

Clause 3 deals with the so-called "Henry VIII Clause". Under various Statutes Ministers are empowered to alter or modify by Order or Regulation the provisions either of the Statute itself or even, in certain cases, of other Statutes as well. The Committee on Ministers' Powers recommended that such Ministerial amendments should not be made except within a period of twelve months after the passing of the Act in question. This Clause seeks to implement the Committee's recommendations by recommending that all such powers shall cease to be exercisable twelve months after the passing of this Bill into law.

The Committee on Ministers' Powers further recommended that where a Minister or Ministerial Tribunal (i.e. a special tribunal other than a Court of Law) is empowered by Statute to arrive at any judicial, as distinct from quasi-judicial or administrative decision, there should always be a right of appeal on points of the law to the High Court of Justice. Clause 4 seeks to carry out this recommendation by providing for such appeal, except in cases where the determination of the issue depends upon the discretion of the Minister or Tribunal.

Under a considerable number of Statutes Ministers are empowered to decide various matters affecting the rights of individuals after holding a public inquiry. Such enquiries are in fact held by Inspectors of the Departments concerned, who report to the Minister. Under existing practice, however, there is no assurance that the Minister will be guided by the report, or that his decision will not be based upon some other consideration with regard to which the parties concerned have had no opportunity to call evidence or make representations. Clause 5, again following the recommendation of the Committee on Ministers' Powers, provides that the report of the person holding the enquiry shall be published and that the Minister shall in every case give reasons for his decision.

Under the Supplies and Services Act 1945 (9 Geo. 6. c. 101) and certain Defence Regulations made or continued thereunder extensive powers are given to various persons in the employ of Government Departments to enter and search private premises. Clause 6 limits the exercise of these powers.

Clause 7 provides that nothing in the Supplies and Services Act aforesaid or in any Defence Regulation shall be held to authorize the suppression or suspension of any publication whatsoever.

Under the Agricultural Marketing Acts 1931 and 1935 and the Sea Fisheries Act, 1936, Producers' Boards are empowered to determine whether individual producers have contravened the provisions of the marketing schemes and to impose monetary penalties. The proceedings are held in London, thus frequently involving the persons concerned in heavy expenses, and the Boards are bound by no rules of evidence. Clause 8 provides that such offences shall be tried, like other offences, in the local Courts of Summary Jurisdiction.

Under the existing law actions may be brought against private persons within six years of the cause of action having arisen. Public authorities, however, are placed in a privileged position. They cannot be made liable unless the action is commenced in England within twelve months. Moreover, under existing law a person who unsuccessfully sues a public authority may be condemned in a substantially higher scale of costs than if the defendant were a private person. Clause 9 seeks to remove this anomaly by placing public authorities in the same position as other litigants.

The Assistance Board is the organization charged with the administration of Unemployment Assistance and Supplementary Old Age Pensions. Although the Board must observe regulations which are approved by Parliament and must also submit to Parliament an annual report, it is not at present directly responsible to any Minister, and is therefore not subject to constant Parliamentary supervision and control. Clause 10 seeks to establish such supervision and control by providing that the Board shall comply with such directions as may from time to time be given it by the appropriate Ministers.