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## SCHEDULES

### SCHEDULE 1

Section 5.

#### WORDS AND EXPRESSIONS DEFINED

##### Modifications etc. (not altering text)

- C1** Sch. 1 excluded in part (6.4.2003 with effect in accordance with s. 723(1) of the excluding Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), s. 721\(6\)\(b\)](#) (subject to [Sch. 7](#))

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

##### *Definitions*

[<sup>F1</sup>“Act” means an Act of Parliament.]

“Associated state” means a territory maintaining a status of association with the United Kingdom in accordance with the <sup>M1</sup>West Indies Act 1967. [16th February 1967]

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

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

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

[<sup>F2</sup>“British overseas territory” has the same meaning as in the British Nationality Act 1981;]

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

<sup>F3</sup>

“Building regulations”, in relation to England and Wales, [<sup>F4</sup>has the meaning given by section 122 of the Building Act 1984]

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

[<sup>F5</sup>“Charity Commission” means the Charity Commission for England and Wales established by section 1A of the Charities Act 1993.]

“Church Commissioners” means the Commissioners constituted by the <sup>M2</sup>Church Commissioners Measure 1947.

[<sup>F6</sup>“Civil partnership” means a civil partnership which exists under or by virtue of the Civil Partnership Act 2004 (and any reference to a civil partner is to be read accordingly).]

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

“Colony” means any part of Her Majesty’s dominions outside the British Islands except—

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

and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed for the purposes of this definition to be one colony. [1889]

“Commencement”, in relation to an Act or enactment, means the time when the Act or enactment comes into force.

“Committed for trial” means—

- (a) in relation to England and Wales, committed in custody or on bail by a magistrates’ court pursuant to [<sup>F7</sup>section 6 of the Magistrates’ Courts Act 1980], or by any judge or other authority having power to do so, with a view to trial before a judge and jury; [1889]
- (b) in relation to Northern Ireland, committed in custody or on bail by a magistrates’ court pursuant to [<sup>F8</sup>Article 37 of the Magistrates’ Courts (Northern Ireland) Order 1981], or by a court, judge, resident magistrate <sup>F9</sup>. . . or other authority having power to do so, with a view to trial on indictment. [1st January 1979]

“The Communities”, “the Treaties” or “the Community Treaties” and other expressions defined by section 1 of and Schedule 1 to the <sup>M3</sup>European Communities Act 1972 have the meanings prescribed by that Act.

“Comptroller and Auditor General” means the Comptroller-General of the receipt and issue of Her Majesty’s Exchequer and Auditor-General of Public Accounts appointed in pursuance of the <sup>M4</sup>Exchequer and Audit Departments Act 1866.

“Consular officer” has the meaning assigned by Article 1 of the Vienna Convention set out in Schedule 1 to the <sup>M5</sup>Consular Relations Act 1968.

[<sup>F10</sup> “The Corporation Tax Acts” means the enactments relating to the taxation of the income and chargeable gains of companies and of company distributions (including provisions relating to income tax);]

“County court” means—

- (a) in relation to England and Wales, a court held for a district under [<sup>F11</sup>the County Courts Act 1984]; [1846]
- (b) in relation to Northern Ireland, a court held for a division under the County Courts [<sup>F12</sup>(Northern Ireland) Order 1980]. [1889]

“Court of Appeal” means—

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

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

“Crown Court” means—

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- (a) in relation to England and Wales, the Crown Court constituted by section 4 of the <sup>M6</sup>Crown Courts Act 1971;
- (b) in relation to Northern Ireland, the Crown Court constituted by section 4 of the <sup>M7</sup>Judicature (Northern Ireland) Act 1978.

“Crown Estate Commissioners” means the Commissioners referred to in section 1 of the <sup>M8</sup>Crown Estate Act 1961.

[<sup>F13</sup>“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, as modified or supplemented from time to time. [The date of the coming into force of this paragraph.]

“EEA state”, in relation to any time, means—

- (a) a state which at that time is a member State; or
- (b) any other state which at that time is a party to the EEA agreement. [The date of the coming into force of this paragraph.]

