



Local Government Act 1888

1888 CHAPTER 41

PART V

SUPPLEMENTAL.

Application of Acts.

75 Application of 45 & 46 Vict. c.50 to county councils and this Act.

For the purpose of the provisions of this Act with respect to county councils, and to the chairmen, members, committees, and officers of such councils, and otherwise for the purpose of carrying this Act into effect, the following portions of the Municipal Corporations Act, 1882, namely, Part Two, Part Three, Part Four (as amended by the Municipal Elections (Corrupt Practices) Act, 1884), section one hundred and twenty-four in Part Five, Part Twelve, Part Thirteen, the Second Schedule, Part Two and Part Three of the Third Schedule, and Part One of the Eighth Schedule shall, so far as the same are unrepealed and are consistent with the provisions of this Act, apply as if they were herein re-enacted with the enactments amending the same in such terms and with such modifications as are necessary to make them applicable to the said councils and their chairmen, members, committees, and officers, and to the other provisions of this Act.

Provided as follows:—

- (1) In a year in which county councillors are elected, the elections of those councillors, and of councillors of a borough, shall be conducted together.
- (2) Such person as the county council may appoint shall be the returning officer for the election of county councillors of the county council, in substitution for the mayor, and for the aldermen assigned for that purpose by the council.
- (3) The returning officer, without prejudice to any other power, may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes relating to the election of any such councillor, and may by himself or such deputy exercise any powers and do any things which a returning officer is authorised or required to

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exercise or do in relation to such election, and shall for the purposes of the election have all the powers of the sheriff.

- (4) A reference in this Act, or in the enactments applied by this Act, to the returning officer or to the mayor or to the alderman shall, so far as relates to the election of any such councillor, be construed to refer to the returning officer, and any such deputy as above mentioned.
- (5) A reference in the said enactments to the town clerk so far as respects the election of any such councillor shall be construed to refer to the returning officer or his deputy, and as respects matters subsequent to the election, shall be construed to refer to the clerk of the county council.
- (6) In a borough the returning officer for the purpose of the election of councillors of the borough shall continue to be the same as heretofore, and where an electoral division of the county is co-extensive with or wholly comprised in such borough, shall at the election in such division of a councillor of the county council act as the returning officer in pursuance of a writ directed to him from the county returning officer, and so far as respects that election shall follow the instructions of, and return the names of the persons elected to the county returning officer in like manner as if he were a deputy returning officer, and any decision of an objection shall be subject to revision by the county returning officer accordingly, and a reference in the said enactments to the town clerk shall, as respects the borough, be construed to refer to the town clerk.
- (7) Some place fixed by the returning officer shall, except where the election is in a borough, be substituted for the town clerk's office, and, as respects the hearing of objections to nomination papers, for the town hall, but such place shall, if the electoral division is the whole or part of an urban district, be in that district, and in any other case shall be in the electoral division or in an adjoining electoral division.
- (8) The returning officer shall forthwith after the election of county councillors for the county return the names of the persons elected to the clerk of the county council.
- (9) The period between the nomination and election may be such period, not exceeding six days, as the returning officer may fix.
- (10) An outgoing alderman shall not as alderman vote in the election of a chairman.
- (11) The hours of the poll shall be those fixed by the Elections (Hours of Poll) Act, 1885.
- (12) Section eleven of the Municipal Corporations Act, 1882, with respect to the qualification of a county councillor by reason of his being entered in the separate non-resident list, shall include, for the purposes of this Act, all persons entered in such separate list in any municipal borough by reason of occupation of property in the borough, and all persons entered in such separate list for any part of a county not in a municipal borough by reason of the occupation of property in that part.
- (13) The seventh of November shall be substituted for the ninth of November as the ordinary day of election of the chairman and of county aldermen, and as the day for holding a quarterly meeting of the county council.
- (14) Ten days shall be substituted for five days in section thirty-four of the Municipal Corporations Act, 1882, as the time within which a person elected to a corporate office is to accept that office, and twelve months shall be substituted for six months in section thirty-nine of the said Act, as the period of absence which disqualifies an alderman or councillor.

