                                                                                                                                                                                                                                                                                                                  |
| HL . . . . .                            | House of Lords                                                                                                                                                                                                                                                                                                                                              |
| H. of C. . . . .                        | House of Commons                                                                                                                                                                                                                                                                                                                                            |
| Halsbury's Statutes (3rd Edn) . . . . . | Halsbury's Statutes of England, 3rd Edn. See note 2, p. 14, post                                                                                                                                                                                                                                                                                            |
| ILO . . . . .                           | International Labour Organisation                                                                                                                                                                                                                                                                                                                           |
| IMF . . . . .                           | International Monetary Fund                                                                                                                                                                                                                                                                                                                                 |
| Ir. . . . .                             | Ireland                                                                                                                                                                                                                                                                                                                                                     |
| J . . . . .                             | Justice                                                                                                                                                                                                                                                                                                                                                     |
| JA . . . . .                            | Judge of Appeal                                                                                                                                                                                                                                                                                                                                             |
| LA . . . . .                            | Lord Advocate                                                                                                                                                                                                                                                                                                                                               |
| LC . . . . .                            | Lord Chancellor                                                                                                                                                                                                                                                                                                                                             |
| LCJ . . . . .                           | Lord Chief Justice                                                                                                                                                                                                                                                                                                                                          |
| LJ . . . . .                            | Lord Justice of Appeal                                                                                                                                                                                                                                                                                                                                      |
| LoN . . . . .                           | League of Nations                                                                                                                                                                                                                                                                                                                                           |
| MR . . . . .                            | Master of the Rolls                                                                                                                                                                                                                                                                                                                                         |

|                     |   |   |   |   |   |                                                                                                                                       |
|---------------------|---|---|---|---|---|---------------------------------------------------------------------------------------------------------------------------------------|
| Man.                | . | . | . | . | . | Manitoba                                                                                                                              |
| n                   | . | . | . | . | . | note                                                                                                                                  |
| N.B.                | . | . | . | . | . | New Brunswick                                                                                                                         |
| N.I.                | . | . | . | . | . | Northern Ireland                                                                                                                      |
| NIRC                | . | . | . | . | . | National Industrial Relations Court                                                                                                   |
| N.S.                | . | . | . | . | . | Nova Scotia                                                                                                                           |
| N.S.W.              | . | . | . | . | . | New South Wales                                                                                                                       |
| N.Z.                | . | . | . | . | . | New Zealand                                                                                                                           |
| Nfld                | . | . | . | . | . | Newfoundland                                                                                                                          |
| OJ                  | . | . | . | . | . | The Official Journal of the European Communities published by the Office for Official Publications of the European Communities        |
| Ont.                | . | . | . | . | . | Ontario                                                                                                                               |
| Ord.                | . | . | . | . | . | Order                                                                                                                                 |
| P                   | . | . | . | . | . | President                                                                                                                             |
| PC                  | . | . | . | . | . | Judicial Committee of the Privy Council                                                                                               |
| P.E.I.              | . | . | . | . | . | Prince Edward Island                                                                                                                  |
| Qld.                | . | . | . | . | . | Queensland                                                                                                                            |
| Que.                | . | . | . | . | . | Quebec                                                                                                                                |
| r.                  | . | . | . | . | . | rule                                                                                                                                  |
| RSC                 | . | . | . | . | . | Rules of the Supreme Court 1965 (S.I. 1965 No. 1776) as subsequently amended (see the current Supreme Court Practice)                 |
| reg.                | . | . | . | . | . | regulation                                                                                                                            |
| Res.                | . | . | . | . | . | Resolution                                                                                                                            |
| revsd.              | . | . | . | . | . | reversed                                                                                                                              |
| s.                  | . | . | . | . | . | section                                                                                                                               |
| S.A.                | . | . | . | . | . | South Africa                                                                                                                          |
| S. Aust.            | . | . | . | . | . | Southern Australia                                                                                                                    |
| SC                  | . | . | . | . | . | Supreme Court                                                                                                                         |
| SC Fees Order 1980  | . | . | . | . | . | Supreme Court Fees Order 1980 (S.I. 1980 No. 821) as subsequently amended (see the current Supreme Court Practice)                    |
| SC Funds Rules 1975 | . | . | . | . | . | Supreme Court Funds Rules 1975 (S.I. 1975 No. 1803) as subsequently amended (see the current Supreme Court Practice)                  |
| S.I.                | . | . | . | . | . | Statutory Instruments published by authority                                                                                          |
| S.R. & O.           | . | . | . | . | . | Statutory Rules and Orders published by authority                                                                                     |
| S.R. & O. Rev. 1904 | . | . | . | . | . | Revised Edition comprising all Public and General Statutory Rules and Orders in force on 31st December 1903                           |
| S.R. & O. Rev. 1948 | . | . | . | . | . | Revised Edition comprising all Public and General Statutory Rules and Orders and Statutory Instruments in force on 31st December 1948 |

|          |   |   |   |   |   |                                                |
|----------|---|---|---|---|---|------------------------------------------------|
| Sask.    | . | . | . | . | . | Saskatchewan                                   |
| Sch.     | . | . | . | . | . | Schedule                                       |
| Sess.    | . | . | . | . | . | Session                                        |
| TS       | . | . | . | . | . | Treaty Series                                  |
| Tas.     | . | . | . | . | . | Tasmania                                       |
| ULFIS    | . | . | . | . | . | Uniform Law on the International Sale of Goods |
| UN       | . | . | . | . | . | United Nations                                 |
| Vict.    | . | . | . | . | . | Victoria                                       |
| W. Aust. | . | . | . | . | . | Western Australia                              |

NOTE 1. The abbreviations of law reports and other sources used in this work are listed in vol. 1 at pp. 23 et seq.

NOTE 2. Where references are made to other publications, the volume number precedes and the page number follows the name of the publication; e.g. the reference “12 Forms & Precedents (4th Edn) 44” refers to volume 12 of the *Encyclopaedia of Forms and Precedents*, page 44.

NOTE 3. An English statute is cited by short title or, where there is no short title, by regnal year and chapter number together with the name by which it is commonly known or a description of its subject matter and date. In the case of a foreign statute, the mode of citation generally follows the style of citation in use in the country concerned with the addition, where necessary, of the name of the country in parentheses.

NOTE 4. A statutory instrument is cited by name, if any, followed by the year and number, or, if unnumbered, the date.

