

SCHEDULES

SEVENTH SCHEDULE

Section 28.

BOROUGHS INCLUDED IN RURAL DISTRICTS

Status of boroughs included in rural districts

- 1 (1) On the inclusion of a borough in a rural district—
- (a) the Municipal Corporations Act, 1882, and the provisions of the Act of 1933 relating to boroughs shall cease to apply to it;
 - (b) any other provision made with respect to local authorities, or the areas, functions or officers of local authorities, by any enactment passed or instrument made before the commencement of this Act, except a provision as to any matter as to which provision is made by this Act, shall apply in relation to the borough as it applies in relation to a parish having a separate parish council,
- except as otherwise provided in this Schedule.
- (2) References in any enactment or instrument (whether passed or made before or after the commencement of this Act) to a borough shall be construed, except as otherwise provided in this Schedule, as not including a borough which has been included in a rural district, and, in any provision applied by sub-paragraph (1) of this paragraph, references to a parish council and the chairman of such a council shall be construed as including respectively the council and the mayor of such a borough.
- (3) On the inclusion of a borough in a rural district any power under its charter to make byelaws shall, except as otherwise provided by the order effecting the inclusion, cease, but without prejudice to any power of the council of the borough under the provisions applied by sub-paragraph (1) of this paragraph.
- (4) Notwithstanding the inclusion of a borough in a rural district any parish comprised in the borough shall remain an urban parish.

Power to act by council

- 2 The corporation of a borough which has been included in a rural district shall be capable of acting by the council of the borough.

Name of corporation

- 3 On the inclusion of a borough in a rural district the corporate name of its inhabitants shall be changed by the omission of the word " aldermen ".

Status: This is the original version (as it was originally enacted).

Status and composition of council

- 4 (1) The council of a borough which has been included in a rural district shall be a local authority within the meaning of the Act of 1933 and shall consist of the mayor and councillors.
- (2) There shall be no parish meeting for such a borough, and any power exercisable, under the provisions applied by sub-paragraph (1) of paragraph 1 of this Schedule, by a parish meeting shall in the case of such a borough be exercisable by the council thereof and so much of those provisions as requires the consent of the parish meeting, and section forty-five of the Act of 1933 (which enables a county council on the application of a parish meeting to group parishes under a common parish council) shall not apply to such a borough.

Mayor and deputy mayor

- 5 (1) The mayor of a borough which has been included in a rural district shall be elected annually by the council from among the councillors or persons qualified to be councillors of the borough.
- (2) The election of the mayor shall be the first business transacted at the annual meeting of the council.
- (3) The mayor shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor is elected.
- (4) During his term of office the mayor shall continue to be a member of the council, notwithstanding the provisions of this Schedule relating to the retirement of councillors.
- (5) The council may pay to the mayor for the purpose of enabling him to meet the expenses of his office such allowance as the council may think reasonable.
- (6) The mayor shall have precedence in all places in the borough, but this sub-paragraph shall not affect Her Majesty's royal prerogative.
- (7) The mayor may appoint a member of the council to be deputy mayor.
- (8) The deputy mayor shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until immediately after the election of a mayor at the next annual meeting of the council and during that time shall continue to be a member of the council, notwithstanding the provisions of this Schedule relating to the retirement of councillors.
- (9) Subject to any standing orders made by the council of the borough, anything authorised or required to be done by, to or before the mayor may be done by, to or before the deputy mayor.

Number and election of councillors

- 6 (1) The number of councillors of a borough which has been included in a rural district shall be such number, not being less than five nor more than twenty-one, as may be fixed from time to time by the Minister.
- (2) The term of office of councillor shall be three years and shall begin and end on the twentieth day of May, except that a person elected to fill a casual vacancy, among

councillors shall hold office from the date of his election until the date on which the person in whose place he was elected would have been due to retire.