- (15) The quorum of the council shall be one-fourth of the whole number of the council, and one-fourth shall, for the purposes of this section, be substituted for one-third in paragraph ten of the second schedule to the Municipal Corporations Act, 1882.
- (16) Nothing in the Municipal Corporations Act, 1882, as applied by this section—
- (a) shall alter the application of any fine, penalty, or forfeiture recoverable in a summary manner; or,
 - (b) shall apply any of the provisions of the Municipal Corporations Act, 1882, with reference to boundaries or the alteration of wards or borough auditors, nor any of the following provisions, namely, sub-section five of section fifteen, section sixteen, section two hundred and fifty-one, or section two hundred and fifty-seven ; or
 - (c) shall render any person elected to a corporate office without his consent to his nomination being previously obtained liable to pay a fine on non-acceptance of office, or roster a chairman or deputy chairman disqualified as such by reason of absence; or
 - (d) shall authorise or require a returning officer to hold an election of a councillor to fill a casual vacancy in the representation of an electoral division where the vacancy occurs within six months before the time fixed by this Act for a new election of a councillor to represent such electoral division; or
 - (e) shall apply to a county council section seventeen of the said Act with respect to the town clerk, nor, unless the county council so resolve, section eighteen respecting the treasurer, but, if the county council so resolve, section eighteen shall supersede the existing enactments with respect to the county treasurer; or,
 - (f) shall require the acts and proceedings of the standing . joint committee of the county council and quarter sessions to be submitted to the county council for their approval; or
 - (g) shall prevent the use of schools and public rooms for the purpose of taking the poll at elections under this Act, but section six of the Ballot Act, 1872, shall apply in the case of elections under this Act, and the returning officer may, in addition to using such rooms free of charge for taking the poll, use the same free of charge for hearing objections to nomination papers and for counting votes.
- (17) All costs properly incurred in relation to the holding of elections of councillors of county councils, so far as not otherwise provided for by law, shall be paid out of the county fund as general expenses.
- (18) The said costs shall not exceed those allowed by Part I. of the First Schedule to the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act, 1885, or by such scale as the county council may from time to time frame.
- (19) Sections four, five, six, and seven of the Parliamentary Elections (Returning Officers) Act, 1875. as amended by the Parliamentary Elections (Returning Officers) Act (1875) Amendment Act, 1886, shall apply as if they were herein re-enacted with the necessary modifications, and in particular with the substitution of the county council for the person from whom payment is claimed, and of one month for the period of fourteen days within which application may be made for taxation.

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- (20) A county council shall, on the request of the returning officer, prior to a poll being taken at any election of a councillor- of such council, advance to him such sum not exceeding ten pounds for every thousand electors at the election as he may require.
- (21) The meeting of a county council, or of any committee thereof, may be held at such place either within or without their county, as the council from time to time direct.

76 Amendment of 51 & 52 Vict. c.10.

- (1) The provisions of section four of the County Electors Act, 1888, with respect to the framing of the lists and register of voters in parts shall extend to parishes situate within a parliamentary borough.
- (2) In the provisions of section four of the said Act with respect to making out the lists of voters according to the order in which the qualifying premises appear in the rate book, the county authority shall mean the county council.
- (3) The names of the parliamentary electors and county electors in the lists in each polling district may be numbered consecutively, and such portion of those lists as consists of the names of parliamentary electors may be taken to form the register for the purpose of parliamentary elections, and such portion of those lists as contains the names of county electors may be taken to form the register of county electors.
- (4) For the purpose of the provisions of the Acts relating to the appointment of revising barristers, and of section nine of the County Electors Act, 1888, the county of Surrey and such portion of the county of London as is situate south of the Thames shall be deemed to be separate counties forming part of the south-eastern circuit; and such portion of the administrative county of London as is situate north of the Thames shall be deemed to form part of the county of Middlesex; and the county of Middlesex, inclusive of that portion, shall be deemed to be a separate county on a circuit; but any sum payable by the London county council in respect of either .of the said portions of the county, shall be paid as for a general county purpose.
- (5) The provisions of section eleven of the County Electors Act, 1888, with respect to the payment of the sums therein mentioned shall apply to the payment of the said sums in the year one thousand eight hundred and eighty-eight in like manner as if a county authority had not been established under this Act.
- (6) It is hereby declared that nothing in section twelve of the County Electors Act, 1888, applies to any person occupying property within a borough.
- (7) It shall be lawful for Her Majesty the Queen, by Order in Council, from time to time to alter the instructions, precepts, notices, and forms under the Registration of Electors Acts, in such manner as appears to Her Majesty necessary for carrying into effect this Act and the County Electors Act, 1888, and any other Act for the time being in force amending or affecting the Acts mentioned In this sub-section, and the instructions, precepts, notices, and forms specified in any such Order in Council shall be observed and be valid in law, and clerks of the peace, and town clerks, and other officers shall act accordingly.
- (8) The provisions of section six of the said County Electors Act, 1888, requiring the statement of the barrister for the purpose of an appeal to be made not less than four days before the first day of the Michaelmas sittings shall not apply in the year one thousand eight hundred and eighty-eight.