[<sup>F14</sup>“Enactment” does not include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.]

“England” means, subject to any alteration of boundaries under Part IV of the <sup>M9</sup>Local Government Act 1972, the area consisting of the counties established by section 1 of that Act, Greater London and the Isles of Scilly. [1st April 1974].

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

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

[<sup>F15</sup>“Her Majesty’s Revenue and Customs” has the meaning given by section 4 of the Commissioners for Revenue and Customs Act 2005.]

“High Court” means—

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

[<sup>F16</sup>“The Immigration Acts” has the meaning given by [<sup>F17</sup>section 61 of the UK Borders Act 2007].]

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

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

“Lands Clauses Acts” means—

- (a) in relation to England and Wales, the <sup>M10</sup>Lands Clauses Consolidation Act 1845 and the <sup>M11</sup>Lands Clauses Consolidation Acts Amendment Act 1860, and any Acts for the time being in force amending those Acts; [1889]
- (b) in relation to Scotland, the <sup>M12</sup>Lands Clauses Consolidation (Scotland) Act 1845 and the <sup>M13</sup>Lands Clauses Consolidation Acts Amendment Act 1860, and any Acts for the time being in force amending those Acts; [1889]
- (c) in relation to Northern Ireland, the enactments defined as such by section 46(1) of the <sup>M14</sup>Interpretation Act Northern Ireland) 1954. [1889]

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“Local land charges register”, in relation to England and Wales, means a register kept pursuant to section 3 of the <sup>M15</sup>Local Land Charges Act 1975, and “the appropriate local land charges register” has the meaning assigned by section 4 of that Act.

“London borough” means a borough described in Schedule 1 to the <sup>M16</sup>London Government Act 1963, “inner London borough” means one of the boroughs so described and numbered from 1 to 12 and “outer London borough” means one of the boroughs so described and numbered from 13 to 32, subject (in each case) to any alterations made under Part IV of the <sup>M17</sup>Local Government Act 1972 [<sup>F18</sup>, Part 2 of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007].

“Lord Chancellor” means the Lord High Chancellor of Great Britain.

“Magistrates’ court” has the meaning assigned to it—

- (a) in relation to England and Wales, by [<sup>F19</sup>section 148 of the Magistrates’ Courts Act 1980];
- (b) in relation to Northern Ireland, by [<sup>F20</sup>Article 2(2) of the Magistrates’ Courts (Northern Ireland) Order 1981].

“Month” means calendar month. [1850]

“National Debt Commissioners” means the Commissioners for the Reduction of the National Debt.

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

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

[<sup>F21</sup>“Officer of Revenue and Customs” has the meaning given by section 2(1) of the Commissioners for Revenue and Customs Act 2005.]

“Ordnance Map” means a map made under powers conferred by the <sup>M18</sup>Ordnance Survey Act 1841 or the <sup>M19</sup>Boundary Survey (Ireland) Act 1854.

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

[<sup>F22</sup>“PAYE income” has the meaning given by section 683 of the Income Tax (Earnings and Pensions) Act 2003.

“PAYE regulations” means regulations under section 684 of that Act.]

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

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

- (a) in relation to England and Wales, by [<sup>F23</sup>section 101(1) of the Police Act 1996];
- (b) in relation to Scotland, by sections 50 and 51(4) of the <sup>M20</sup>Police (Scotland) Act 1967.

[<sup>F24</sup>“Police Service of Northern Ireland” and “Police Service of Northern Ireland Reserve” have the same meaning as in the Police (Northern Ireland) Act 2000;]

“The Privy Council” means the Lords and others of Her Majesty’s Most Honourable Privy Council.

[<sup>F25</sup>“Registered” in relation to nurses and midwives, means registered in the register maintained under article 5 of the [<sup>F26</sup>Nursing and Midwifery Order 2001] by virtue of qualifications in nursing or midwifery, as the case may be.]

[<sup>F27</sup>“Registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act.]

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

“Secretary of State” means one of Her Majesty’s Principal Secretaries of State.

