

The following text of the Interpretation Act 1978 is given with no guarantee that it is accurate or up to date. It is intended for private use by translators out of and into English who may find the definitions useful. Schedule 1 is the most interesting; Schedule 3 has been omitted.

Interpretation Act 1978

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ELIZABETH II

Interpretation Act 1978

1978 CHAPTER 30

An Act to consolidate the Interpretation Act 1889 and certain other enactments relating to the construction and operation of Acts of Parliament and other instruments, with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission.

[20th July 1978]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

General provisions as to enactment and operation

1. Every section of an Act takes effect as a substantive enactment without introductory words.
2. Any Act may be amended or repealed in the Session of Parliament in which it is passed.
3. Every Act is a public Act to be judicially noticed as such, unless the contrary is expressly provided by the Act.
4. An Act or provision of an Act comes into force
 - (a) where provision is made for it to come into force on a particular day, at the beginning of that day;
 - (b) where no provision is made for its coming into force, at the beginning of the day on which the Act receives the Royal Assent.

Interpretation and construction

5. In any Act, unless the contrary intention appears, words and expressions listed in Schedule 1 to this Act are to be construed according to that Schedule.
6. In any Act, unless the contrary intention appears,
 - (a) words importing the masculine gender include the feminine;
 - (b) words importing the feminine gender include the masculine;
 - (c) words in the singular include the plural and words in the plural include the singular.
7. Where an Act authorises or requires any document to be served by post (whether the expression "serve" or the expression "give" or "send" or any other expression is used) then, unless the contrary intention appears, the service is deemed to be effected by properly addressing, pre-paying and posting a letter containing the document and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

8. In the measurement of any distance for the purposes of an Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

9. Subject to section 3 of the Summer Time Act 1972 (construction of references to points of time during the period of summer time), whenever an expression of time occurs in an Act, the time referred to shall, unless it is otherwise specifically stated, be held to be Greenwich mean time.

10. In any Act a reference to the Sovereign reigning at the time of the passing of the Act is to be construed, unless the contrary intention appears, as a reference to the Sovereign for the time being.

11. Where an Act confers power to make subordinate legislation, expressions used in that legislation have, unless the contrary intention appears, the meaning which they bear in the Act.

Statutory powers and duties

12.(1) Where an Act confers a power or imposes a duty it is implied, unless the contrary intention appears, that the power may be exercised, or the duty is to be performed, from time to time as occasion requires.

(2) Where an Act confers a power or imposes a duty on the holder of an office as such, it is implied, unless the contrary intention appears, that the power may be exercised, or the duty is to be performed, by the holder for the time being of the office.

13. Where an Act which (or any provision of which) does not come into force immediately on its passing confers power to make subordinate legislation, or to make appointments, give notices, prescribe forms or do any other thing for the purposes of the Act, then, unless the contrary intention appears, the power may be exercised, and any instrument made thereunder may be made so as to come into force, at any time after the passing of the Act so far as may be necessary or expedient for the purpose

(a) of bringing the Act or any provision of the Act into force; or

(b) of giving full effect to the Act or any such provision at or after the time when it comes into force.

14. Where an Act confers power to make

(a) rules, regulations or byelaws ; or

(b) Orders in Council, orders or other subordinate legislation to be made by statutory instrument,

it implies, unless the contrary intention appears, a power, exercisable in the same manner and subject to the same conditions or limitations, to revoke, amend or re-enact any instrument made under the power.

Repealing enactments

15. Where an Act repeals a repealing enactment, the repeal does not revive any enactment previously repealed unless words are added reviving it.

16. (1) Without prejudice to section 15, where an Act repeals an enactment, the repeal does not, unless the contrary intention appears,

(a) revive anything not in force or existing at the time at which the repeal takes effect;

(b) affect the previous operation of the enactment repealed or anything duly done or suffered under that enactment;

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under that enactment;

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against that enactment ;

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

(2) This section applies to the expiry of a temporary enactment as if it were repealed by an Act

17.(1) Where an Act repeals a previous enactment and substitutes provisions for the enactment repealed, the repealed enactment remains in force until the substituted provisions come into force.

(2) Where an Act repeals and re-enacts, with or without modification, a previous enactment then, unless the contrary intention appears,

(a) any reference in any other enactment to the enactment so repealed shall be construed as a reference to the provision re-enacted;

(b) in so far as any subordinate legislation made or other thing done under the enactment so repealed, or having effect as if so made or done, could have been made or done under the provision re-enacted, it shall have effect as if made or done under that provision.

Miscellaneous

18. Where an act or omission constitutes an offence under two or more Acts, or both under an Act and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished more than once for the same offence.