77 Residential qualification of county electors in administrative county of London.

A person who is entitled to be registered as a county elector in respect of any qualification in the administrative county of London, in all respects except that of residence, and is resident beyond seven miles but within fifteen miles of the county, shall be entitled to be registered as a county elector.

78 Construction of Acts referring to business transferred.

(1) All enactments in any Act, whether general or local and personal, relating to any business, powers, duties or liabilities transferred by or in pursuance of this Act from any authority to a county council, either alone or jointly with the quarter sessions, or to any joint committee, shall, subject to the provisions of this Act, and so far as circumstances admit, be construed as if—

(a) any reference therein to the said authority or to any committee or member thereof or to any meeting thereof (so far as it relates to the business, powers, duties, or liabilities transferred) referred to the county council or to a committee or member thereof or to a meeting thereof, as the case requires, and as if—

(b) a reference to any clerk or officer of such authority referred to the clerk or officer of a county council or committee thereof, as the case requires,

and all the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.

(2) Provided that the transfer of powers and duties enacted by this Act shall not authorise any county council or any committee or member thereof—

(a) to exercise any of the powers of a court of record ; or

(b) to administer an oath ; or

(c) to exercise any jurisdiction under the Summary Jurisdiction Acts, or perform any judicial business, or otherwise act as justices or a justice of the peace

but this enactment shall be without prejudice to the position of the chairman of the county council as justice of the peace during his term of office.

(3) Where under any such enactment as in this section mentioned, any powers, duties, or liabilities are to be exercised or discharged after any presentment or in any particular manner, or at any particular meeting, or subject to any other conditions, the county council may, by the standing orders for the regulation of their proceedings, provide for the exercise and discharge of those powers, duties, and liabilities without any such prior presentment or in a different manner, or at any meeting of the council fixed by the standing orders, or without such other conditions ; and until such standing orders take effect shall exercise and discharge them in the like manner, and at the like time, and subject to the like conditions, so nearly as circumstances admit; and a presentment by a grand jury in relation to any such powers, duties, or liabilities, shall cease to be made otherwise than by way of indictment.

(4) For the purposes of this section the expression "authority" means a Secretary of State, the Board of Trade, the Local Government Board, and any Government Department, also any commissioners, conservators, or public body, corporate or unincorporate, specified in a Provisional Order transferring any powers, duties, or liabilities to the county council, also any quarter sessions and any justices, also the Metropolitan Board of Works, or other local authority mentioned in this Act; and the expression "member of an authority" includes, where the authority are quarter sessions or justices, any justice, and the expression "meeting of an authority" includes a court of quarter

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sessions and the assembly of justices in special or petty sessions; and the expression "clerk of an authority" includes in relation to any quarter sessions or justices, the clerk of the peace or the clerk to a justice as the case requires.

This section shall apply as if a joint committee were a committee of the county council.

Proceedings of Councils and Committees.

79 Incorporation of county council.

- (1) The council of each county shall be a body corporate by the name of the county council with the addition of the name of the administrative county, and shall have perpetual succession and a common seal and power to acquire and hold land for the purposes of their constitution without licence in mortmain.
- (2) All duties and liabilities of the inhabitants of a county shall become and be duties and liabilities of the council of such county.
- (3) Where any enactment (whether relating to lunatic asylums or bridges, or other county purposes, or to quarter sessions) requires or authorises land to be conveyed or granted to, or any contract or agreement to be made in the name of, the clerk of the peace, or any justice or justices or other person, on behalf of the county or quarter sessions, or justices of the county, such land shall be conveyed or granted to, and such contract and agreement shall be made with, the council of the administrative county concerned.