# TABLE OF STATUTES

In the following Table references to "Statutes" are to Halsbury's Statutes of England (Third Edition) showing the volume and page where the annotated text of the Act will be found.

| A                                                             | PARA.    |
|---------------------------------------------------------------|----------|
| Administration of Justice Act 1956 (1 Statutes 20)—           |          |
| Pt. I (ss. 1-8) . . . . .                                     | 3        |
| Administration of Justice Act 1977 (47 Statutes 113)—         |          |
| s. 15 (1) . . . . .                                           | 234      |
| Admiralty Court Act 1840 . . . . .                            | 2        |
| Admiralty Court Act 1854 . . . . .                            | 2        |
| Admiralty Court Act 1861 (1 Statutes 6) . . . . .             | 2        |
| s. 6 . . . . .                                                | 764      |
| 8 . . . . .                                                   | 128      |
| 9 . . . . .                                                   | 1034     |
| Anchors and Chain Cables Act 1967 (31 Statutes 723) . . . . . | 285      |
| s. 1 . . . . .                                                | 267, 285 |
| (1) . . . . .                                                 | 285      |
| (2) . . . . .                                                 | 115, 285 |
| (a), (b) . . . . .                                            | 285      |
| (3)-(7) . . . . .                                             | 285      |
| Animal Health Act 1981 (51 Statutes 76)—                      |          |
| s. 57 . . . . .                                               | 1133     |
| 65 (3) . . . . .                                              | 180      |
| Arbitration Act 1950 (2 Statutes 433)—                        |          |
| s. 29 (1), (2) . . . . .                                      | 694      |
| (3) . . . . .                                                 | 694      |
| (a)-(c) . . . . .                                             | 694      |
| Armed Forces Act 1981 (51 Statutes 1443)—                     |          |
| s. 20 (1) . . . . .                                           | 89       |
| Sch. 3—                                                       |          |
| Pt. II—                                                       |          |
| para. 7 . . . . .                                             | 89       |
| Attachment of Earnings Act 1971 (41 Statutes 791) . . . . .   | 100      |

| B                                                   |                                        |
|-----------------------------------------------------|----------------------------------------|
| Bahamas Independence Act 1973 (43 Statutes 84)—     |                                        |
| s. 1 . . . . .                                      | 21                                     |
| Sch. 1—                                             |                                        |
| para. 4 (a) . . . . .                               | 21                                     |
| Belize Act 1981 (51 Statutes 189)—                  |                                        |
| s. 30 . . . . .                                     | 21                                     |
| Sch. 1—                                             |                                        |
| Pt. I . . . . .                                     | 21                                     |
| Bills of Lading Act 1855 (31 Statutes 44) . . . . . | 8, 491, 495, 703, 709                  |
| s. 1 . . . . .                                      | 491, 496, 519, 660, 709, 710, 764, 771 |
| 2 . . . . .                                         | 523, 524, 703                          |
| 3 . . . . .                                         | 509                                    |
| proviso . . . . .                                   | 509                                    |

|                                                                        | PARA.   |
|------------------------------------------------------------------------|---------|
| British Mercantile Marine Uniform Act 1919 (31 Statutes 510) . . . . . | 241     |
| British Nationality Act 1948 (1 Statutes 861) . . . . .                | 58      |
| s. 1 (3) . . . . .                                                     | 20, 58  |
| 2 (1) . . . . .                                                        | 58      |
| 3 (1) . . . . .                                                        | 1226    |
| (2) . . . . .                                                          | 119     |
| 31 . . . . .                                                           | 119     |
| Sch. 4—                                                                |         |
| Pt. I . . . . .                                                        | 119     |
| British Nationality Act 1981 (51 Statutes 3) . . . . .                 | 58      |
| s. 31 . . . . .                                                        | 58      |
| 39 (2) . . . . .                                                       | 58      |
| 51 (1) (b) . . . . .                                                   | 851     |
| 52 (1) . . . . .                                                       | 20      |
| (6) . . . . .                                                          | 58      |
| 53 (2) . . . . .                                                       | 20      |
| Sch. 3 . . . . .                                                       | 20      |
| Sch. 7 . . . . .                                                       | 58      |
| British Telecommunications Act 1981 (51 Statutes 1794)—                |         |
| s. 1 . . . . .                                                         | 44      |
| 87 . . . . .                                                           | 274     |
| 88 (1) . . . . .                                                       | 44, 327 |
| Sch. 3—                                                                |         |
| Pt. II—                                                                |         |
| para. 14 . . . . .                                                     | 274     |
| Sch. 4—                                                                |         |
| para. 1 . . . . .                                                      | 44      |
| (a) . . . . .                                                          | 327     |

## C

|                                                                                |                                                                                                                                                                                  |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Carriage by Air Act 1961 (2 Statutes 604) . . . . .                            | 1224                                                                                                                                                                             |
| Carriage by Air (Supplementary Provisions) Act 1962 (2 Statutes 639) . . . . . | 1224                                                                                                                                                                             |
| Carriage of Goods by Sea Act 1924 (31 Statutes 523) . . . . .                  | 401, 462, 760, 761, 765, 779                                                                                                                                                     |
| Schedule . . . . .                                                             | 3                                                                                                                                                                                |
| Carriage of Goods by Sea Act 1936 (U.S.A.) . . . . .                           | 413, 449, 761, 766, 767                                                                                                                                                          |
| s. 4 . . . . .                                                                 | 760                                                                                                                                                                              |
| 12 . . . . .                                                                   | 604, 760                                                                                                                                                                         |
| Carriage of Goods by Sea Act 1971 (41 Statutes 1312) . . . . .                 | 8, 401, 431, 447, 462, 490, 498, 501, 510, 519, 520, 527, 538, 553, 555, 556, 586, 600, 601, 603, 608, 613, 614, 660, 662, 702, 759-62, 766, 768, 778, 779, 785, 788, 1100, 1224 |
| s. 1 (1) . . . . .                                                             | 759                                                                                                                                                                              |
| (2) . . . . .                                                                  | 595, 759, 760, 762-800                                                                                                                                                           |
| (3), (4) . . . . .                                                             | 759                                                                                                                                                                              |