19. (1) Where an Act cites another Act by year, statute, session or chapter, or a section or other portion of another Act by number or letter, the reference shall, unless the contrary intention appears, be read as referring

(a) in the case of Acts included in any revised edition of the statutes printed by authority, to that edition;

(b) in the case of Acts not so included but included in the edition prepared under the direction of the Record Commission, to that edition;

(c) in any other case, to the Acts printed by the Queen's Printer, or under the superintendence or authority of Her Majesty's Stationery Office.

(2) An Act may continue to be cited by the short title authorised by any enactment notwithstanding the repeal of that enactment

20. (1) Where an Act describes or cites a portion of an enactment by referring to words, sections or other parts from or to which (or from and to which) the portion extends, the portion described or cited includes the words, sections or other parts referred to unless the contrary intention appears.

(2) Where an Act refers to an enactment, the reference, unless the contrary intention appears, is a reference to that enactment as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including any other provision of that Act.

Supplementary

21. (1) In this Act "Act" includes a local and personal or private Act; and "subordinate legislation" means Orders in Council, orders, rules, regulations, schemes, warrants, byelaws and other instruments made or to be made under any Act.

(2) This Act binds the Crown.

22. (1) This Act applies to itself, to any Act passed after the commencement of this Act and, to the extent specified in Part I of Schedule 2, to Acts passed before the commencement of this Act

(2) In any of the foregoing provisions of this Act a reference to an Act is a reference to an Act to which that provision applies ; but this does not affect the generality of references to enactments or of the references in section 19(1) to other Acts.

(3) This Act applies to Measures of the General Synod of the Church of England (and, so far as it relates to Acts passed before the commencement of this Act. to Measures of the Church Assembly passed after 28th May 1925) as it applies to Acts.

23. (1) The provisions of this Act, except sections 1 to 3 and 4(b), apply, so far as applicable and unless the contrary intention appears, to subordinate legislation made after the commencement of this Act and, to the extent specified in Part II of Schedule 2, to subordinate legislation made before the commencement of this Act, as they apply to Acts.

(2) In the application of this Act to Acts passed or subordinate legislation made after the commencement of this Act, all references to an enactment include an enactment comprised in subordinate legislation whenever made, and references to the passing or repeal of an enactment are to be construed accordingly.

(3) Sections 9 and 19(1) also apply to deeds and other instruments and documents as they apply to Acts and subordinate legislation; and in the application of section 17(2)(a) to Acts passed or subordinate legislation made after the commencement of this Act, the reference to any other enactment includes any deed or other instrument or document.

(4) Subsections (1) and (2) of this section do not apply to Orders in Council made under section 5 of the Statutory Instruments Act 1946, section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972 or Schedule 1 to the Northern Ireland Act 1974.

24. (1) This Act extends to Northern Ireland so far as it applies to Acts or subordinate legislation which so extend.

(2) In the application of this Act to Acts passed or subordinate legislation made after the commencement of this Act, all references to an enactment include an enactment comprised in Northern Ireland legislation whenever passed or made; and in relation to such legislation references to the passing or repeal of an enactment include the making or revocation of an Order in Council.

(3) In the application of section 14 to Acts passed after the commencement of this Act which extend to Northern Ireland, "statutory instrument" includes statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958.

(4) The following definitions contained in Schedule 1, namely those of

British subject and Commonwealth citizen;

The Communities and related expressions ;

The Corporation Tax Acts;

The Income Tax Acts;

The Tax Acts.

apply, unless the contrary intention appears, to Northern Ireland legislation as they apply to Acts.

(5) In this section "Northern Ireland legislation" means

(a) Acts of the Parliament of Ireland;

(b) Acts of the Parliament of Northern Ireland ;

(c) Orders in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972;

(d) Measures of the Northern Ireland Assembly ; and

(e) Orders in Council under Schedule 1 to the Northern Ireland Act 1974.

25. (1) The enactments described in Schedule 3 are repealed to the extent specified in the third column of that Schedule.

(2) Without prejudice to section 17(2)(a), a reference to the Interpretation Act 1889, to any provision of that Act or to any other enactment repealed by this Act, whether occurring in another Act, in subordinate legislation, in Northern Ireland legislation or in any deed or other instrument or document, shall be construed as referring to this Act, or to the corresponding provision of this Act, as it applies to Acts passed at the time of the reference.

(3) The provisions of this Act relating to Acts passed after any particular time do not affect the construction of Acts passed before that time, though continued or amended by Acts passed thereafter.

26. This Act shall come into force on 1st January 1979.

27. This Act may be cited as the Interpretation Act 1978.

SCHEDULES

SCHEDULE 1

WORDS AND EXPRESSIONS DEFINED

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

“Associated state” means a territory maintaining a status of association with the United Kingdom in accordance with the 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]

“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]

“British subject” and “Commonwealth citizen” have the same meaning, that is

(a) a person who under the British Nationality Act 1948 is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in a country mentioned in section 1(3) of that Act is a citizen of that country; and

(b) any other person who has the status of a British subject under that Act or any subsequent enactment.

