Local Government Act 1888

1888 CHAPTER 41

PART V

SUPPLEMENTAL.

Definitions.

99 Definition of " written ".

All notices and documents required by this Act to be in writing may be in writing or print, or partly in writing and partly in print, and for the purposes of this section " print" includes any mechanical mode of reproduction.

100 Interpretation of certain terms in the Act.

In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say :

The expression " county " does not include a county of a city or county of a town:

The expression " entire county " means, in the case of a county divided into administrative counties, the whole of the county formed by those administrative counties.

The expression " division of a county, " in the provisions of this Act respecting the property of quarter sessions, includes any hundred, lathe, wapentake, or other like division :

The expression " administrative county, " means the area for which a county council is elected in pursuance of this Act, but does not (except where expressly mentioned) include a county borough:

The expression " metropolis " means the city of London and the parishes and places mentioned in Schedules A, B., and C. to the Metropolis Management Act, 1855, as amended by subsequent Acts:

The expression " borough " means any place for the time being subject to the Municipal Corporations Act, 1882, and any reference to the mayor, aldermen, and burgesses of a borough shall include a reference to the mayor, aldermen, and citizens of a city:

The expression " quarter sessions borough " means a borough having a separate court of quarter sessions and includes a county of a city and a county of a town, subject to the Municipal Corporations Act, 1882 :

The expression " quarter sessions " as respects any county, riding, division, or liberty, means the justices in quarter or general sessions assembled, and includes justices assembled in gaol sessions, annual general sessions, and adjourned sessions, and as respects any borough, means any court of quarter or general sessions held for the borough or for any county of a city or town consisting of the borough, whether held by the recorder or by justices, and as respects the city of London, means the court of the mayor and aldermen in the inner chamber :

The expression " parish " means a place for which a separate overseer is or can be appointed, and where part of a parish is situate within, and part of it without, any county, borough, urban sanitary district, or other area, means each such part:

The expressions " parliamentary county, " and " parliamentary election, " and " parliamentary voters, " have the same meaning as in the Registration Act, 1885, and the Acts therein referred to:

The expression " Secretary of State " means one of Her Majesty's Principal Secretaries of State . The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

The expression " Bank of England " means the Governor and Company of the Bank of England :

The expression " existing " means existing at the time specified in the enactment in which the expression is used, and if no such time is expressed, then at the day appointed to be for the purpose of such enactment the appointed day:

The expression " guardians " means guardians elected under the Poor Law Amendment Act, 1834, and the Acts amending the same, and includes guardians or other bodies of persons performing under any local Act the like functions to guardians under the Poor Law Amendment Act, 1834 :

The expression " poor law union " means any parish or union of parishes for which there is a separate board of guardians :

The expressions " district council " and " county district " mean respectively any district council established for purposes of local government under an Act of any future session of Parliament, and the district under the management of such council and until such council is established, mean respectively—

(a) as regards the provisions of this Act relating to highways and main roads, a highway authority and highway area; and

(b) save as aforesaid, an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and the district of such authority :

The expression " highway area, " means, as the case may require, an urban sanitary district, a highway district, or a highway parish not included within any highway or urban sanitary district :

The expression " highway authority " means, as respects an urban sanitary district, the urban sanitary authority, and as respects a highway district, the highway board, or authority having the powers of a highway board, and as

respects a highway parish, the surveyor or surveyors of highways or other officers performing similar duties:

The expression " urban authority " means, until the establishment of district councils as aforesaid, an urban sanitary authority ; and after their establishment, the district council of an urban county district:

The expression " rural authority " means, until the establishment of district councils as aforesaid, a rural sanitary authority; and, after their establishment, the district council of a rural county district:

The expression " person " includes any body of persons, whether corporate or unincorporate:

Any expression referring to the value of any parish, borough, or area as ascertained by the standard or basis for the county rate or contributions shall, where any rateable value has been fixed by agreement between the councils of any county and county boroughs be that value, and subject thereto shall, in the case of any parish, borough, or area for which there is no such standard or basis, refer to the total rateable value as determined by the last valuation lists, or if there is no valuation list, by the last poor rates for such parish or the parishes comprised in such borough or area; and where an area is authorised or directed by this Act to be assessed to any contributions or rates, the same shall, unless otherwise provided by law, be assessed according to the standard or basis for the county rate :

The expression " property " includes all property, real and personal, and all estates, interests, easements, and rights, whether equitable or legal, in, to, and out of property real and personal, including things in action, and registers, books, and documents; and when used in relation to any quarter sessions, clerk of the peace, justices, board, sanitary authority, or other authority, includes any property which on the appointed day belongs to, or is vested in, or held in trust, for, or would but for this Act have, on or after that day, belonged to, or been vested in, or held in trust for, such quarter sessions, clerk of the peace, justices, board, sanitary authority, or other authority ; and the expression " property " shall further include, in the case of the county of Chester, any surplus revenue of the River Weaver Trust, which is or would but for this Act be payable to the quarter sessions :

The expression " powers " includes rights, jurisdiction, capacities, privileges, and immunities:

The expression " duties " includes responsibilities and obligations:

The expression " liabilities " includes liability to any proceeding for enforcing any duty or for punishing the breach of any duty, and includes all debts and liabilities to which any authority are or would but for this Act be liable or subject to, whether accrued due at the date of the transfer or subsequently accruing, and includes any obligation to carry or apply any money to any sinking fund or to any particular purpose:

The expression " powers, duties, and liabilities, " includes all powers, duties, and liabilities conferred or imposed by or arising under any local and personal Act:

The expression " expenses " includes cost and charges;

The expression " costs " includes charges and expenses:

The costs of assizes and of quarter and petty sessions include such of the following costs as are applicable, that is to say, the costs of maintaining and providing the courts and offices and the judges' lodgings, the salaries and remuneration of a chairman of quarter sessions, clerks of assize, clerks of the

peace, clerks of the justices, and other officers, the costs of the jury list the costs of rewards ordered to be paid by the court, the costs of prosecutions including the costs of the defendant's witnesses, and all other costs incidental to the assizes, quarter sessions, petty sessions, or the judges, but nothing shall require a quarter sessions borough to contribute towards the costs of prosecutions at assizes except in the case of prisoners committed for trial from the borough :

The expression " assizes " includes the Central Criminal Court:

The expression " pension " includes any superannuation allowance, gratuity, or other payment made on the retirement of any officer :

The expression " office " includes any place, situation, or employment, and the expression " officer" shall be construed accordingly:

The expression " the divisions of Lincolnshire " means the parts of Holland, the parts of Kesteven, and the parts of Lindsey:

The expression " County and Borough Police Act, 1856, " means the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter sixty-nine, intituled " An Act to render more effectual the police in counties and boroughs in England and Wales, " and the expression " County and Borough Police Acts " means the County and Borough Police Act, 1856, and the Acts therein recited :

The expression " main road " when used in relation to the district of any highway or road authority, means so much of the main road as is situate within the district of such authority.

In relation to the election of county councillors, the day of nomination shall be deemed to be the day on which the names of the persons nominated are fixed on the Town Hall or other conspicuous place.

101 Extent of Act.

This Act shall not extend to Scotland or Ireland.

102 Short title.

This Act may be cited as the Local Government Act, 1888.