|                                                     | PARA.                                         |                                                  | PARA.           |
|-----------------------------------------------------|-----------------------------------------------|--------------------------------------------------|-----------------|
| Carriage of Goods by Sea Act 1971— <i>continued</i> |                                               | Civil Aviation Act 1949 (2 Statutes 514)         |                 |
| s. I (5)                                            | 786                                           | s. 66 (1)                                        | 876             |
| (6)                                                 | 759                                           | Civil Aviation Act 1982—                         | 880             |
| (a), (b)                                            | 759                                           | s. 39, 41, 43, 47                                | 1164            |
| (7)                                                 | 759                                           | 60, 62, 73–77, 81                                | 1164            |
| 2                                                   | 601                                           | 87                                               | 1028            |
| (1)                                                 | 759                                           | (1), (2)                                         | 1027, 1034      |
| (a), (b)                                            | 759                                           | (3)                                              | 1034            |
| (2)                                                 | 759                                           | (4)                                              | 1008, 1030      |
| 3                                                   | 553, 555, 595, 760, 778                       | 89, 96                                           | 1164            |
| 4                                                   | 759                                           | 97                                               | 876, 1164       |
| (2)                                                 | 759                                           | (1)                                              | 877, 879        |
| 5                                                   | 759                                           | (ii)                                             | 876, 877        |
| (4)                                                 | 759                                           | (6)                                              | 876, 884        |
| 6 (4)                                               | 1100, 1120                                    | 107 (2)                                          | 1164            |
| Schedule (Hague Visby Rules):                       | I, 3, 498, 553, 595, 759, 778, 793–800        | 109 (1)                                          | 1164            |
| art. I                                              | 769, 790, 793–800                             | Sch. 14—                                         |                 |
| (a)                                                 | 763, 793–800                                  | para. 7                                          | 1164            |
| (b)                                                 | 534, 595, 759, 764, 789, 790, 793–800         | Civil Evidence Act 1968 (12 Statutes 910)—       |                 |
| (c)                                                 | 759, 763, 793–800                             | Pt. I (ss. 1–10)                                 | 1010            |
| (d)                                                 | 766, 793–800                                  | Clean Air Act 1956 (26 Statutes 456)             | 1213, 1214      |
| (e)                                                 | 759, 765, 793–800                             | s. 1                                             | 115, 1213       |
| art. II                                             | 763, 765, 790, 793–800                        | (1)–(3)                                          | 1213            |
| art. III                                            | 761, 763, 768, 775–78, 781, 788, 790, 793–800 | 20                                               | 115, 1213, 1214 |
| r. I                                                | 595, 760, 777, 781, 783, 793–800              | (1)                                              | 1213            |
| (a)–(c)                                             | 766, 793–800                                  | (3)                                              | 1213, 1214      |
| 2                                                   | 760, 768, 777, 779, 783, 785, 793–800         | (a), (b)                                         | 1213            |
| (a)                                                 | 777                                           | (4)                                              | 1213, 1214      |
| 3                                                   | 498, 764, 770, 780, 793–800                   | 22 (1) (d)                                       | 1214            |
| (a)–(c)                                             | 769, 793–800                                  | (3)                                              | 1214            |
| proviso                                             | 769, 793–800                                  | 27 (1)                                           | 1213            |
| 4                                                   | 492, 759, 770, 793–800                        | 30 (1), (2)                                      | 1213            |
| 5                                                   | 771, 784, 793–800                             | 31 (1)                                           | 1214            |
| 6                                                   | 760, 772, 773, 785, 793–800                   | 34 (1), (2)                                      | 1213            |
| 6 bis                                               | 773, 793–800                                  | Sch. 3—                                          |                 |
| 7                                                   | 759, 774, 793–800                             | Pt. I—                                           |                 |
| 8                                                   | 760, 775, 786, 793–800                        | para. 1                                          | 1214            |
| art. IV BIS                                         | 761, 763, 768, 776–81, 785, 786, 790, 793–800 | Coast Protection Act 1949 (39 Statutes 571)      |                 |
| r. 1                                                | 760, 776–78, 781, 785, 786, 793–800           | s. 34                                            | 29, 1023        |
| 2                                                   | 776–78, 783, 785, 787, 793–800                | 35                                               | 29              |
| (a)                                                 | 760, 779, 782, 783, 786, 793–800              | (1) (f)                                          | 1023            |
| (b)                                                 | 760, 780, 782, 783, 793–800                   | 36                                               | 29              |
| (c)                                                 | 760, 780, 782, 793–800                        | Coastguard Act 1925 (29 Statutes 34)—            |                 |
| (d)                                                 | 760, 782, 793–800                             | s. 1 (1)                                         | 52              |
| (e)–(m)                                             | 760, 780, 782, 793–800                        | Companies Act 1948 (5 Statutes 110)—             |                 |
| (n)                                                 | 510, 760, 780, 782, 793–800                   | s. 154                                           | 1208            |
| (o)                                                 | 760, 780, 782, 793–800                        | 161 (1) (a)                                      | 832             |
| (p)                                                 | 760, 777, 780, 781, 782, 793–800              | 325                                              | 1154            |
| (q)                                                 | 760, 777, 782, 783, 793–800                   | 412, 437                                         | 1187            |
| 3                                                   | 776–78, 780, 784, 787, 793–800                | Compensation (Defence) Act 1939 (6 Statutes 78)— |                 |
| 4                                                   | 760, 776, 778, 785, 787, 793–800              | s. 1 (1) (b)                                     | 88              |
| 5                                                   | 760, 771, 776–78, 785                         | 4, 5, 7                                          | 88              |
| (a)–(g)                                             | 786, 793–800                                  | 8 (1), (2)                                       | 88              |
| (h)                                                 | 776, 786, 793–800                             | Conspiracy and Protection of Property Act 1875   |                 |
| 6                                                   | 270, 776, 777, 788, 793–800                   | (8 Statutes 206)—                                |                 |
| art. V                                              | 759, 760, 763, 764, 789, 790, 793–800         | s. 5                                             | 255             |
| art. VI                                             | 763, 764, 790, 793–800                        | 16                                               | 92              |
| proviso                                             | 790                                           | Consular Conventions Act 1949 (6 Statutes 879)—  |                 |
| art. VII                                            | 763, 765, 778, 791, 793–800                   | s. 5 (2)                                         | 1017            |
| art. VIII                                           | 762, 763, 791, 793–800, 1120                  | Consular Relations Act 1968 (6 Statutes 1025)    | 236             |
| art. IX                                             | 763, 791, 793–800                             | s. 4                                             | 234             |
| art. X                                              | 759, 763, 793–800                             | 6                                                | 17, 236         |
| (a)–(c)                                             | 793–800                                       | (a), (b)                                         | 236             |
|                                                     |                                               | 14                                               | 17              |
|                                                     |                                               | (2), (3)                                         | 236             |