“Building regulations”, in relation to England and Wales, means regulations made under section 61(1) of the Public Health Act 1936.

“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.

“Charity Commissioners” means the Charity Commissioners for England and Wales referred to in section 1 of the Charities Act 1960.

“Church Commissioners” means the Commissioners constituted by the Church Commissioners Measure 1947.

“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 section 7 of the Magistrates' Courts Act 1952, 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 section 45 of the Magistrates' Courts Act (Northern Ireland) 1964. or by a court, judge, resident magistrate, justice of the peace 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 European Communities Act 1972 have the meanings 1 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 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 Consular Relations Act 1968.

“The Corporation Tax Acts” means

- (a) Parts X and XI of the Income and Corporation Taxes Act 1970;
- (b) all other provisions of that or any other Act relating to corporation tax or to any other matter dealt with in Part X or Part XI of that Act;
- (c) all the provisions of Part IV of the Finance Act 1965 and of any other enactment which, at the passing of the said Act of 1970, formed part of or was to be construed with the Corporation Tax Acts.

“County court” means

(a) in relation to England and Wales, a court held for a district under the County Courts Act 1959 ; [1846]

(b) in relation to Northern Ireland, a court held for a division under the County Courts Act (Northern Ireland) 1959. [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

(a) in relation to England and Wales, the Crown Court constituted by section 4 of the Courts Act 1971;

(b) in relation to Northern Ireland, the Crown Court constituted by section 4 of the Judicature (Northern Ireland) Act 1978.

“Crown Estate Commissioners” means the Commissioners referred to in section 1 of the Crown Estate Act 1961.

“England” means, subject to any alteration of boundaries under Part IV of the 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]

“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.

“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 buildings 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 Lands Clauses Consolidation Act 1845 and the 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 Lands Clauses Consolidation (Scotland) Act 1845 and the 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 Interpretation Act (Northern Ireland) 1954. [1889]

“Local land charges register”, in relation to England and Wales, means a register kept pursuant to section 3 of the 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 London Government Act 1963, “inner London borough” means l 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 Local Government Act 1972.

“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 section 124 of the Magistrates' Courts Act 1952 ;

(b) in relation to Northern Ireland, by section 1 of the Magistrates' Courts Act (Northern Ireland) 1964.

“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.

“Ordnance Map” means a map made under powers conferred by the Ordnance Survey Act 1841 or the Boundary Survey (Ireland) Act 1854.

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

“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 section 62 of the Police Act 1964;

(b) in relation to Scotland, by sections 50 and 51(4) of the Police (Scotland) Act 1967.

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

“Registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1956. [1st January 1979]

“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.

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

“Statutory declaration” means a declaration made by virtue of the Statutory Declarations Act 1835.

“Supreme Court” means

(a) in relation to England and Wales, the Court of Appeal and the High Court together with the Crown Court ;

(6) in relation to Northern Ireland, the Supreme Court of Judicature of Northern Ireland.

“The Tax Acts” means the Income and Corporation Taxes Act 1970 and all other provisions of the Income Tax Acts and the Corporation Tax Acts. [12th March 1970]

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

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

“Wales” means, subject to any alteration of boundaries made under Part IV of the Local Government Act 1972, the area consisting of the counties established by section 20 of that Act [1st April 1974]

“Water authority “, in relation to England and Wales, means an authority established in accordance with section 2 of the Water Act 1973 and “water authority area”, in relation to any functions of such an authority, means the area in respect of which the water authority are for the time being to exercise those functions.

“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.

Construction of certain expressions relating to children

In relation to England and Wales the following expressions and references, namely

- (a) the expression “the parental rights and duties”
- (b) the expression “legal custody” in relation to a child (as defined in the Children Act 1975); and
- (c) any reference to the person with whom a child (as so defined) has his home,

are to be construed in accordance with Part IV of that Act. [12th November 1975]

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 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.

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 section 23 of the Criminal Law Act 1977 on the mode of trial in a particular case.

SCHEDULE 2

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

Sections

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

(a) paragraphs of Schedule 1 at the end of which a year or date earlier than the commencement of this Act is specified apply so far as applicable, to Acts passed on or after the date, or after the year, so specified ; and

(b) paragraphs of that Schedule at the end of which no year or date is specified 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 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 the National Health Service Reorganisation Act 1973 and the Water Act 1973 as if they were passed after 1st April 1974.

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 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;

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

PART II

SUBORDINATE LEGISLATION

6. Sections 4(a), 9 and 19(1), and so much of Schedule 1 as defines the following expressions, namely

British subject and Commonwealth citizen ;

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.

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.

SCHEDULE 3 is omitted.