

SCHEDULES.

TENTH SCHEDULE

Section 132.

ADAPTATION OF ENACTMENTS.

General Adaptations.

- 1 Subject to the provisions of this Schedule, references in any enactment so far as it applies to England to any of the terms mentioned in the first column of the following table shall be construed as references to the terms mentioned in the second column thereof.

| Reference. | Adaptation. |
|--|--|
| Board of Guardians | Council of a county or county borough. |
| Board of management <i>or</i> managers of a school district. | Council of a county or county borough. |
| Chargeability for any poor law purpose to any parish, township <i>or</i> place, <i>or</i> to a parish <i>or</i> union, <i>or</i> to a union <i>or</i> parish, <i>or</i> to the common fund of a union. | Chargeability to a county or county borough. |
| Clerk to the guardians | Clerk of the county council or town clerk of the county borough, or such other officer as may for the purpose be appointed or designated by the council. |
| Common fund of the union <i>or</i> fund of the board of guardians for a single parish. | County fund or general rate fund of the county borough. |
| District school <i>or</i> district poor law school. | Separate school. |
| Guardian—as an individual | Member of the council of a county or county borough. |
| Guardians—as a corporate body | Council of a county or county borough. |
| Medical officer of a board of guardians <i>or</i> of a union. | Poor law medical officer of a county or county borough. |
| Officer of a board of guardians <i>or</i> guardians <i>or</i> officer of a union or other area for which a board of guardians are constituted. | Officer concerned with the relief of the poor. |
| Parish—as the area for which a board of guardians are constituted. | County or county borough. |

Status: This is the original version (as it was originally enacted).

| | Reference. | Adaptation. |
|--|--|--|
| | Parish—as the area in which a settlement is acquired or derived. | County or county borough. |
| | Parochial relief | Poor relief. |
| | Poor law union | County or county borough. |
| | Treasurer of a poor law union | County treasurer or treasurer of a county borough. |
| | Union <i>or</i> other area for which a board of guardians are constituted. | County or county borough. |
| | Union or parochial relief | Poor relief. |

2 References in any enactment to subsection (2) of section eleven of the Local Government Act, 1888, shall be construed as references to the provisions of this Act relating to the rights of certain urban district councils to maintain county roads.

3 Where by any enactment any forms are prescribed, the Minister may by order make such adaptations thereof as may appear to him to be necessary for the purpose of bringing the forms into conformity with this Act.

4 The Minister may by order made, on the application of any council exercising functions under this Act make such amendments or adaptations of any local Act as may appear to him to be necessary for the purpose of bringing any provision of that Act into conformity with the provisions of this Act and any such order shall be laid before Parliament as soon as may be after it is made.

Special Adaptations.

5 Section twenty-three of the Metropolitan Police Act, 1829 (which prescribes the basis on which sums required for the purposes of the Metropolitan police are to be raised) shall have effect as if there were therein substituted for the words from " shall not exceed " to " county rate " the words " shall be assessed on the rateable value of all hereditaments within the parish, township, precinct, or place as appearing in the valuation list for the time being in force."

6 In section three of the Marriage Act, 1836, section seven of the Births and Deaths Registration Act, 1836, and section twenty-seven of the Births and Deaths Registration Act, 1837, references to the union, parish or place for which a superintendent registrar is appointed shall be construed as references to the registration district.

7 In section nine of the Births and Deaths Registration Act, 1836, after the words "register office" there shall be inserted the words " for each registration district. "

8 References in sections one hundred and eighty-nine and one hundred and ninety-one of the Public Health Act, 1875, to officers any portion of whose salary is paid out of moneys provided by Parliament shall be construed as references to officers in respect of whose salaries payment is made by a county council or county borough council in pursuance of this Act.