|                                                   | PARA.                                                                      |
|---------------------------------------------------|----------------------------------------------------------------------------|
| Continental Shelf Act 1964 (22 Statutes 587)      | 3                                                                          |
| s. 1 (7)                                          | 1178                                                                       |
| 2                                                 | 168                                                                        |
| 5                                                 | 1175                                                                       |
| Control of Pollution Act 1974 (44 Statutes 1191)— |                                                                            |
| s. 99                                             | 1213                                                                       |
| 108 (1)                                           | 1213                                                                       |
| Sch. 2—                                           |                                                                            |
| para. 19 (1)                                      | 1213                                                                       |
| Sch. 3—                                           |                                                                            |
| para. 16 (1), (2)                                 | 1213                                                                       |
| County Courts Act 1959 (7 Statutes 302)           | 1140                                                                       |
| s. 55                                             | 1140                                                                       |
| 56                                                | 1140, 1223                                                                 |
| (1) (a), (b)                                      | 958, 1003                                                                  |
| (c), (d)                                          | 1003                                                                       |
| (e)                                               | 234                                                                        |
| (f)                                               | 1020, 1028                                                                 |
| (2)                                               | 234, 1020                                                                  |
| (4) (a)                                           | 234                                                                        |
| (8)                                               | 1073                                                                       |
| 57                                                | 1069, 1140, 1223                                                           |
| (1), (2)                                          | 234                                                                        |
| (3)                                               | 234, 958, 1003                                                             |
| (4)                                               | 1003                                                                       |
| 60                                                | 1223                                                                       |
| 61                                                | 1223                                                                       |
| (2) (c)                                           | 234                                                                        |
| 70 (1)                                            | 1003                                                                       |
| (6)                                               | 1223                                                                       |
| 201                                               | 91                                                                         |
| 204                                               | 234                                                                        |
| Sch. 3                                            | 234                                                                        |
| County Courts (Amendment) Act 1934—               |                                                                            |
| s. 13 (8)                                         | 1020                                                                       |
| 34 (1)                                            | 1020                                                                       |
| Sch. 5—                                           |                                                                            |
| Pt. I                                             | 1020                                                                       |
| Courts Act 1971 (41 Statutes 285)—                |                                                                            |
| s. 56 (4)                                         | 90, 1140                                                                   |
| Sch. 11—                                          |                                                                            |
| Pt. II                                            | 1140                                                                       |
| Pt. IV                                            | 90                                                                         |
| Courts (Emergency Powers) Act 1917—               |                                                                            |
| s. 3                                              | 453                                                                        |
| Criminal Justice Act 1948 (8 Statutes 337)—       |                                                                            |
| s. 1 (1)                                          | 1013                                                                       |
| (2)                                               | 171                                                                        |
| Criminal Justice Act 1982—                        |                                                                            |
| s. 35 (1)                                         | 208                                                                        |
| (a)                                               | 1220                                                                       |
| (2)                                               | 208                                                                        |
| (a)                                               | 1220                                                                       |
| 36                                                | 1246                                                                       |
| 37 (2)                                            | 18                                                                         |
| 38 (1)                                            | 113, 156, 208, 241, 285, 302, 318, 817, 1010, 1011, 1190, 1206, 1217, 1220 |
| (6)                                               | 113, 156, 241, 285, 302, 318, 817, 1010, 1011, 1190, 1206, 1217, 1220      |
| (8)                                               | 113, 156, 241, 302, 318, 817, 1010, 1011, 1190, 1206                       |
| (9)                                               | 285, 1217, 1220                                                            |
| 40 (1), (5), (8), (10)                            | 1246                                                                       |