80 Payments out of fund and finance committee of county council.

- (1) All payments to and out of the county fund shall be made to and by the county treasurer, and all payments out of the fund shall, unless made in pursuance of the specific requirement of an Act of Parliament or of an order of a competent court, be made in pursuance of an order of the council signed by three members of the finance committee present at the meeting of the council and countersigned by the clerk of the council, and the same order may include several payments. Moreover all cheques for payment of moneys issued in pursuance of such order shall be countersigned by the clerk of the council or by a deputy approved by the council.
- (2) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs, according to the judgment and discretion of the court.
- (3) Every county council shall from time to time appoint a finance committee for regulating and controlling the finance of their county; and an order for the payment of a sum out of the county fund, whether on account of capital or income, shall not be made by a county council, except in pursuance of a resolution of the council passed on the recommendation of the finance committee, and (subject to the provisions of this Act respecting the standing joint committee) any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee.
- (4) The notice of the meeting at which any resolution for the payment of a sum out of the county fund (otherwise than for ordinary periodical payments) or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred.

(5) This section shall not apply to county boroughs.

81 Appointment of joint committees.

- (1) Any county council or councils, and any court or courts of quarter sessions, may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.
- (2) Any council or court taking part in the appointment of any joint committee under this section, may from time to time delegate to the committee any power which such council or court might exercise for the purpose for which the committee is appointed.
- (3) Provided that nothing in this section shall authorise a council to delegate to a committee any power of making a rate or borrowing any money.
- (4) Subject to the terms of delegation, any such joint committee shall, in respect of any matter delegated to it, have the same power in all respects as the councils and courts appointing it, or any of them, as the case may be.
- (5) The members of a joint committee appointed under this Act shall be appointed at such times and in such manner as may be from time to time fixed by the council or court who appointed them, and shall hold office for such time as may be fixed by the council or court who appointed them, so that where any members of the committee were appointed by the county council, such committed do not continue for more than three months after any triennial election of councillors of such county council.
- (6) The costs of a joint committee shall be defrayed by the Council by whom any of its members were appointed, or if appointed by more than, one council in the. proportion agreed to by them j- and the accounts of such joint committee and their officers shall, for the purposes of the provisions of this Act, be deemed to be accounts of the county council and their officers.
- (7) This section shall apply to the councils of county boroughs in like manner as to councils of administrative counties, and a standing joint committee may be appointed for two or more administrative counties, inclusive of county boroughs, and the members of such joint committee shall be appointed by the several quarter sessions and councils in such proportion and manner as they respectively may arrange, and in default of arrangement as may be directed by a Secretary of State.
- (8) This section shall apply to the standing joint committees.

82 Proceedings of committees.

- (1) A county council appointing under this Act any committee may from time to time make, vary, and revoke regulations respecting the quorum and proceedings of such committee, and as to the area (if any) within which it is to exercise its authority; and subject to such regulations the proceedings and quorum and the place of meeting whether within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a second or casting vote.
- (2) Every committee shall report its proceedings to the council by whom it was appointed, but to the extent to which the council so direct, the acts and proceedings of the

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committee shall not be required by the provisions of the Municipal Corporations Act, 1882, to be submitted to the council for their approval.

- (3) In the case of a joint committee the councils and courts appointing the joint committee shall jointly have the powers given by this section, and the provisions of this section shall apply accordingly.

Officers.