- (3) The councillors shall be elected by the local government electors for the borough except that a casual vacancy among councillors shall be filled by the council, which shall be convened forthwith for that purpose.
- (4) An order for the inclusion of a borough in a rural district may divide it into wards for the purpose of the election of councillors ; and (without prejudice to the generality of paragraph 1 of this Schedule) sections fifty-two and fifty-five of the Act of 1933 shall apply in relation to boroughs included in rural districts, and the wards and councillors of such boroughs, as they apply in relation to parishes, parish wards and parish councillors.

Consequential amendments of Representation of the People Act, 1949

- 7 (1) The Representation of the People Act, 1949, shall be amended as follows.
- (2) In section twenty-three, in subsection (7), after the words " rural district" there shall be inserted the words " rural borough ".
- (3) In section twenty-nine, in subsection (1), for the Words " district or parish councillors " there shall be substituted the words " district, rural borough or parish councillors ", and for the words " district election rules or parish election rules " there shall be substituted the words " district election rules, rural borough election rules or parish election rules "; in subsection (2), for the words " district or parish election rules" in both places where they occur, there shall be substituted the words " district, rural borough or parish election rules " ; and in subsection (5), after the word " District" there shall be inserted the words " rural borough ".
- (4) In section thirty-four, for the words from " in cases " to the end of the section there shall be substituted the words " in cases where the polls at elections of rural district councillors, rural borough councillors, and parish councillors or any two of such elections are held together, to all or both of those elections ".
- (5) In section thirty-six, in subsection (4), after the words " parish councillors " there shall be inserted the words " or (under that section as applied to rural boroughs by the Local Government Act, 1958) with respect to an election of rural borough councillors " and after the words " parish election rules " there shall be inserted the words " or, as the case may be, rural borough election rules ".
- (6) In section seventy-eight, in subsection (1), after the words "election of" there shall be inserted the words " rural borough councillors or " and after the words " prescribed by " there shall be inserted the words " rural borough election rules or ".
- (7) In section one hundred and thirty-nine, in subsection (3), in the definition of "corporate office" after the words "borough, district" there shall be inserted the words " rural borough ".
- (8) In section one hundred and sixty-five, in subsection (1), for the words " district or parish councillors " there shall be substituted the words " district, rural borough or parish councillors " and after the words " district council or" there shall be inserted the words " mayor of a rural borough or chairman of a ", for the words " district or parish election rules " there shall be substituted the words " district, rural borough or parish election rules ", and for the words "an election of district or parish councillors not regulated by district or parish election rules" there shall be substituted the words

Status: This is the original version (as it was originally enacted).

" an election of district, rural borough or parish councillors not regulated by district, rural borough or parish election rules ".

- (9) In section one hundred and seventy-two, in subsection (1), in the definition of " local government Act", after the words " Local Government Act, 1933," there shall be inserted the words " or the Local Government Act, 1958 " ; in the definition of " local government area", after the word "district" there shall be inserted the words " rural borough " ; and at the end of the subsection there shall be added the following definition—

“ rural borough ' means a borough which has been included in a rural district”.

Consequential amendments of Local Government Elections Act, 1956

- 8 (1) In section three of the Local Government Elections Act, 1956, there shall be added the following subsection—

“(2) A rural borough divided into rural borough wards shall not, for the purpose of the election of councillors for the rural district in which the rural borough is situate, be divided into wards any one of which is not co-extensive with a rural borough ward or a combination of rural borough wards”.

- (2) In subsection (2) of section four of the said Act of 1956, in sub-paragraph (i) of paragraph (b) there shall be inserted, at the beginning of the paragraph, the words " an election of rural borough councillors for a rural borough within the district or " .

- (3) In subsection (3) of the said section four, after the words " at an election of", in the second place where they occur, there shall be inserted the words " rural borough councillors or " .

- (4) In section eight of the said Act of 1956, the following paragraph shall be added at the end of subsection (2)—

“(c) the expression ' rural borough' means a borough which has been included in a rural district, and the expression ' rural borough ward' means one of the wards into which a rural borough may be divided for the purpose of the election of rural borough councillors”.