|                                                           | PARA.                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Criminal Justice Act 1982— <i>continued</i>               |                                                                                                                                                                                                                                                                                                                            |
| s. 46 (1), (4)                                            | 18, 44, 49, 55, 56, 58, 59, 71–75, 87, 94, 106, 130, 155–57, 159–64, 167, 174, 183, 186, 208–218, 220, 223, 224, 230, 239–41, 246, 250, 264, 272, 278, 279, 284, 285, 292, 302, 318, 319, 322, 325, 326, 808, 809, 815, 816, 847, 860–65, 867, 869, 870, 929, 1013–1015, 1020, 1160, 1166, 1184–86, 1191, 1206, 1208, 1213 |
| 47 (1)                                                    | 809                                                                                                                                                                                                                                                                                                                        |
| 48 (1) (a)                                                | 47                                                                                                                                                                                                                                                                                                                         |
| 49 (1)                                                    | 47, 186                                                                                                                                                                                                                                                                                                                    |
| (a)                                                       | 47, 94, 109, 115, 171, 180, 183, 184, 242–45, 254, 263, 264, 267, 270, 271, 276, 277, 279, 281–83, 286, 291, 296, 311, 316, 321, 323, 325, 328, 333–400, 817, 819, 861, 877, 920, 1182, 1190, 1208                                                                                                                         |
| (b)                                                       | 185                                                                                                                                                                                                                                                                                                                        |
| (2) (a)–(c)                                               | 1175                                                                                                                                                                                                                                                                                                                       |
| (3) (a)                                                   | 261                                                                                                                                                                                                                                                                                                                        |
| (4)                                                       | 1175                                                                                                                                                                                                                                                                                                                       |
| 66                                                        | 171                                                                                                                                                                                                                                                                                                                        |
| 74 (1)                                                    | 47                                                                                                                                                                                                                                                                                                                         |
| Sch. 13—                                                  |                                                                                                                                                                                                                                                                                                                            |
| para. 2 (1)                                               | 171                                                                                                                                                                                                                                                                                                                        |
| Criminal Law Act 1967 (8 Statutes 552)—                   |                                                                                                                                                                                                                                                                                                                            |
| s. 1                                                      | 171                                                                                                                                                                                                                                                                                                                        |
| 10 (2)                                                    | 173, 175                                                                                                                                                                                                                                                                                                                   |
| 11 (1), (2)                                               | 173                                                                                                                                                                                                                                                                                                                        |
| Sch. 3—                                                   |                                                                                                                                                                                                                                                                                                                            |
| Pt. III                                                   | 173, 175                                                                                                                                                                                                                                                                                                                   |
| Criminal Law Act 1977 (47 Statutes 692)—                  |                                                                                                                                                                                                                                                                                                                            |
| s. 18                                                     | 172                                                                                                                                                                                                                                                                                                                        |
| 31 (6) (a), (b)                                           | 208                                                                                                                                                                                                                                                                                                                        |
| (7)                                                       | 208                                                                                                                                                                                                                                                                                                                        |
| 32 (1)                                                    | 90, 1246                                                                                                                                                                                                                                                                                                                   |
| Crown Proceedings Act 1947 (8 Statutes 844)               | 1008, 1032, 1131                                                                                                                                                                                                                                                                                                           |
| s. 4                                                      | 1087                                                                                                                                                                                                                                                                                                                       |
| 5                                                         | 14, 23, 1100, 1101, 1113                                                                                                                                                                                                                                                                                                   |
| (1)                                                       | 1101, 1121, 1224                                                                                                                                                                                                                                                                                                           |
| (2)–(4)                                                   | 1101                                                                                                                                                                                                                                                                                                                       |
| (5)                                                       | 1113                                                                                                                                                                                                                                                                                                                       |
| (a), (b)                                                  | 1113                                                                                                                                                                                                                                                                                                                       |
| (6)                                                       | 1101                                                                                                                                                                                                                                                                                                                       |
| (a)                                                       | 1101                                                                                                                                                                                                                                                                                                                       |
| (7), (8)                                                  | 1101                                                                                                                                                                                                                                                                                                                       |
| 6                                                         | 14, 23, 964                                                                                                                                                                                                                                                                                                                |
| 7                                                         | 23, 1102                                                                                                                                                                                                                                                                                                                   |
| (1)–(3)                                                   | 1102                                                                                                                                                                                                                                                                                                                       |
| 8                                                         | 23, 1008, 1032                                                                                                                                                                                                                                                                                                             |
| (1)                                                       | 1032, 1070, 1091                                                                                                                                                                                                                                                                                                           |
| (2)                                                       | 1038, 1047                                                                                                                                                                                                                                                                                                                 |
| 9 (6)                                                     | 1032                                                                                                                                                                                                                                                                                                                       |
| 29                                                        | 1032, 1131                                                                                                                                                                                                                                                                                                                 |
| (1)                                                       | 1068, 1131                                                                                                                                                                                                                                                                                                                 |
| (2)                                                       | 1131                                                                                                                                                                                                                                                                                                                       |
| 30 (1)                                                    | 23, 1005, 1069, 1158                                                                                                                                                                                                                                                                                                       |
| proviso                                                   | 1158                                                                                                                                                                                                                                                                                                                       |
| (3)                                                       | 1158                                                                                                                                                                                                                                                                                                                       |
| 38 (2)                                                    | 1032                                                                                                                                                                                                                                                                                                                       |
| Customs and Excise Management Act 1979 (49 Statutes 290)— |                                                                                                                                                                                                                                                                                                                            |
| s. 1 (1)                                                  | 91, 97                                                                                                                                                                                                                                                                                                                     |
| 32 (1), (2)                                               | 811                                                                                                                                                                                                                                                                                                                        |
| 65                                                        | 18                                                                                                                                                                                                                                                                                                                         |

|                                                             | PARA.         |
|-------------------------------------------------------------|---------------|
| Customs and Excise Management Act 1979—<br><i>continued</i> |               |
| s. 81 . . . . .                                             | 97            |
| (1)–(7) . . . . .                                           | 97            |
| 177 (1) . . . . .                                           | 18, 680, 1208 |
| Sch. 4—                                                     |               |
| para. 12 . . . . .                                          | 18, 680, 1208 |
| Table—                                                      |               |
| Pt. I . . . . .                                             | 18, 680, 1208 |
| Cyprus Act 1960 (4 Statutes 285)—                           |               |
| s. 3 (1) . . . . .                                          | 20            |

## D

|                                                                        |                        |
|------------------------------------------------------------------------|------------------------|
| Deep Sea Mining (Temporary Provisions) Act<br>1981 (51 Statutes 1084)— |                        |
| s. 2 (1) . . . . .                                                     | 1215                   |
| 3 (3) . . . . .                                                        | 1215                   |
| 16 . . . . .                                                           | 1215                   |
| Defence (Transfer of Functions) Act 1964 (6<br>Statutes 795)—          |                        |
| s. 1 (2) . . . . .                                                     | 876                    |
| Dockyard Ports Regulation Act 1865 (31<br>Statutes 898) . . . . .      | 861, 865, 866          |
| s. 13 . . . . .                                                        | 1022, 1181             |
| (5) . . . . .                                                          | 865                    |
| Dublin Port Act 1867 . . . . .                                         | 1159                   |
| Dumping at Sea Act 1974 (44 Statutes 1861) . . . . .                   | 1215, 1216, 1219, 1220 |
| s. 1 . . . . .                                                         | 1215                   |
| (1) (a)–(d) . . . . .                                                  | 1216                   |
| (2)–(5) . . . . .                                                      | 1216                   |
| (6) . . . . .                                                          | 1216                   |
| (a), (b) . . . . .                                                     | 1216                   |
| (7) . . . . .                                                          | 1216                   |
| (a), (b) . . . . .                                                     | 1216                   |
| (8) . . . . .                                                          | 1216                   |
| (a), (b) . . . . .                                                     | 1216                   |
| (9) . . . . .                                                          | 1216                   |
| 2 . . . . .                                                            | 1216, 1218             |
| (1)–(5) . . . . .                                                      | 1217                   |
| (6) . . . . .                                                          | 1217, 1218             |
| (7) (a)–(d) . . . . .                                                  | 1217                   |
| (8)–(10) . . . . .                                                     | 1217                   |
| 3 . . . . .                                                            | 1218                   |
| (1) (a)–(c) . . . . .                                                  | 1218                   |
| (d) . . . . .                                                          | 1218                   |
| (i), (ii) . . . . .                                                    | 1218                   |
| (2)–(5) . . . . .                                                      | 1218                   |
| (6) (a), (b) . . . . .                                                 | 1218                   |
| (7)–(14) . . . . .                                                     | 1218                   |
| 4 . . . . .                                                            | 1217                   |
| (1), (2) . . . . .                                                     | 1219                   |
| 5 . . . . .                                                            | 1219                   |
| (1)–(4) . . . . .                                                      | 1219                   |
| (5) . . . . .                                                          | 1219                   |
| (a)–(c) . . . . .                                                      | 1219                   |
| (6), (7) . . . . .                                                     | 1219                   |
| (8) . . . . .                                                          | 1219                   |
| (a)–(c) . . . . .                                                      | 1219                   |
| (9)–(11) . . . . .                                                     | 1219                   |
| 6 . . . . .                                                            | 1219                   |
| (1) (a) . . . . .                                                      | 1215                   |
| (b) (i), (ii) . . . . .                                                | 1219                   |
| (2) . . . . .                                                          | 1219                   |
| 7 . . . . .                                                            | 1219, 1220             |
| (1) . . . . .                                                          | 1219                   |