83 Clerk of the peace and of County council.

Subject to the provisions of this Act for the protection of clerks of the peace holding office at the passing of this Act, the following provisions shall have effect:—

- (1) The clerk of the peace of a county, besides acting as clerk of the peace of that county, shall also (subject to the provisions of this Act as respects particular counties) be the clerk of the county council, and in that capacity is referred to in this Act as the clerk of the county council.
- (2) He shall be from time to time appointed by the standing joint committee of the county council and the quarter sessions, and may be removed by that joint committee.
- (3) He shall, subject to the directions of the custos rotulorum or the quarter sessions or the county council, as the case may require, have charge of and be responsible for the records and documents of the county.
- (4) The joint committee may appoint a deputy clerk to hold office during their pleasure, and to act in lieu of such clerk in case of his death, illness, or absence, or in such other cases as may be determined by the joint committee, and wherever the deputy so acts, all things authorised or required to be done by, to, or before the clerk of the peace, or clerk of the county council, may be done by, to, or before any such deputy; without prejudice to the appointment of a deputy clerk for the purpose of a second court on the division of the court of quarter sessions for judicial business.
- (5) The council shall pay to the clerk of the peace in respect of his services as clerk of the peace and as clerk of the county council, such salary as may be from time to time fixed under the enactments relating thereto, and all fees and costs payable to the clerk of the peace which are not excluded when the salary of the clerk of the peace is fixed shall be paid to the county fund, and for the purpose of the enactments relating to such salary and fees, the standing joint committee of the county council and the quarter sessions shall be substituted for the quarter sessions and the local authority respectively,
- (6) The clerk of the peace, when acting in relation to any business of the county council, and when acting under the Acts relating to the registration of parliamentary voters, or to the deposit of plans or documents, or to jury lists, or to any registration matters, shall act under the direction of the county council, and all enactments relating to such business, registration, or deposit, shall be construed as if clerk of the county council were therein substituted for clerk of the peace.
- (7) The office of clerk of the peace of each of the administrative counties of Sussex and Suffolk shall be a separate office; but nothing in this Act shall prevent the same person from being appointed to both such offices; and the justices in general sessions assembled for the entire county of Sussex or Suffolk may from time to time appoint the person who is clerk of the peace for either administrative county to be clerk of the peace of such general sessions, and may remove such clerk, and the remuneration to

be paid to such clerk_ shall be determined jointly by the standing joint committees for the administrative counties.

- (8) The existing records of the county of Sussex and of the county of Suffolk shall, subject to the order of quarter sessions, continue to be kept by the clerk of the peace of East Sussex and by the clerk of the. peace for East Suffolk respectively.
- (9) This section shall apply to the clerks of the peace and deputy clerks of the peace of the county of Lancaster, in like manner as it applies to clerks of the peace of any other county, but the appointment of any such deputy clerk of the peace may be discontinued if the standing joint committee think fit.
- (10) The joint committee of the councils of the three ridings or divisions of Yorkshire and Lincolnshire may from time to time appoint a clerk of such joint committee, and may from time to time remove such clerk.
- (11) The clerk of the peace for the county of London shall be a separate officer from the clerk of the county council for the administrative county of London, and
 - (a) the clerk of the peace shall, subject to the directions of the quarter sessions, have charge of and be responsible for the records and documents of those sessions and of the justices out of session, and the clerk of the county council shall, subject to the directions of the council, have charge of and be responsible for all other documents of the county; and
 - (b) the council may from time to time appoint a deputy clerk of the council, and the foregoing provisions of this section with respect to the deputy clerk shall apply; and
 - (c) the council shall pay to the clerk of the council such salary as may be from time to time fixed by them.
- (12) The county council shall cause their clerk or other officer from time to time to send to a Secretary of State or the Local Government Board such returns and information as may from time to time be required by either House of Parliament.
- (13) Provided always, that no paid clerk or other paid official in the permanent employment of a county council who is required to devote his whole time to such employment shall be eligible to serve in Parliament.

84 Appointment of the justices' clerks and clerks of committees.

- (1) The salaried clerk of every petty sessional division shall be from time to time appointed, and removed, as heretofore.
- (2) The county council shall pay to the salaried clerks of petty sessional divisions such salaries as may be fixed under the enactments relating to those clerks, and all fees and costs payable to such clerks which are not excluded in the fixing of their salaries shall be paid into the county fund, and in the enactments relating to such salaries and fees the standing joint committee shall be substituted for the quarter sessions justices and the local authority respectively.

Regulations for Bicycles, &c.