[<sup>F28</sup>“Sent for trial” means, in relation to England and Wales, sent by a magistrates’ court to the Crown Court for trial pursuant to section 51 or 51A of the Crime and Disorder Act 1998.]

[<sup>F29</sup>“Sewerage undertaker”, in relation to England and Wales, shall be construed in accordance with section 6 of the Water Industry Act 1991].

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

[<sup>F30</sup>“The standard scale”, with reference to a fine or penalty for an offence triable only summarily,—

- (a) in relation to England and Wales, has the meaning given by section 37 of the <sup>M21</sup>Criminal Justice Act 1982;
- (b) in relation to Scotland, has the meaning given by section 225(1) of the Criminal Procedure (Scotland) Act 1995];
- (c) in relation to Northern Ireland, has the meaning given by Article 5 of the <sup>M22</sup>Fines and Penalties (Northern Ireland) Order 1984.

“Statutory declaration” means a declaration made by virtue of the <sup>M23</sup>Statutory Declarations Act 1835.

[<sup>F31</sup>“Statutory maximum”, with reference to a fine or penalty on summary conviction for an offence,—

- (a) in relation to England and Wales, means the prescribed sum within the meaning of section 32 of the <sup>M24</sup>Magistrates’ Courts Act 1980;
- (b) in relation to Scotland, means the prescribed sum within the meaning of section 225(8) of the Criminal Procedure (Scotland) Act 1995]; and
- (c) in relation to Northern Ireland, means the prescribed sum within the meaning of Article 4 of the Fines and Penalties (Northern Ireland) Order 1984.

“Supreme Court” means—

- (a) in relation to England and Wales, the Court of Appeal and the High Court together with the Crown Court;
- (b) in relation to Northern Ireland, the Supreme Court of Judicature of Northern Ireland.

[<sup>F32</sup>“The Tax Acts” means the Income Tax Acts and the Corporation Tax Acts.]

“The Treasury” means the Commissioners of Her Majesty’s Treasury.

[<sup>F33</sup>“Trust of land” and “trustees of land”, in relation to England and Wales, have the same meanings as in the Trusts of Land and Appointment of Trustees Act 1996.]

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

[<sup>F34</sup>“Wales” means the combined area of the counties which were created by section 20 of the <sup>M25</sup>Local Government Act 1972, as originally enacted, but subject to any alteration made under section 73 of that Act (consequential alteration of boundary following alteration of watercourse).]

[<sup>F35</sup>“Water undertaker”, in relation to England and Wales, shall be construed in accordance with section 6 of the Water Industry Act 1991].