|                                           | PARA.           |
|-------------------------------------------|-----------------|
| Dumping at Sea Act 1974— <i>continued</i> |                 |
| s. 7 (2) . . . . .                        | 1220            |
| (a)–(c) . . . . .                         | 1220            |
| (3) . . . . .                             | 1220            |
| 8 . . . . .                               | 1219            |
| (1), (2) . . . . .                        | 1220            |
| 9 . . . . .                               | 1219            |
| (1)–(3) . . . . .                         | 1220            |
| 10 . . . . .                              | 1219            |
| (1) . . . . .                             | 1219            |
| (2) . . . . .                             | 1219            |
| (a)–(d) . . . . .                         | 1219            |
| 11 . . . . .                              | 1219            |
| (1) . . . . .                             | 1217, 1218      |
| (2) . . . . .                             | 1218            |
| (a)–(d) . . . . .                         | 1218            |
| (3), (4) . . . . .                        | 1218            |
| 12 . . . . .                              | 1219            |
| (1) . . . . .                             | 1215–1217, 1219 |
| (2) . . . . .                             | 1215            |
| (3) . . . . .                             | 1215            |
| (a), (b) . . . . .                        | 1215            |
| 13 . . . . .                              | 1219            |
| (1) . . . . .                             | 1215            |
| (2) (a), (b) . . . . .                    | 1215            |
| 14 . . . . .                              | 1219            |
| (1)–(3) . . . . .                         | 1215            |
| 15 . . . . .                              | 1215, 1219      |
| (3), (4) . . . . .                        | 1215            |

## E

|                                                                                |          |
|--------------------------------------------------------------------------------|----------|
| Education Act 1944 (11 Statutes 153)—                                          |          |
| s. 58 . . . . .                                                                | 208, 210 |
| Employment of Women, Young Persons, and<br>Children Act 1920 (12 Statutes 57)— |          |
| s. 1 (2) . . . . .                                                             | 208      |
| (6) (b), (d) . . . . .                                                         | 208      |
| 4 . . . . .                                                                    | 208      |
| Schedule—                                                                      |          |
| Pt. IV—                                                                        |          |
| art. 1–4 . . . . .                                                             | 208      |
| European Communities Act 1972 (42 Statutes<br>78)—                             |          |
| s. 1 (2) . . . . .                                                             | 18, 823  |
| Sch. 1 . . . . .                                                               | 18       |
| Pt. II . . . . .                                                               | 823      |
| Explosive Substances Act 1883 (8 Statutes 220) . . . . .                       | 440      |
| s. 8 (2) . . . . .                                                             | 270      |
| Explosives Act 1875 (13 Statutes 155) . . . . .                                | 270      |

## F

|                                                       |      |
|-------------------------------------------------------|------|
| Factories Act 1961 (13 Statutes 400) . . . . .        | 30   |
| Factors Act 1889 (1 Statutes 94)—                     |      |
| s. 1 (1) . . . . .                                    | 515  |
| Fatal Accidents Act 1976 (46 Statutes 1115) . . . . . | 1124 |
| s. 1, 2 . . . . .                                     | 985  |
| Fees (Increase) Act 1923 (31 Statutes 520)—           |      |
| s. 1 (1) . . . . .                                    | 150  |
| 2 (1) (a) . . . . .                                   | 162  |
| Sch. 1 . . . . .                                      | 150  |
| Fiji Independence Act 1970 (40 Statutes 295)—         |      |
| s. 1 (2) . . . . .                                    | 21   |

|                                                                                | PARA.         |
|--------------------------------------------------------------------------------|---------------|
| Fiji Independence Act 1970— <i>continued</i>                                   |               |
| Sch. 1—                                                                        |               |
| para. 4 (a) . . . . .                                                          | 21            |
| Finance Act 1949 (32 Statutes 268)—                                            |               |
| s. 35 (1) . . . . .                                                            | 401, 490      |
| Sch. 8—                                                                        |               |
| Pt. I—                                                                         |               |
| para. 7 . . . . .                                                              | 490           |
| 9 . . . . .                                                                    | 401           |
| Finance Act 1972 (42 Statutes 1931)—                                           |               |
| s. 134 (7) . . . . .                                                           | 1173          |
| Sch. 28—                                                                       |               |
| Pt. IV . . . . .                                                               | 1173          |
| Firearms Act 1968 (8 Statutes 727)—                                            |               |
| s. 13 (1) (a) . . . . .                                                        | 115           |
| Fisheries Act 1981 (51 Statutes 871)                                           |               |
| s. 13 (2) . . . . .                                                            | 278           |
| Sch. 3—                                                                        |               |
| para. 8 (1) (b) . . . . .                                                      | 278           |
| (3) . . . . .                                                                  | 278           |
| Fishing Vessels (Safety Provisions) Act 1970 (31 Statutes 732)—                |               |
| s. 1 (1)–(4) . . . . .                                                         | 106           |
| 2 (1), (2) . . . . .                                                           | 110           |
| 4 . . . . .                                                                    | 268           |
| (4) . . . . .                                                                  | 268           |
| 9 (1) . . . . .                                                                | 110           |
| Foreign Judgments (Reciprocal Enforcement) Act 1933 (6 Statutes 365) . . . . . | 1211          |
| Pt. I (ss. 1–7) . . . . .                                                      | 1201          |
| Foreign Jurisdiction Act 1890 (4 Statutes 504) . . . . .                       | 1196          |
| s. 5 . . . . .                                                                 | 20, 1196      |
| Sch. 1 . . . . .                                                               | 20            |
| Forgery and Counterfeiting Act 1981 (51 Statutes 707)—                         |               |
| Pt. I (ss. 1–13) . . . . .                                                     | 41, 817, 1047 |
| Freight for Treasure Act 1819 . . . . .                                        | 703           |