85 Regulations for bicycles, &c.

- (1) The provisions of section twenty-six, sub-section-five, of the Highways and Locomotives (Amendment) Act, 1878, and section twenty-three, sub-section one, of the Municipal Corporations Act, 1882, in so far as it gives power to the council to make byelaws regulating the use of carriages herein referred to, and all other provisions of any public or private Acts, in so far as they give power to any local authority to make byelaws for regulating the use of bicycles, tricycles, velocipedes, and other similar machines, are hereby repealed, and bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the Highway Acts; and the following additional regulations shall be observed by any person or persons riding or being upon such carriage :—
- (a) During the period between one hour after sunset and one hour before sunrise, every person riding or being upon such carriage shall carry attached to the carriage a lamp, which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted, as to afford adequate means of signalling the approach or position of the carriage;
 - (b) Upon overtaking any cart or carriage, or any horse, mule, or other beast of burden, or any foot passenger, being on or proceeding along the carriage way, every such person shall within a reasonable distance from and before passing such cart or carriage, horse, mule, or other beast of burden, or such foot passenger, by sounding a bell or whistle, or otherwise, give audible and sufficient warning of the approach of the carriage.
- (2) Any person summarily convicted of offending against the regulations made by this section, shall for each and every such offence, forfeit and pay any sum not exceeding forty shillings.

Adaptation of Acts.

86 Adaptation of Lunatic Asylum Acts.

For the purpose of adapting the Acts relating to pauper lunatic asylums to the provisions of this Act, the following provisions shall have effect:—

- (1) The accounts of the committee of visitors and of their officers shall, for the purposes of the provisions of this Act with respect to accounts of a county council and their officers, and the audit thereof, be deemed to be accounts of the council and officers.
- (2) Nothing in this Act shall transfer to the county council or any members thereof the jurisdiction of quarter sessions or any justices in relation to the removal, reception, or detention of a lunatic into or in an asylum, or to making orders respecting the payment otherwise than out of the county fund of charges incurred on account of any pauper lunatic, or respecting any property of any such lunatic, or respecting his settlement or chargeability, or in relation to any appeal touching the said matters.
- (3) Where at the passing of this Act the recorder or justices or council of a borough appoint members of the committee of visitors of any lunatic asylum, then—
- (a) if the representatives of that borough on the county council are entitled to vote for the appointment by that council of visitors of that asylum, such recorder or justices or council shall cease to have power to appoint the said members; and

- (b) if the representatives of the borough are not so entitled to vote, the said power of appointment by the recorder or justices shall be transferred to the council of the borough.
- (4) Where at the passing of this Act a borough with a separate court of quarter sessions not being a county borough, but containing, according to the census of one thousand eight hundred and eighty-one, a population of ten thousand or upwards, contracts with the quarter sessions of the county in which the borough is situate for the reception of the lunatics of the borough in the asylum of the county, such borough shall, on the determination of such contract, cease to have power to build a lunatic asylum, and subject to the enactments providing for an additional charge for the maintenance of lunatics in cases where no contribution has been made towards the cost of building and furnishing an asylum, shall be liable to contribute to the county rate of the county in respect of such lunatic asylum in like manner as the rest of the county.
- (5) Any asylum provided in whole or in part at the cost of a county shall for the purposes of this Act be included in the expression " county lunatic asylum."
- (6) Where there is more than one county lunatic asylum, the county council may from time to time appoint one committee for the management and control of all the county lunatic asylums, and such committee shall be the committee of each asylum within the meaning of the Acts relating to pauper lunatic asylums, and shall from time to time appoint a subcommittee for each separate asylum, and may delegate to that subcommittee, such powers and duties as the committee from time to time think fit.
- (7) The said committee may, subject to any directions given by the county council, provide that a uniform charge shall be made for the maintenance of lunatics in the several county asylums, and that for that purpose any surplus arising on the accounts of one asylum shall be applied to meet the deficit arising on the accounts of another asylum.
- (8) The provisions of this Act with respect to the proceedings of committees of county councils shall apply to the proceedings of the committee of visitors for a lunatic asylum, and the chairman of such committee may be elected accordingly.