9 The power of a rural district council under section two hundred and thirty-three of the Public Health Act, 1875, as amended or applied by any subsequent enactment, to borrow or reborrow sums on the credit of a special rate and to mortgage any such fate, shall include power to borrow or reborrow on the credit of, and for that

- purpose to mortgage, any moneys from time to time received by the council under this Act and applicable for the purpose for which the loan is contracted.
- 10 Section sixteen of the Highways and Locomotives (Amendment) Act, 1878, shall have effect as if the words "in pursuance of this Act" were omitted therefrom.
- 11 In subsection (1) of section ten of the Criminal Lunatics Act, 1884, for the words " union or parish " the word " place " shall be substituted.
- 12 In the Lunacy Act, 1890, the following adaptations shall be made—
- (a) from subsection (3) of section twenty-seven the words " in which the place " shall be omitted and in that subsection, for the words " the parish in which he is adjudged to be settled is situate " there shall be substituted the words " to the county or county borough, in which he is adjudged to be settled ";
 - (b) from subsection (3) of section two hundred and eighty three the words " or settled in " shall be omitted and the words " or settled in the county or county borough to which the asylum belongs " shall be added at the end of the subsection;
 - (c) section two hundred and ninety, which enables a pauper lunatic, whose settlement cannot be ascertained, to be adjudged chargeable to a local authority, shall cease to have effect, without prejudice to the effect of any order made under that section which is in force on the appointed day.
- 13 In the Lunacy Act, 1891, the following adaptations shall be made—
- (a) a direction under subsection (2) of section two may authorise one relieving officer to discharge the duties of a relieving officer in respect of lunatics throughout any specified portion of a county or county borough;
 - (b) for section six the following section shall be substituted:

“Where a workhouse is not situate within the county or county borough to which the workhouse belongs, a summary reception order made by a justice of the county or county borough in which the workhouse is situate may order a lunatic in the workhouse to be received in any asylum in which pauper lunatics chargeable to the county or county borough to which the workhouse belongs may legally be received”;
 - (c) section twenty-five (which enables the chairman of a board of guardians to be authorised to sign reception orders in respect of pauper lunatics) shall cease to have effect.
- 14 The right of a rural district council under subsection (3) of section fifty-nine of the Local Government Act, 1894, to use for their meetings and proceedings the board room and offices of any board of guardians for the union comprising the district, shall be restricted to premises which, at the passing of this Act, are used by a rural district council under that subsection:
- Provided that a county council on giving not less than three months' notice to the rural district council may determine the use of the premises by the district council, but in such case the county council shall if the district council so require, provide other suitable accommodation for the purposes aforesaid, and if any difference arises between a county council and a district council as to the suitability of the accommodation proposed to be provided by the county council, the difference may, on the application of either party, be decided by the Minister.
- 15 For subsection (2) of section one hundred and twenty two of the Education Act, 1921, there shall be substituted the following subsection:—

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

“(2) Subject to the foregoing provisions of this section as to consultation before charging certain expenses on certain areas, any charge or allocation of expenses made by a county council under this section or under any corresponding enactment repealed by this Act may at any time be cancelled or varied by the county council.”

16 As from the first day of October, nineteen hundred and twenty-nine, section ten of the Allotments Act, 1922, shall not apply to land which is agricultural land within the meaning of Part V. of this Act.

17 As from the first day of October, nineteen hundred and twenty-nine, the relief to occupiers of agricultural hereditaments granted by this Act shall not be taken into account by an arbitrator in determining for the purposes of section twelve of the Agricultural Holdings Act, 1923, what rent is properly payable in respect of a holding.

18 For the purpose of determining under section one or section two of the Education (Institution Children) Act, 1923, the area in which the place of settlement of a child is situated, the place of settlement shall be deemed to be the parish which would have been the place of settlement if this Act had not been passed.