## G

|                                               |    |
|-----------------------------------------------|----|
| Ghana Independence Act 1957 (4 Statutes 299)— |    |
| s. 1 (c) . . . . .                            | 21 |
| Sch. 1—                                       |    |
| para. 4 . . . . .                             | 21 |

## H

|                                                                         |                         |
|-------------------------------------------------------------------------|-------------------------|
| Harbours Act 1964 (31 Statutes 925)—                                    |                         |
| s. 57 . . . . .                                                         | 1216                    |
| 63 (2), (3) . . . . .                                                   | 1159                    |
| Sch. 6 . . . . .                                                        | 1159                    |
| Harbours, Docks, and Piers Clauses Act 1847 (31 Statutes 816) . . . . . | 1142                    |
| s. 2 . . . . .                                                          | 1165                    |
| 44 . . . . .                                                            | 1140, 1142, 1149        |
| 56 . . . . .                                                            | 1022, 1023, 1140        |
| 74 . . . . .                                                            | 868, 958, 973, 1140     |
| 75 . . . . .                                                            | 958                     |
| 77, 78 . . . . .                                                        | 1165                    |
| Harter Act 1893 (U.S.A.) . . . . .                                      | 462, 761, 766, 778, 786 |
| House of Commons Disqualification Act 1975 (45 Statutes 1594)—          |                         |
| s. 1 (1) (b) . . . . .                                                  | 824                     |

|                                                              | PARA.            |
|--------------------------------------------------------------|------------------|
| House of Commons Disqualification Act 1975— <i>continued</i> |                  |
| Sch. 1—                                                      |                  |
| Pt. II . . . . .                                             | 824              |
| Hovercraft Act 1968 (31 Statutes 725) . . . . .              | 1216, 1221, 1222 |
| s. 1 . . . . .                                               | 1222             |
| (1) . . . . .                                                | 1222             |
| (h) . . . . .                                                | 1175, 1201, 1222 |
| (i) . . . . .                                                | 1121             |
| (l) . . . . .                                                | 1226             |
| (3) . . . . .                                                | 1222, 1223       |
| (4) . . . . .                                                | 1222             |
| 2 (1) . . . . .                                              | 1223             |
| (2) . . . . .                                                | 1131, 1223       |
| (3), (3A), (4) . . . . .                                     | 1223             |
| 4 (1) . . . . .                                              | 1221, 1224       |
| (3) . . . . .                                                | 1221             |

## I

|                                                         |                                  |
|---------------------------------------------------------|----------------------------------|
| Immigration Act 1971 (41 Statutes 12)—                  |                                  |
| s. 2 . . . . .                                          | 58                               |
| Income and Corporation Taxes Act 1970 (33 Statutes 17)— |                                  |
| s. 52, 53 . . . . .                                     | 1002                             |
| Industrial Relations Act 1971 (41 Statutes 2062)—       |                                  |
| s. 169 (a) . . . . .                                    | 255                              |
| Sch. 8 . . . . .                                        | 255                              |
| Interpretation Act 1978 (48 Statutes 1296)—             |                                  |
| s. 5 . . . . .                                          | 18, 22, 41, 157, 174, 1022, 1025 |
| 17 (2) (b) . . . . .                                    | 1008                             |
| 18 . . . . .                                            | 1192, 1215                       |
| 22 (1) . . . . .                                        | 22, 41, 157                      |
| Sch. 1 . . . . .                                        | 18, 22, 41, 157, 174, 1022, 1025 |
| Sch. 2—                                                 |                                  |
| para. 4 (1) (a) . . . . .                               | 22, 157                          |
| (b) . . . . .                                           | 41                               |
| Ireland Act 1949—                                       |                                  |
| s. 2 (1) . . . . .                                      | 22                               |
| 3 (1) (a) (iii) . . . . .                               | 22                               |
| (2) . . . . .                                           | 22, 119                          |
| (b) . . . . .                                           | 22                               |
| 4 (4) proviso . . . . .                                 | 119                              |

## J

|                                                   |          |
|---------------------------------------------------|----------|
| Justices of The Peace Act 1949 (21 Statutes 110)— |          |
| s. 6 . . . . .                                    | 175      |
| 46 (2) . . . . .                                  | 809      |
| Sch. 7—                                           |          |
| Pt. III . . . . .                                 | 175, 809 |

## L

|                                                       |               |
|-------------------------------------------------------|---------------|
| Land Compensation Act 1961 (6 Statutes 238) . . . . . | 274           |
| Law of Property Act 1925 (27 Statutes 341)—           |               |
| s. 123 . . . . .                                      | 408           |
| 136 . . . . .                                         | 714, 720, 721 |
| (1) . . . . .                                         | 144, 722      |

|                                                                    | PARA.     |
|--------------------------------------------------------------------|-----------|
| Law Reform (Contributory Negligence) Act 1945 (23 Statutes 789)    | 964, 1201 |
| s. 1 (1)                                                           | 964       |
| 3 (1)                                                              | 964       |
| Law Reform (Frustrated Contracts) Act 1943 (7 Statutes 9)          | 428, 444  |
| s. 2 (5)                                                           | 737       |
| (a)                                                                | 428       |
| Law Reform (Limitation of Actions, &c.) Act 1954 (19 Statutes 99)— |           |
| s. 5 (2)                                                           | 1005      |
| Law Reform (Miscellaneous Provisions) Act 1934 (13 Statutes 115)—  |           |
| s. 1 (1)                                                           | 985       |
| Limitation Act 1980 (50 (1) Statutes 1253)                         | 143       |
| s. 21 (1) (b)                                                      | 143       |
| Lloyd's Signal Stations Act 1888 (31 Statutes 48):                 | 274       |
| s. 3 (1)                                                           | 274       |
| Local Government Staffs (War Service) Act 1939 (19 Statutes 646)—  |           |
| s. 14 (1)                                                          | 89        |