Town clerk and other officers

- 9 (1) The person appointed under section one hundred and fourteen of the Act of 1933 as applied by paragraph 1 of this Schedule to be clerk of the council of a borough which has been included in a rural district shall be styled town clerk.

- (2) The council of a borough which has been included in a rural district shall have power, in addition to that conferred by the said section one hundred and fourteen as so applied, to appoint such officers and servants (who shall hold office or be employed during the pleasure of the council) as the council think necessary for the efficient discharge of the functions of the council, and may pay to any person appointed under this sub-paragraph such reasonable remuneration as they may determine.

Power to take security

- 10 The council of a borough which has been included in a rural district shall have the same power under section one hundred and nineteen of the Act of 1933 to take

security as if the borough had not been so included, and any officer appointed by the council from among their number shall for the purposes of that section be deemed to be an officer employed by them.

Additional expenses of council

- 11 An order for the inclusion of a borough in a rural district may modify subsection (3) of section one hundred and ninety-three of the Act of 1933 in its application to the borough by adding such expenses as may be specified in the order to those which are exempted from the limit imposed by that subsection on the sums that may be raised to meet the expenses of the council.

Saving for boroughs being counties and boroughs having separate commissions of the peace

- 12 (1) Paragraph 1 of this Schedule shall not affect the application or construction of any enactment in so far as it refers to a borough as an area being a county of itself or having a sheriff or an area for which justices are appointed or an area having a separate court of quarter sessions, except that section one hundred and seventy-one of the Municipal Corporations Act, 1882 (which relates to the appointment of coroners) shall not apply to a borough which has been included in a rural district.

Provisions as to land

- 13 (1) The corporation of a borough which has been included in a rural district shall have power to hold land for the purposes of their constitution without licence in mortmain.
- (2) Without prejudice to any power to acquire land under the provisions applied by subparagraph (1) of paragraph 1 of this Schedule, where a borough has been included in a rural district any power under its charter to acquire land shall cease, but (whether or not its charter confers any such power) the council of the borough shall have power to acquire land in exchange for, or with capital money arising from, corporate land of the borough.
- (3) For the purposes of their functions under subsection (1) of section twenty-five of the Justices of the Peace Act, 1949 (which relates to the provision of court houses) the council of a borough which has been included in a rural district shall have the same powers of acquiring or appropriating land as if it had not been so included.
- (4) Sections one hundred and sixty-three and one hundred and seventy-two and paragraph (a) of section two hundred and seventeen of the Act of 1933 (which confer powers of appropriation of land and disposal of corporate land and contain savings for mortgages) shall apply in relation to a borough which has been included in a rural district as they apply in relation to a borough not so included.
- (5) In this paragraph " corporate land " has the same meaning as in the Act of 1933.

Application of enactments relating to trusts, freemen, and records and documents

- 14 The following enactments shall apply in relation to a borough which has been included in a rural district as they apply in relation to a borough not so included, that is to say, sections one hundred and thirty-four and one hundred and thirty-five of the Municipal Corporations Act, 1882, and Part XIV, subsection (2) of section two hundred and seventy-nine and subsection (5) of section two hundred and eighty-three of the Act of 1933.

Status: This is the original version (as it was originally enacted).

Saving for charter

- 15 The inclusion of a borough in a rural district shall not affect the provisions of its charter except in so far as they are inconsistent with the foregoing provisions of this Schedule or with any provision of the order effecting the inclusion or of any order amending that order.

Surrender of charter

- 16 Where a borough has been included in a rural district no petition shall be presented for the amendment of its charter or the grant to it of an amending or supplementary charter ; but if a petition is presented for the acceptance of a surrender of its charter the Minister may by order provide for the conversion of the borough into a parish, and section thirty-eight of this Act shall apply accordingly.