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

### Textual Amendments

- F1** In Sch. 1 definition of "Act" inserted (1.7.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 16(3)** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2**
- F2** Sch. 1: definition of "British overseas territory" inserted (26.2.2002) by 2002 c. 8, **s. 1(3)**
- F3** Entry repealed by **British Nationality Act 1981** (c. 61, SIF 87), s. 52(8), **Sch. 9**
- F4** Words substituted by **Building Act 1984** (c. 55, SIF 15), s. 133(1), **Sch. 6 para. 19**
- F5** In Sch. 1 definition of "Charity Commission" substituted (27.2.2007) for definition of "Charity Commissioners" by **Charities Act 2006** (c. 50), ss. 75(1), 79(2), **Sch. 8 para. 61**; S.I. 2007/309, **art. 2, Sch.** (subject to transitional provisions in arts. 4-13)
- F6** In Sch. 1 definition of "civil partnership" inserted (5.12.2005) by **Civil Partnership Act 2004** (c. 33), ss. 261(1), 263(10), **Sch. 27 para. 59**; S.I. 2005/3175, **art. 2(2)**
- F7** Words substituted by **Magistrates' Courts Act 1980** (c. 43, SIF 82), s. 154, **Sch. 7 para. 169(a)**
- F8** Words substituted by S.I. 1981/1675 (N.I. 26), s. 170(2), **Sch. 6 para. 56(a)**
- F9** In Sch. 1 in paragraph (b) of definition of "committed for trial" words repealed (1.4.2005) by **Justice (Northern Ireland) Act 2002** (c. 26), ss. 86, 87, Sch. 13; S.R. 2005/109, **art. 2, Sch.**
- F10** Definition substituted by **Finance Act 1987** (c. 16, SIF 63:1), ss. 2(8), 71, **Sch. 15 para. 12**
- F11** Words substituted by **County Courts Act 1984** (c. 28, SIF 34), s. 148(1), **Sch. 2 Pt. V para. 68**
- F12** Words substituted by S.I. 1980/397 (N.I. 3), **Sch. 1 Pt. II**
- F13** In Sch.1 definitions of "EEA agreement" and "EEA state" inserted (8.1.2007) by **Legislative and Regulatory Reform Act 2006** (c. 51), **ss. 26(1), 33**
- F14** In Sch. 1 definition of "enactment" inserted (1.7.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 16(3)** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2**
- F15** In Sch. 1 definition of "Her Majesty's Revenue and Customs" inserted (7.4.2005 at 5.45 p.m.) by **Commissioners for Revenue and Customs Act 2005** (c. 11), **ss. 4(3), 53**; S.I. 2005/1126, **art. 2**
- F16** In Sch. 1 definition of "the immigration acts" inserted (30.3.2006) by **Immigration, Asylum and Nationality Act 2006** (c. 13), **s. 64(4)**
- F17** Sch. 1: words in definition of "The Immigration Acts" substituted (30.10.2007) by **UK Borders Act 2007** (c. 30), ss. 59(2), **61(4)**
- F18** Sch. 1: words in definition of "London borough" substituted (1.11.2007 with application as mentioned in art. 1(1) of the commencing S.I.) by **Local Government and Public Involvement in Health Act 2007** (c. 28), ss. 22, 245, **Sch. 1 para. 14**; S.I. 2007/3136, **art. 2** (subject to art. 3)
- F19** Words substituted by **Magistrates' Courts Act 1980** (c. 43, SIF 82), s. 154, **Sch. 7 para. 169(b)**
- F20** Words substituted by S.I. 1981/1675 (N.I. 26), s. 170(2), **Sch. 6 para. 56(b)**
- F21** In Sch. 1 definition of "Officer of Revenue and Customs" inserted (7.4.2005 at 5.45 p.m.) by **Commissioners for Revenue and Customs Act 2005** (c. 11), **ss. 2(7), 53**; S.I. 2005/1126, **art. 2**
- F22** In Sch. 1 definitions of "PAYE income" and "PAYE regulations" inserted (6.4.2003 with effect as mentioned in s. 723(1)(a)(b) of amending Act) by **Income Tax (Earnings and Pensions) Act 2003** (c. 1), ss. 722, 723, **Sch. 6 Pt. 2 para. 148** (subject to Sch. 7)
- F23** In Sch. 1 in definition of "police area" words substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. II para. 32**
- F24** Sch. 1: definitions of "Police Service of Northern Ireland" and "Police Service of Northern Ireland Reserve" inserted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6, para. 5**; S.R. 2001/396, **art. 2, Sch.**
- F25** Sch. 1: definition of "registered" substituted by S.I. 2002/253, **art. 54, Sch. 5 para. 7** (the amendment coming into force in accordance with art. 1(2)(3) of the amending S.I.)
- F26** Sch. 1: words in definition of "Registered" substituted (1.8.2004) by **The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004** (S.I. 2004/1771), arts. 1(2), 3, **Sch. para. 7**