19 Paragraph (b)(i) of subsection (1) of section two of the Teachers (Superannuation) Act, 1925, shall have effect as if after the words " public elementary school" there were inserted the words " or, after the first day of April, nineteen hundred and thirty, in or in connection with a poor law school. "

20 Subsection (2) of section seventeen of the Tithe Act, 1925, shall, for the purposes of any application for the redemption of any lay tithe rentcharge on any land made by the owner of the land on or after the first day of October, nineteen hundred and twenty-nine, have effect as if—

- (a) for the words " then if the land charged with the tithe rentcharge, except so far as it consists of buildings in the same occupation, is agricultural land for the purposes of the Agricultural Rates Act, 1896," there were substituted the words " then, if and so far as the land charged with the tithe rentcharge is agricultural land or agricultural buildings within the meaning of Part V. of the Local Government Act, 1929, "; and
- (b) for the words " any rate to which the Agricultural Rates Act, 1896, applies," there were substituted the words " any general rate (including any additional item thereof) "; and
- (c) there were inserted at the end of the subsection the following words:—

“In relation to any period before the date on which the first general rate under the Rating and Valuation Act, 1925, became leviable in the rating area in which the land is situate, the reference in this subsection to a general rate shall be construed as a reference to any rate to which the Agricultural Rates Act, 1896, applied during the said period in that area.”

21 In the Poor Law Act, 1927, the following adaptations shall be made—

- (a) for subsection (1) of section two the following subsection shall be substituted:

“(1) The law relating to the relief of the poor shall be administered locally by councils of counties and county boroughs, and in the administration thereof a member of a county council or county borough council, or a committee or sub-committee of such a

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

- council, shall not, save as otherwise expressly provided by this Act, or any rules, orders or regulations of the Minister made thereunder, be capable of acting by virtue of his office except at a meeting of the council, committee or sub-committee”;
- (b) section six, as applied by subsection (4) of section twenty-four of the Local Government Act, 1894, shall have effect as if the words "or, in the case of a guardian for " a parish wholly or partly situate within a borough, " is qualified to be elected a councillor for that borough " were omitted therefrom;
 - (c) nothing in sections twenty-nine to thirty-two or in section two hundred and twenty-four shall apply to officers appointed by the council of a county or county borough under any Act other than the Poor Law Act, 1927;
 - (d) from subsection (1) of section forty-six, the words "for " the district wherein the poor law union or the greater " part thereof is comprised " shall be omitted;
 - (e) from subsection (1) of section forty-nine, the words "a majority of " shall be omitted;
 - (f) from section fifty-two, there shall be omitted, in proviso (i) thereof, the words " in the interval between their meetings, " and in proviso (ii) thereof, the words " the " board of guardians are not sitting or ";
 - (g) in subsection (1) of section seventy-three, for the words " poor law union " there shall be substituted the words " county or county borough or in any part thereof ";
 - (h) in subsection (2) of section eighty-eight, there shall be substituted for the words " one of their number " the word "person";
 - (i) in paragraph (b) of section one hundred and sixteen for the words " comprising the parish" there shall be substituted the words " to which he was ordered to be removed ";
 - (j) in subsection (1) of section one hundred and twenty-three, for the words "the workhouse of the last-mentioned board " there shall be substituted the words " any workhouse of the last-mentioned council or, if " any particular workhouse has been designated for the " purpose by them, at that workhouse," and from subsection (2) of the said section, the words " guardian " or " shall be omitted;
 - (k) in paragraph (a) of subsection (5) of section one hundred and twenty-four, for the words " in the county court within whose district their poor law union or the " greater part thereof is situated" there shall be substituted the words " in any county court the " district whereof is wholly or partly comprised in their " county or county borough ";
 - (l) in subsections (1) and (4) of section one hundred and twenty-eight, for the words "the workhouse," wherever those words occur, there shall be substituted the words " any workhouse ";
 - (m) from section one hundred and seventy-two the word "chargeability" shall be omitted, and for the words " poor law union " there shall be substituted the word " parish ";
 - (n) from subsection (1) of section one hundred and eighty-six, the words "and where meetings of the dispensary committee may be held " shall be omitted;
 - (o) in section two hundred and nine for the words from "a school or asylum" to the end of the section the words "a separate school " shall be substituted;