87 Application of provisions of 38 & 39 Vict. c.55 as to local inquiries and provisional orders.

- (1) Where the Local Government Board are authorised by this Act to make any inquiry, to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, sanction, or approval to any matter, or otherwise to act under this Act, they may cause to be made a local inquiry, and in that case, and also in a case where they are required by this Act to cause to be made a local inquiry, sections two hundred and ninety-three to two hundred and ninety-six, both inclusive, of the Public Health Act, 1875, shall apply as if they were herein re-enacted, and in terms made applicable to this Act.
- (2) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relate to the making of provisional orders by the Local Government Board), shall apply for the purposes of this Act as if they were herein re-enacted, and in terms made applicable thereto.
- (3) Provided that, where a provisional order transfers to county councils generally any powers, duties, or liabilities of Her Majesty's Privy Council, a Secretary of State, the Local Government Board, or other Government department, it shall not be necessary to hold a local inquiry nor to advertise in any local newspaper.

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- (4) Where any matter is authorised or required by this Act to be prescribed, and no other provision is made declaring how the same is to be prescribed, the same shall be prescribed from time to time by the Local Government Board.
- (5) Where the Board cause any local inquiry to be held under this Act, the costs incurred in relation to such inquiry, including the salary of any inspector or officer of the Board engaged in such inquiry, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Board may direct, and the Board may certify the amount of the costs incurred, and any sum so certified and directed by the Board to be paid by any council or authority shall be a debt to the Crown from such council or authority.

88 Adaptation of Act to Metropolis.

In the administrative county of London the following provisions shall have effect:

- (a) The county council may from time to time appoint any fit person to be deputy chairman, and to hold office during the term of office of the chairman, and may pay to such deputy chairman such remuneration as the county council may from time to time think fit;
- (b) Subject to any rules from time to time made by the county council, anything authorised or required to be done by, to, or before the chairman, may be done by, to, or before such deputy chairman;
- (c) Section one hundred and ninety-one of the Public Health Act, 1875, shall apply to the Metropolis in like manner as if the Commissioners of Sewers in the City of London, and every vestry of a parish in Schedule A., and district board of a district in Schedule B. to the Metropolis Management Act, 1855, or under any Act amending the same, were a local authority within the meaning of that section, and as if any medical officer hereafter appointed by such commissioners, vestry, or district board were appointed under the said Act, and the provisions of this Act with respect to the qualification of a medical officer or to the payment by a county council of a portion of the salary of a medical officer shall apply accordingly.

89 Adjustment of law as regards courts, juries, sittings, and legal proceedings in Middlesex and London.

- (1) The Central Criminal Court Act, 1834, shall be construed as if the county of London were throughout mentioned therein as well as the county of Middlesex.
- (2) The County Juries Act, 1825, and the Acts amending the same, shall apply to the county of London in like manner as they apply to the county of Middlesex, and persons shall be qualified to serve as jurors, and lists of jurors shall be made out in like manner, so nearly as circumstances admit, as in that county ; and the present exemption of inhabitants of the liberty and city of Westminster from serving on juries at quarter sessions for the county of Middlesex shall cease ; but nothing in this section shall alter the qualification of persons to serve as jurors within the city of London.
- (3) Subject to rules of court made by the authority having power to make rules for the Supreme Court of Judicature, the county of London and the county of Middlesex shall be deemed to be one county for the purpose of all legal proceedings, civil or criminal, in the Supreme Court or Central Criminal Court, or any other court except the court of quarter sessions, and also for the purpose "of the sittings of the Supreme Court, Central

Criminal Court, or such other court as aforesaid, or of any judge of any of such courts, and also for the purpose of any jury, and of any court of assize, oyer and terminer, and gaol delivery; and all enactments, rules, orders, and documents referring to Middlesex shall be construed so as to give effect to this section ; and rules of court may be from time to time made for the purpose of carrying this section into effect, and for regulating the issue of precepts to the sheriffs of the counties of London and Middlesex for the return of jurors, and the jurors so returned shall have the same powers, duties, and liabilities as if the two counties were one county.

90 Special provisions as to adjustment in the Metropolis.

In the adjustment of the property, debts, and liabilities between the counties of Surrey and Middlesex respectively, and the county of London, the annual sums payable by the counties of Surrey and Middlesex respectively in respect of certain bridges in pursuance of the Metropolis Toll Bridges Act, 1877, shall be deemed to be liabilities which shall be taken into consideration upon such adjustment.