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- F27** Sch. 1: definition of "registered medical practitioner" substituted by S.I. 2002/3135, art. 16(1), **Sch. 1 para. 10** (with transitional provisions in **Sch. 2**) (the amendment coming into force in accordance with art. 1(2)(3) of the amending S.I.)
- F28** In Sch. 1 definition of "sent for trial" inserted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003** (c. 44), ss. 41, 336(3), **Sch. 3 Pt. 2 para. 49(b)**; S.I. 2005/1267, **art. 2**, **Sch. Pt. 1 para. 1(1)(h)**; S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, **art. 2(c)(2)(3)**, **Sch.** (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with arts. 3, 4)
- F29** Definition inserted (E.W.) by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), **Sch. 25 para. 55(2)**, **Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58**
- F30** Definition inserted by **Criminal Justice Act 1988** (c. 33, SIF 39:1), ss. 123(6), 170(1), **Sch. 8 para. 16, Sch. 15 para. 58(a)**
- F31** Definition inserted by **Criminal Justice Act 1988** (c. 33, SIF 39:1), ss. 123(6), 170(1), **Sch. 8 para. 16, Sch. 15 para. 58(b)**
- F32** Definition substituted by **Finance Act 1987** (c. 16, SIF 63:1), ss. 2(8), 71, **Sch. 15 para. 12**
- F33** In Sch. 1 definitions of "trust of land" and "trustees of land" inserted (E.W.) (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 16** (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**
- F34** Definition of "Wales" in Sch. 1 substituted (3.4.1995) by 1994 c. 19, s. 1(3), **Sch. 2 para. 9** (with ss. 54(5)(7), 55(5), **Sch. 17 para. 22(1), 23(2)**); S.I. 1995/852, art. 3, **Sch. 1**
- F35** Definition substituted by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), **Sch. 25 para. 55(3)**, **Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58**

#### Marginal Citations

- M1** 1967 c. 4.  
**M2** 1947 C.A.M. No. 2.  
**M3** 1972 c. 68.  
**M4** 1866 c. 39.  
**M5** 1968 c. 18.  
**M6** 1971 c. 23.  
**M7** 1978 c. 23.  
**M8** 1961 c. 55.  
**M9** 1972 c. 70.  
**M10** 1845 c. 18.  
**M11** 1860 c. 106.  
**M12** 1845 c. 19.  
**M13** 1860 c. 106.  
**M14** 1954 c. 33 (N.I.)  
**M15** 1975 c. 76.  
**M16** 1963 c. 33.  
**M17** 1972 c. 70.  
**M18** 1841 c. 30.  
**M19** 1854 c. 17.  
**M20** 1967 c. 77.  
**M21** 1982 c. 48 (39:1).  
**M22** S.I. 1984/703 (N.I. 3).  
**M23** 1835 c. 62.  
**M24** 1980 c. 43 (82).  
**M25** 1972 c. 70.

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F36 . . .

**Textual Amendments**

**F36** Entry repealed (E.W.) (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch.15](#) (Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828, art. 3\(2\)](#)

F37 . . . . .

**Textual Amendments**

**F37** Entry repealed (E.W.) (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), [s. 108](#) (6)(7) (Sch. 14 paras. 1(1), 27(4)) Sch.15; [S.I. 1991/828, art. 3\(2\)](#).

**Textual Amendments**

**F37** Entry repealed (E.W.) (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), [s. 108](#) (6)(7) (Sch. 14 paras. 1(1), 27(4)) Sch.15; [S.I. 1991/828, art. 3\(2\)](#).

*Construction of certain expressions relating to offences*

In relation to England and Wales—

- (a) “indictable offence” means an offence which, if committed by an adult, is triable on indictment, whether it is exclusively so triable or triable either way;
- (b) “summary offence” means an offence which, if committed by an adult, is triable only summarily;
- (c) “offence triable either way” means an offence [<sup>F38</sup>, other than an offence triable on indictment only by virtue of Part V of the Criminal Justice Act 1988] which, if committed by an adult, is triable either on indictment or summarily;

and the terms “indictable”, “summary” and “triable either way”, in their application to offences, are to be construed accordingly.

**Textual Amendments**

**F38** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170, Sch. 8 para. 16, [Sch. 15 para. 59](#)

In the above definitions references to the way or ways in which an offence is triable are to be construed without regard to the effect, if any, of [<sup>F39</sup>section 22 of the Magistrates’ Courts Act 1980] on the mode of trial in a particular case.

