



Emergency Laws (Miscellaneous Provisions) Act 1953

1953 CHAPTER 47 1 and 2 Eliz 2

1 Permanent enactments of provisions contained in certain Defence Regulations.

The provisions set out in the First Schedule to this Act, which reproduce provisions contained in the Defence Regulations revoked by the Third Schedule to this Act, with minor modifications and adaptations and the addition of transitional provisions, shall have permanent effect.

2 Permanent enactment of provisions of Defence (Trading with the Enemy) Regulations 1940.

The provisions set out in the Second Schedule to this Act, which reproduce the provisions of the Defence (Trading with the Enemy) Regulations 1940, in force at the commencement of this Act, with minor modifications and adaptations, the addition of transitional provisions and the omission of Regulation seven, shall have permanent effect, . . . ^{F1}

Textual Amendments

F1 Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XX](#)

3 Extension of control of certain explosives.

- (1) The Secretary of State may by order impose, in addition to those imposed in relation thereto by the ^{M1}Explosives Act 1875, such prohibitions or restrictions on the use of gunpowder and safety fuses and the transfer, whether for consideration or not, of the possession thereof or property therein as appear to him to be necessary or expedient in the public interest; and any such order may prohibit the doing of anything restricted by the order except under the authority of a licence granted by such person as may be specified in the order.

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Emergency Laws (Miscellaneous Provisions) Act 1953. (See end of Document for details)

- (2) The Secretary of State may by order make provision for requiring that, subject to any exemptions for which provision may be made by the order, a person who enters into a prescribed transaction with respect to an explosive to which this subsection applies shall make and shall keep for the prescribed period a record containing the prescribed particulars of the transaction and shall produce the record to such person and in such circumstances as may be prescribed.

This subsection applies to gunpowder, safety fuses and any explosive to which an Order in Council made under section forty-three of the ^{M2}Explosives Act 1875, for the time being applies, and for the purposes of this subsection the expression “prescribed” means, in relation to an order, prescribed by the order.

- (3) An order under this section may make provision for any incidental or supplementary matters for which the Secretary of State thinks it expedient for the purposes of the order to provide.
- (4) A person who contravenes or fails to comply with any provision of an order under this section shall be [^{F2}guilty of an offence].
- (5) ^{F3}

[^{F4}(6) The provisions of section 50 of the ^{M3}Health and Safety at Work etc. Act 1974 shall apply to the power to make an order under this section as they apply to a power to make regulations.]

Textual Amendments

F2 Words substituted by S.I. 1974/1885, **art. 7(1)(a)**

F3 S. 3(5) repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XX**

F4 S. 3(6) added by S.I. 1974/1885, **art. 7(1)(b)**

Modifications etc. (not altering text)

C1 S. 3 extended by S.I. 1988/1222, **regs. 3** and 4

C2 S.3 saved by virtue of Health and Safety at Work etc. Act 1974 (c.37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. Pt. VII s. 62**

C3 S. 3 saved by virtue of Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Highland Regional Council (Harbours) Order Confirmation Act 1991 (c. xii), **s. 61(1)(f)**

Marginal Citations

M1 1875 c. 17.

M2 1875 c. 17.

M3 1974 c. 37.

4 ^{F5}

Textual Amendments

F5 S. 4 repealed by Merchant Shipping Act 1970 (c. 36), s. 100(3), **Sch. 5**

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5 Power of local authorities to continue to let certain land for use as allotment gardens.

- (1)^{F6} subject to the following provisions of this section, a local authority may let—
- (a) for use by the tenants as allotment gardens; or
 - (b) to a society having as its object the cultivation of vacant land for the purpose of subletting for such use,
- any land which, at the commencement of this Act, is let by them under the said Regulation sixty-two A or is appropriated for letting thereunder, notwithstanding anything in any Act (including a private or local Act) or any trust or covenant or restriction affecting the land.
- (2) The powers conferred by the foregoing subsection on a local authority shall cease to be exercisable with respect to any land upon its being returned to use as part of a park or open space or otherwise appropriated for use for any purpose other than the letting thereof as mentioned in paragraph (a) or (b) of the foregoing subsection or upon its being sold or otherwise disposed of by the authority.
- (3) Section six of the ^{M4}Allotments Act, 1950 (which provides that the foregoing provisions of that Act, other than those of section two, shall not apply to land let by a local authority under the said Regulation sixty-two A) shall have effect as if the reference to that Regulation included a reference to this section.
- (4) In this section—
- (a) the expression “allotment garden” has the same meaning as in the ^{M5}Allotments Act, 1922; and
 - (b) the expression “local authority” means the Common Council of the City of London, the council of a . . . ^{F7} borough or the council of a county, . . . ^{F8} or county district.
- (5) A tenancy of land which, at the commencement of this Act, is subsisting under the said Regulation sixty-two A shall (subject, however, to the operation of any notice to quit, notice of intended re-entry or agreement to surrender previously given or made) continue in force as if it had been granted under this section.
- (6) In the application of this section to Scotland—
- (a) for references to the Allotments Act, 1922, to the ^{M6}Allotments Act, 1950, and to section six thereof there shall be respectively substituted references to the ^{M7}Allotments (Scotland) Act, 1922, to the ^{M8}Allotments (Scotland) Act, 1950, and to section six thereof;
 - (b) the expression “local authority” means [^{F9}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]