91 Adjustment as regards the Militia Act.

The Acts relating to the general and local militia of the rest of England and Wales shall apply to the whole of the county of London in like manner as they apply to any county at large ; and accordingly Her Majesty shall from time to time appoint a lieutenant of the county of London, provided that nothing in this section shall affect section fifty of the Militia Act, 1882.

Savings.

92 Saving for votes at any Parliamentary elections.

- (1) Nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any parliamentary borough or parliamentary county, or the right of any person to be registered as a voter at any parliamentary election.
- (2) Where by virtue of the provisions of this Act with respect to the county of London, or to urban sanitary districts situate partly within and partly without the boundary of a county, a place situate in a parliamentary county becomes part of the county of a council other than the council having authority over the largest part of the parliamentary county, that is to say, the part which contains the largest number of occupation voters, then, for the purpose of making out and revising the lists of voters, of conducting any parliamentary election, of polling districts, and assigning polling places, and for all purposes of and incidental to such matters, including the payment of expenses, such place shall be deemed to be part of the same county as the said largest part of the said parliamentary county, and the sheriff, council, clerk of the peace, authorities, and officers of that county shall have authority accordingly in the said place, and the provisions of the Registration Act, 1885, with respect to parliamentary counties extending into more county quarter sessional areas than one, shall apply with the necessary modifications.
- (3) Provided that the clerk of the peace who receives from the revising barrister the lists of voters in any such place shall supply to any other clerk of the peace or other officer such number of revised lists as he may require for the purpose of making up a register of county electors.

93 Saving for Metropolitan and City Police.

- (1) Nothing in this Act shall alter the metropolitan police district, nor (save as is expressly provided with respect to contributions in substitution for local grants) affect the metropolitan police force, or the raising of money for the same, and nothing in this Act shall affect the police of the City of London.
- (2) Nothing in this Act shall authorise any county council to raise any sum for the purposes of any police force by any contribution or rate levied within the metropolitan police district; and nothing in this Act shall alter the authority under the Riot (Damages) Act, 1886, within the metropolitan police district or the City of London.

94 Saving for metropolitan common poor fund.

The grant made by the county council of London in respect of indoor paupers shall be in addition to any payment made out of the metropolitan common poor fund, and nothing in this Act shall affect the enactments relating to the fund

95 Saving as to Middlesex, Surrey, and Kent.

- (1) Any enactment providing that any magistrate, commissioner, or other officer shall be a justice of the peace for Middlesex, shall be construed to refer to the county of London as well as the county of Middlesex.
- (2) Where any enactment, deed, instrument, or document refers to the county of Middlesex, Surrey, or Kent, such enactment, deed, instrument, or document shall be construed to apply to the same area to which it would have applied if this Act had not passed, except where such application is inconsistent with this Act, or where the object of such enactment, deed, instrument, or document requires that it shall be construed to apply to the county of London.

96 Saving for Middlesex Land Registry.

Nothing in this Act shall alter the area to which the enactments relating to the registration of land in the county of Middlesex apply, and any reference in those enactments or in any deed, instrument, or document made or issued under or for the purpose of those enactments, to the county of Middlesex, shall be construed to apply to the same area to which it would have applied if this Act had not passed.

97 Saving as to liability for main roads.

Nothing in this Act with respect to main roads shall alter the liability of any person or body of persons, corporate or unincorporate, not being a highway authority, to maintain and repair any road or part of a road.

98 Saving for powers of Commissioners of Inland Revenue and Customs.

Notwithstanding anything in the foregoing sections of this Act, the Commissioners of Inland Revenue and the Commissioners of Customs, and the officers of those Commissioners respectively, shall have the same powers in relation to any articles subject to any duty of customs or excise, manufactured, imported, kept for sale, or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyances used in connexion therewith or the removal thereof,

and in relation to the person manufacturing, importing, keeping for sale, or having the custody of the same, as they would have had if this Act had not passed, and any licences transferred in pursuance of this Act had continued to be granted by the Commissioners of Inland Revenue.

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:

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

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 :

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

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.