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

- (p) from section two hundred and ten, the words "or a " dispensary committee," and the words " dispensary " committee " shall be omitted; .
- (q) in section two hundred and twenty-two for the words "and any parochial and other local meeting" the words " or committee or sub-committee" shall be substituted; .
- (r) for section two hundred and twenty-five, the following section shall, be substituted :

“A certificate of chargeability in such form as may be prescribed by order of the Minister, or in a form to the like effect, may be issued by the council of any county or comity borough, and every such certificate purporting to be signed by the clerk of the council shall, unless the contrary is shown, be sufficient evidence of the truth of all the statements contained therein, and shall, within the period of twenty-one days from the date of the certificate, be received in evidence accordingly by all courts of law and all justices and for all purposes without proof of the signature or of the official character of the person signing it.”

- 22 The provisions of the Poor Law Act, 1927, with respect to the qualification, election and term of office and retirement of guardians and to the qualification of the chairman of a board of guardians shall, as applied by subsection (4) of section twenty-four of the Local Government Act, 1894, to district councillors and to the chairman of a district council of a rural district, have effect as if for references therein to " a guardian," " guardians," " guardians of a poor law union," and " members of a board of guardians," there were substituted references to a " rural district councillor " or "rural district councillors," as the case may require, as if for references to " board of guardians " there were substituted references to " rural district council, " and as if for references to "union" or "poor law union" there were substituted references to " rural district. "

Special adaptations applying to the County of London.

- 23 (1) References in any other enactment to the Metropolitan Asylum District or to an asylum district, shall be construed as references to the county of London, and references in any other enactment to the Metropolitan Asylum Managers or Metropolitan Asylums Board, or to an asylum board or managers of an asylum district constituted under the Poor Law Act, 1927, or under any enactment repealed by that Act, shall be construed as references to the London County Council.
- (2) References in any enactment to asylums or hospitals under the Metropolitan Poor Act, 1867, or. provided by the Metropolitan Asylum Managers or by an asylum board, shall be construed as references to asylums and hospitals provided for the county of London under the Poor Law Act, 1927, or any enactment repealed by that Act.
- 24 In the application to the county of London of—
- (a) the Births and Deaths Registration Acts, 1836 to 1926;
 - (b) the Vaccination Acts, 1867 to 1907;
 - (c) the Valuation (Metropolis) Act. 1869, and any enactment thereby applied to the county of London or amending that Act; and
 - (d) any rule, regulation, byelaw, order or award made under any Act or enactment mentioned in this paragraph;

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

references therein to any of the terms mentioned in the first column of the following table shall be construed as references to the terms mentioned in the second column thereof.

| | Reference. | Adaptation. |
|----|--|---|
| | Board of guardians | Common council and council of a metropolitan borough. |
| | Clerk to the guardians | Town clerk of the city of London or metropolitan borough, or such other officer as may for the purpose be appointed or designated by the council. |
| | Common fund of the union <i>or</i> fund of the board of guardians for a single parish. | Fund out of which the general expenses of the common council or council of a metropolitan borough are payable. |
| | Guardian—as an individual | Member of the common council or council of a metropolitan borough. |
| | Guardians—as a corporate body. | Common council and council of a metropolitan borough. |
| | Poor law union | City of London or metropolitan borough. |
| | Union <i>or</i> other area for which a board of guardians are elected. | City of London or metropolitan borough. |
| 25 | The last foregoing paragraph shall not affect the construction of the words "guardians and officers of guardians" in section five of the Vaccination Act, 1871, or of the words " medical officer of any board of guardians " in section thirteen of that Act. | |

Savings.

- 26 The adaptations effected by this Schedule shall not—
- (a) affect the authorities by whom the provisions of the Public Health (London) Act, 1891, are to be executed or the manner in which their expenses are to be defrayed; or
 - (b) affect the manner in which any precept for the payment of the expenses of a parish council or parish meeting is to be enforced.