Textual Amendments

- F6** Words repealed by Statute Law (Repeals) Act 1976 (c. 16), s. 1, **Sch. 1 Pt. XX**
- F7** Word repealed by Local Government Act 1972 (c. 70, SIF 81:1), s. 272(1), **Sch. 30**
- F8** Words repealed by Local Government Act 1972 (c. 70, SIF 81:1), s. 272(1), **Sch. 30**
- F9** Words in s. 5(6)(b) substituted (S.)(1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 41**; S.I. 1996/323, **art. 4(1)(c)**

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Marginal Citations

- M4** 1950 c. 31.
- M5** 1922 c. 51
- M6** 1950 c. 31.
- M7** 1922 c. 52.
- M8** 1950 c. 38.

6 ^{F10}

Textual Amendments

F10 S. 6 repealed by Nurses, Midwives and Health Visitors Act 1979 (c. 36), s. 23(5), **Sch. 8**

7, 8. ^{F11}

Textual Amendments

F11 Ss. 7, 8. repealed by Road Traffic Act 1960 (c. 16), s. 267(1), **Sch. 18**

9 ^{F12}

Textual Amendments

F12 S. 9 repealed by Statute Law (Repeals) Act 1974 (c. 22); Statute Law (Repeals) Act 1976, Sch. 1 Pt. XX

10 Power of certain officers to take affidavits, &c.

(1) An officer subject to the Naval Discipline Act who is of or above the rank of lieutenant-commander or equivalent rank or relative rank [^{F13}or is of the rank of lieutenant and is specially appointed for the purposes of this section] may, at any place outside the United Kingdom, take affidavits and declarations from any of the following persons, that is to say, persons subject to that Act and persons not so subject who are employed by or are in the service of [^{F14}the Secretary of State for Defence for the naval purposes of his department, or are employed by or are in the service of] any of Her Majesty's naval forces, or accompany any of such forces.

[^{F15}(1A) An officer of the rank of lieutenant shall not be appointed to take affidavits and declarations under subsection (1) above unless he is a barrister, solicitor or advocate.]

(2) A document purporting to have subscribed thereto the signature of any such officer as aforesaid in testimony of an affidavit or declaration being taken before him in pursuance of this section, and containing in the jurat or attestation a statement of the date on which and the place at which the affidavit or declaration was taken, and of the full name and rank of that officer, shall be admitted in evidence without proof of the signature being the signature of that officer or of the facts so stated.

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(3) For the purposes of this section the relative ranks of officers shall be such as may be prescribed by the Queen's Regulations . . . ^{F16} for the time being in force.

[^{F17}(4) The power conferred by subsection (1) above may also be exercised by any officer empowered to take affidavits and declarations by section 204(1) of the ^{M9}Army Act 1955 or section 204(1) of the ^{M10}Air Force Act 1955.]

Textual Amendments

F13 Words inserted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\), s. 19\(2\)\(a\)](#)

F14 Words substituted by [S.I. 1964/488](#)

F15 [S. 10\(1A\)](#) inserted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\), s. 19\(2\)\(b\)](#)

F16 Words repealed by [S.I. 1964/488](#)

F17 [S. 10\(4\)](#) added by [Armed Forces Act 1971 \(c. 33\), s. 70\(4\)](#)

Modifications etc. (not altering text)

C4 [S. 10](#) amended (women's services) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\), s. 20, Sch. 3 Pt. I para. 1](#)

Marginal Citations

M9 1955 c. 18.

M10 1955 c. 19.

11 ^{F18}

Textual Amendments

F18 [S. 11](#) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch. 1 Pt. XX](#)

12 Provisions as to orders.

(1) Any power conferred by this Act on the Secretary of State . . . ^{F19} to make an order shall be construed as including a power to revoke or vary the order by a subsequent order.

(2) Any power conferred by this Act on the Secretary of State . . . ^{F19} to make an order shall be exercisable by statutory instrument.

(3) A statutory instrument containing an order under section three, . . . ^{F19} or eight of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F19 Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch. 1 Pt. XX](#)

13 Application to Northern Ireland.

Sections three, five, six, . . . ^{F20} of this Act . . . ^{F21} shall not extend to Northern Ireland . . .

^{F21}

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Textual Amendments

- F20** Words repealed by [Road Traffic Act 1960 \(c. 16\)](#), [Sch. 18](#) and [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XX](#)
- F21** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XX](#)

14 †Short title and repeal.

- (1) This Act may be cited as the Emergency Laws (Miscellaneous Provisions) Act 1953.
- (2) **F22**

Textual Amendments

- F22** [S. 14\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, [Sch. Pt. X](#) and expressed to be repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XX](#)

Modifications etc. (not altering text)

- C5** Unreliable marginal note

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