## M

|                                                                      |                                        |
|----------------------------------------------------------------------|----------------------------------------|
| Magistrates' Courts Act 1980 (50 (2) Statutes 1433)                  | 171                                    |
| s. 32                                                                | 47                                     |
| (2)                                                                  | 109, 817, 1025, 1182, 1208, 1216, 1246 |
| (9)                                                                  | 47                                     |
| 97 (1), (3), (4)                                                     | 75                                     |
| 127                                                                  | 1192                                   |
| 137 (3)                                                              | 856                                    |
| 143 (1)                                                              | 47                                     |
| 154                                                                  | 75                                     |
| Sch. 6—                                                              |                                        |
| Pt. III—                                                             |                                        |
| para. 4                                                              | 856                                    |
| Sch. 7—                                                              |                                        |
| para. 90                                                             | 75                                     |
| Maintenance Orders Act 1950 (17 Statutes 594)                        | 225                                    |
| s. 4 (1), (2)                                                        | 225                                    |
| 9 (1), (2)                                                           | 225                                    |
| 12 (1), (2)                                                          | 225                                    |
| Manchester Ship Canal Act 1897                                       |                                        |
| s. 9                                                                 | 1107                                   |
| Marine and Aviation Insurance (War Risks) Act 1952 (17 Statutes 921) | 88                                     |
| Marine Insurance Act 1906 (17 Statutes 836)—                         |                                        |
| s. 30 (2)                                                            | 247                                    |
| 39 (4)                                                               | 595, 802                               |
| 63                                                                   | 719                                    |
| 64 (1)                                                               | 742                                    |
| 65                                                                   | 1027                                   |
| 66 (1)                                                               | 742                                    |
| (2)                                                                  | 743, 749                               |
| (3), (7)                                                             | 742                                    |
| 71 (3)                                                               | 702                                    |
| Sch. I—                                                              |                                        |
| r. II                                                                | 247                                    |
| Maritime Conventions Act 1911 (31 Statutes 475)                      | 3, 20, 877, 967-71, 1008               |
| s. 1                                                                 | 10, 804, 877, 964, 965, 968-71, 1224   |
| (1)                                                                  | 960, 964, 967, 969                     |
| proviso (a), (b)                                                     | 964                                    |
| (c)                                                                  | 964, 966, 969                          |

|                                                 | PARA.                                                                                                                                                                                        |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maritime Conventions Act 1911— <i>continued</i> |                                                                                                                                                                                              |
| s. 1 (2)                                        | 964, 969                                                                                                                                                                                     |
| 2                                               | 10, 14, 964, 970                                                                                                                                                                             |
| proviso                                         | 970                                                                                                                                                                                          |
| 3                                               | 10, 11, 22, 964, 970, 971, 1224                                                                                                                                                              |
| (1)                                             | 971                                                                                                                                                                                          |
| proviso                                         | 971                                                                                                                                                                                          |
| (2)                                             | 971                                                                                                                                                                                          |
| 4                                               | 10, 964                                                                                                                                                                                      |
| (1)                                             | 877                                                                                                                                                                                          |
| (2)                                             | 920                                                                                                                                                                                          |
| 5                                               | 964                                                                                                                                                                                          |
| 6                                               | 8, 330, 920, 1008                                                                                                                                                                            |
| (1)                                             | 1033                                                                                                                                                                                         |
| (2)                                             | 1033, 1041                                                                                                                                                                                   |
| 7                                               | 1008                                                                                                                                                                                         |
| 8                                               | 13, 964, 1005, 1069, 1158, 1224                                                                                                                                                              |
| proviso                                         | 1069                                                                                                                                                                                         |
| 9                                               | 964                                                                                                                                                                                          |
| (1), (3)                                        | 20                                                                                                                                                                                           |
| (4)                                             | 964, 970, 1005, 1224                                                                                                                                                                         |
| 10                                              | 964                                                                                                                                                                                          |
| Medical Act 1956 (21 Statutes 624)—             |                                                                                                                                                                                              |
| s. 54 (1)                                       | 219                                                                                                                                                                                          |
| Mental Health Act 1959 (25 Statutes 42)—        |                                                                                                                                                                                              |
| s. 121                                          | 133                                                                                                                                                                                          |
| Sch. 5                                          | 133                                                                                                                                                                                          |
| Merchant Shipping (1786)—                       |                                                                                                                                                                                              |
| s. 2                                            | 456                                                                                                                                                                                          |
| Merchant Shipping Act 1854                      |                                                                                                                                                                                              |
| s. 103 (1)                                      | 170                                                                                                                                                                                          |
| 182                                             | 1076                                                                                                                                                                                         |
| 514                                             | 1116                                                                                                                                                                                         |
| Merchant Shipping Act 1873                      |                                                                                                                                                                                              |
| s. 17                                           | 877                                                                                                                                                                                          |
| Merchant Shipping Act 1876                      | 818                                                                                                                                                                                          |
| Merchant Shipping Act 1894 (31 Statutes 57)     | 6, 15, 17, 21, 41, 45, 53, 61, 69, 171, 175, 249, 270, 285, 302, 308, 312, 680, 818, 820, 876, 879, 1008, 1013, 1020, 1023, 1032, 1070, 1071, 1099, 1159, 1160, 1164, 1175, 1176, 1194, 1216 |
| Pt. I (ss. 1-91)                                | 7, 20, 41, 120, 147, 150, 153, 157, 179                                                                                                                                                      |
| s. 1                                            | 119                                                                                                                                                                                          |
| (a)                                             | 119                                                                                                                                                                                          |
| 2 (1)-(3)                                       | 147                                                                                                                                                                                          |
| 3 (1)                                           | 95, 147                                                                                                                                                                                      |
| (2)                                             | 100, 147                                                                                                                                                                                     |
| 4 (1) (a), (aa)                                 | 149                                                                                                                                                                                          |
| (b)-(c)                                         | 149                                                                                                                                                                                          |
| (2), (3)                                        | 149                                                                                                                                                                                          |
| 5                                               | 124, 158                                                                                                                                                                                     |
| (i)-(v)                                         | 154                                                                                                                                                                                          |
| 6                                               | 152                                                                                                                                                                                          |
| 7 (1) (a), (b)                                  | 156                                                                                                                                                                                          |
| (c)                                             | 156, 322                                                                                                                                                                                     |
| (d), (e)                                        | 156                                                                                                                                                                                          |
| (2)                                             | 156                                                                                                                                                                                          |
| (3)                                             | 156, 168                                                                                                                                                                                     |
| (4)                                             | 156                                                                                                                                                                                          |
| (5)                                             | 156, 168                                                                                                                                                                                     |
| 8                                               | 157                                                                                                                                                                                          |
| 9 (ii)                                          | 157                                                                                                                                                                                          |
| 10 (1) (a)-(c)                                  | 157                                                                                                                                                                                          |