**Textual Amendments**

**F39** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 7 para. 169\(c\)](#)



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#### Textual Amendments

- F38** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170, Sch. 8 para. 16, **Sch. 15 para. 59**
- F39** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 7 para. 169(c)**

#### *[<sup>F40</sup> Construction of certain references to relationships*

#### Textual Amendments

- F40** Entry added (E.W.) by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1)(2), Sch. 2 para. 73, Sch. 3 paras. 1, **6**

In relation to England and Wales—

- (a) references (however expressed) to any relationship between two persons;
  - (b) references to a person whose father and mother were or were not married to each other at the time of his birth; and
  - (c) references cognate with references falling within paragraph (b) above,
- shall be construed in accordance with section 1 of the Family Law Reform Act 1987. [The date of the coming into force of that section]]

#### Modifications etc. (not altering text)

- C2** Paragraph excluded by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. **831(4)**

#### Modifications etc. (not altering text)

- C2** Paragraph excluded by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. **831(4)**

VALID FROM 01/04/2013

#### *[<sup>F41</sup> Construction of certain expressions relating to the police: Scotland*

#### Textual Amendments

- F41** Words in Sch. 1 inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 15(3)**

In relation to Scotland—

- (a) references to a police force include references to the Police Service of Scotland;
- (b) references to a chief officer of police include references to the chief constable of the Police Service of Scotland;
- (c) “police authority” means the Scottish Police Authority;

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- (d) the “police area” of the Police Service of Scotland is Scotland and references to a police force or police authority for any area include references to the Police Service of Scotland or, as the case may be, the Scottish Police Authority;
- (e) references to a constable or chief constable of, or appointed for, any area are to be construed as references to a constable or, as the case may be, the chief constable of, or appointed for, the Police Service of Scotland.]

## SCHEDULE 2

Sections 22, 23.

### APPLICATION OF ACT TO EXISTING ENACTMENTS

#### PART I

#### ACTS

- 1 The following provisions of this Act apply to Acts whenever passed:—  
 Section 6(a) and (c) so far as applicable to enactments relating to offences punishable on indictment or on summary conviction  
 Section 9  
 Section 10  
 Section 11 so far as it relates to subordinate legislation made after the year 1889  
 Section 18  
 Section 19(2).
- 2 The following apply to Acts passed after the year 1850:—  
 Section 1  
 Section 2  
 Section 3  
 Section 6(a) and (c) so far as not applicable to such Acts by virtue of paragraph 1  
 Section 15  
 Section 17(1).
- 3 The following apply to Acts passed after the year 1889:—  
 Section 4  
 Section 7  
 Section 8  
 Section 12  
 Section 13  
 Section 14 so far as it relates to rules, regulations or byelaws  
 Section 16(1)  
 Section 17(2)(a)  
 Section 19(1)  
 Section 20(1).
- 4 (1) Subject to the following provisions of this paragraph—

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- (a) paragraphs of Schedule 1 at the end of which a year or date <sup>F42</sup> . . . is specified [<sup>F43</sup> or described] apply, so far as applicable, to Acts passed on or after the date, or after the year, so specified [<sup>F43</sup> or described]: and
  - (b) paragraphs of that Schedule at the end of which no year or date is specified [<sup>F43</sup> or described] apply, so far as applicable, to Acts passed at any time.
- (2) The definition of “British Islands”, in its application to Acts passed after the establishment of the Irish Free State but before the commencement of this Act, includes the Republic of Ireland.
- (3) The definition of “colony”, in its application to an Act passed at any time before the commencement of this Act, includes—
- (a) any colony within the meaning of section 18(3) of the <sup>M26</sup> Interpretation Act 1889 which was excluded, but in relation only to Acts passed at a later time, by any enactment repealed by this Act;
  - (b) any country or territory which ceased after that time to be part of Her Majesty’s dominions but subject to a provision for the continuation of existing law as if it had not so ceased;
- and paragraph (b) of the definition does not apply.
- (4) The definition of “Lord Chancellor” does not apply to Acts passed before 1st October 1921 in which that expression was used in relation to Ireland only.
- (5) The definition of “person”, so far as it includes bodies corporate, applies to any provision of an Act whenever passed relating to an offence punishable on indictment or on summary conviction.
- (6) This paragraph applies to <sup>F44</sup> . . . the <sup>M27</sup> Water Act 1973 as if they were passed after 1st April 1974.

#### Textual Amendments

- F42** Words repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1)(2)(4), Sch. 2 para. 74, Sch. 3 paras. 1, 6, [Sch. 4](#)
- F43** Words inserted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1)(2), Sch. 2 para. 74, Sch. 3 paras. 1, 6
- F44** Words in [Sch. 2 Pt. I para. 4\(6\)](#) repealed (1.4.1996) by [1995 c. 17, s. 5](#), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

#### Marginal Citations

- M26** 1889 c. 63.
- M27** 1973 c. 37.

5 The following definitions shall be treated as included in Schedule 1 for the purposes specified in this paragraph—

- (a) in any Act passed before 1st April 1974, a reference to England includes Berwick upon Tweed and Monmouthshire and, in the case of an Act passed before the <sup>M28</sup> Welsh Language Act 1967, Wales;
- (b) in any Act passed before the commencement of this Act and after the year 1850, “land” includes messuages, tenements and hereditaments, houses and buildings of any tenure;

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- (c) in any Act passed before the commencement of the <sup>M29</sup>Criminal Procedure (Scotland) Act 1975, “the Summary Jurisdiction (Scotland) Acts” means Part II of that Act.

**Marginal Citations**  
**M28** 1967 c. 66.  
**M29** 1975 c. 21.

**PART II**

SUBORDINATE LEGISLATION

- 6 Sections 4(a), 9 and 19(1), and so much of Schedule 1 as defines the following expressions, namely—
  - <sup>F45</sup> .....
  - England;
  - Local land charges register and appropriate local land charges register;
  - Police area (and related expressions) in relation to Scotland;
  - United Kingdom;
  - Wales,
 apply to subordinate legislation made at any time before the commencement of this Act as they apply to Acts passed at that time.

**Textual Amendments**  
**F45** Words repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(8), [Sch. 9](#)

- 7 The definition in Schedule 1 of “county court”, in relation to England and Wales, applies to Orders in Council made after the year 1846.

<sup>X1</sup>SCHEDULE 3

Section 25.

ENACTMENTS REPEALED

**Editorial Information**  
**X1** The text of s. 25(1), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any repeals or amendments which may have been made prior to 1.2.1991

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Chapter or Number	Short Title	Extent of Repeal
20 Geo. 2. c. 62.	The Wales and Berwick Act 1746.	The whole Act.
33 Geo. 3. c. 13.	The Acts of Parliament (Commencement) Act 1793.	The words from " and to be the date " to the end.
43 & 44 Vict. c. 9.	The Statutes (Definition of Time) Act 1880.	The whole Act.
47 & 48 Vict. c. 62.	The Revenue Act 1884.	In section 14, the second paragraph, that is the words from " Any reference " to " Exchequer and Audit Departments Act 1866 " in the second place where that Act is referred to in the section.
52 & 53 Vict. c. 63.	The Interpretation Act 1889.	The whole Act except paragraphs (4), (5) and (14) of section 13 in their application to Northern Ireland.
53 & 54 Vict. c. 21.	The Inland Revenue Regulation Act 1890.	In section 38(1), the words from " and " to " of this Act ".
59 & 60 Vict. c. 14.	The Short Titles Act 1896.	Section 3.
S.R. & O. 1923 No. 405.	The Irish Free State (Consequential Adaptation of Enactments) Order 1923.	In the Schedule, the entry relating to the Interpretation Act 1889.
15 & 16 Geo. 5. No. 1.	The Interpretation Measure 1925.	Section 1.
17 & 18 Geo. 5. c. 4.	The Royal and Parliamentary Titles Act 1927.	In section 2(2) the words " Act passed and ".
22 & 23 Geo. 5. c. 4.	The Statute of Westminster 1931.	Section 11.
11 & 12 Geo. 6. c. 7.	The Ceylon Independence Act 1947.	Section 4(2).
11 & 12 Geo. 6. c. 56.	The British Nationality Act 1948.	In section 1(2) the words " other enactment or " and the words " passed or ".
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In Schedule 5, the amendment of the Interpretation Act 1889.
4 & 5 Eliz. 2. c. 36.	The Medical Act 1956.	Section 52(3).
5 & 6 Eliz. 2. c. 6.	The Ghana Independence Act 1957.	Section 4(1).
8 & 9 Eliz. 2. c. 55.	The Nigeria Independence Act 1960.	Section 3(1).
9 & 10 Eliz. 2. c. 16.	The Sierra Leone Independence Act 1961.	Section 3(1).
10 & 11 Eliz. 2. c. 1.	The Tanganyika Independence Act 1961.	Section 3(1).
10 & 11 Eliz. 2. c. 30.	The Northern Ireland Act 1962.	Section 27.

Chapter or Number	Short Title	Extent of Repeal
10 & 11 Eliz. 2. c. 40.	The Jamaica Independence Act 1962.	Section 3(1).
10 & 11 Eliz. 2. c. 54.	The Trinidad and Tobago Independence Act 1962.	Section 3(1).
10 & 11 Eliz. 2. c. 57.	The Uganda Independence Act 1962.	Section 3(1).
1963 c. 33.	The London Government Act 1963.	In section 1, in subsection (1) the words " and any other " and in subsection (6) the words from " and section 15 " to " that is to say ".
1963 c. 54.	The Kenya Independence Act 1963.	Section 4(1).
1964 c. 46.	The Malawi Independence Act 1964.	Section 4(1).
1964 c. 48.	The Police Act 1964.	In section 62 the words from " and in any other enactment " to " this Act ".
1964 c. 86.	The Malta Independence Act 1964.	Section 4(1).
1964 c. 93.	The Gambia Independence Act 1964.	Section 4(1).
1966 c. 14.	The Guyana Independence Act 1966.	Section 5(1).
1966 c. 37.	The Barbados Independence Act 1966.	Section 4(1).
1967 c. 4.	The West Indies Act 1967.	Section 3(5).
1967 c. 66.	The Welsh Language Act 1967.	Section 4.
1967 c. 77.	The Police (Scotland) Act 1967.	In section 50, the words from " and in any other enactment " to " this Act " ; and in section 51, in subsection (4), the words from " and in any other enactment " to " this Act ".
1968 c. 8.	The Mauritius Independence Act 1968.	Section 4(1).
1968 c. 13.	The National Loans Act 1968.	Section 1(6).
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In section 526, in subsection (1) the words " and in any other Act " ; and in subsection (2) the words " and in any Act passed after this Act. ".
1970 c. 50.	The Fiji Independence Act 1970.	Section 4(1).
1971 c. 58.	The Sheriff Courts (Scotland) Act 1971.	In section 4(3) the words from " (which " to " the said section 28 ".
1972 c. 68.	The European Communities Act 1972.	In section 1(2) the words from " and except " to " Northern Ireland ".
1972 c. 70.	The Local Government Act 1972.	In section 269 the words from " in every Act " to " that date " in the second place where those words occur.

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Chapter or Number	Short Title	Extent of Repeal
1973 c. 14.	The Costs in Criminal Cases Act 1973.	In section 13(1) the words " and in any other enactment providing for the payment of costs out of central funds ". Section 4(1).
1973 c. 27.	The Bahamas Independence Act 1973.	
1973 c. 32.	The National Health Reorganisation Act 1973.	In section 55(2), the words from the beginning to " that date; and "
1973 c. 37.	The Water Act 1973.	In section 2(3) the words " and any other enactment ". Section 38(2).
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 9, paragraph 6.
1975 c. 72.	The Children Act 1975.	Section 89.
1975 c. 76.	The Local Land Charges Act 1975.	In section 4 the words " and any other statutory provision "
1976 c. 63.	The Bail Act 1976.	In Schedule 2, the amendment of the Interpretation Act 1989.
1977 c. 45.	The Criminal Law Act 1977.	In section 64(1) the words from " and, unless " to " this Act ) "
1978 c. 12.	The Medical Act 1978.	In Schedule 5, in paragraph 48 paragraph (b) and the word " and " immediately preceding that paragraph. Section 7(1).
1978 c. 15.	The Solomon Islands Act 1978.	
1978 c. 20.	The Tuvalu Act 1978.	Section 4(1).

**Status:**

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