



CHAPTER xciv.

An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, as amended by the Poor Law Amendment Act, 1868, and extended by the Poor Law Act, 1879, relating to the Parish of Saint Mary Abbots, Kensington. A.D. 1888.
[24th July 1888.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the Schedule hereto, under the provisions of the Poor Law Amendment Act, 1867, as amended by the Poor Law Amendment Act, 1868, and extended by the Poor Law Act, 1879: 30 & 31 Vict.
c. 106.
31 & 32 Vict.
c. 122.
42 & 43 Vict.
c. 54.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Order set out in the Schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall, from and after the date therein mentioned, have full validity and force. Order in
Schedule
confirmed.

2. This Act may be cited as the Local Government Board's Provisional Order Confirmation (Poor Law) (No. 7) Act, 1888. Short title.

A.D. 1888.

SCHEDULE.

*Saint Mary
Abbotts
(Kensington)
Order.*

PARISH OF SAINT MARY ABBOTTS, KENSINGTON.

*Provisional Order for partially repealing and altering certain
Local Acts.*

To the Guardians of the Poor of the Parish of Saint Mary Abbotts, Kensington,
in the County of Middlesex ;—

To the Churchwardens and Overseers of the Poor of the said Parish ;—

To the Vestry of the said Parish ;—

To the Trustees for carrying into execution a Local Act passed in the 17th
year of the reign of his late Majesty King George the Third intituled
“ An Act for the better Relief and Employment of the Poor of the Parish
“ of Saint Mary Abbotts, Kensington, in the County of Middlesex ; and
“ for other Purposes therein mentioned ” ;—

And to all others whom it may concern.

WHEREAS certain of the provisions of the following Local Acts, viz. :—

An Act passed in the 29th year of the reign of His late Majesty King
George the Second, intituled “ An Act to empower the Churchwardens,
“ Overseers of the Poor, and Vestry of the Parish of Kensington, in the
“ County of Middlesex, to make a rate or rates for the Relief of the Poor,
“ and the better repairing of the Highways and cleansing the Streets
“ within the said Parish ” (herein-after referred to as “ the Act of
1756 ”) ;

An Act passed in the 17th year of the reign of His late Majesty King
George the Third, intituled “ An Act for the better Relief and Employ-
“ ment of the Poor of the Parish of Saint Mary Abbotts, Kensington, in
“ the County of Middlesex ; and for other Purposes therein mentioned ”
(herein-after referred to as “ the Act of 1777 ”) ; and

An Act passed in the 7th year of the reign of His late Majesty, King
George the Fourth, intituled “ An Act for amending and enlarging the
“ Powers of an Act passed in the seventeenth year of the reign of His late
“ Majesty, for the better Relief and Employment of the Poor of the
“ Parish of Saint Mary Abbotts, Kensington, in the County of Middlesex,
“ and for other purposes therein mentioned ; and for better regulating
“ the said Parish ” (herein-after referred to as “ the Act of 1826 ”) ;

are in force in the Parish of Saint Mary Abbotts, Kensington, in the County of
Middlesex (herein-after referred to as “ the Parish ”) ;

And whereas by the Act of 1777 the Vicar, Churchwardens, and Overseers of the Poor of the Parish, and certain other persons, were appointed Trustees for putting that Act into execution (which Trustees and their successors are herein-after referred to as "the Trustees") ;

And whereas in pursuance of the Metropolis Management Act, 1855, and the Acts amending the same, certain of the duties, powers, and privileges which were performed or exercised by the Parishioners in Vestry and by the Trustees were transferred to and vested in the Vestry of the Parish constituted by the said Acts (herein-after referred to as the "Vestry") ;

And whereas application has been made to the Local Government Board to partially repeal, alter, and amend the Act of 1756, the Act of 1777 and the Act of 1826 as herein-after mentioned ;

Now, therefore, We, the Local Government Board, in pursuance of the powers given to us by Section 2 of the Poor Law Amendment Act, 1867, as amended by Section 3 of the Poor Law Amendment Act, 1868, and as extended by Section 9 of the Poor Law Act, 1879, and by any other statutes in that behalf, do hereby order that from and after the twenty-fifth day of March one thousand eight hundred and eighty-nine the following provisions shall take effect, viz. :—

Article I. The unrepealed provisions of the Act of 1756 shall be wholly repealed except so far as the same may have been acted upon.

Article II. The Act of 1777, except the provisions contained in the sections referred to in the schedule hereto, shall be wholly repealed, except so far as it may have been acted upon.

Article III. Sections 1, 8 to 39 (both inclusive), 49, 55, and 57 of the Act of 1826, shall be wholly repealed except so far as the same may have been acted upon.

Article IV. All the powers, rights, duties, capacities, property, liabilities, and obligations exerciseable by or attaching to, or vested in the Trustees by virtue of the unrepealed provisions of the Act of 1777 and the Act of 1826 as hereby altered, shall be exerciseable by, pass to, and vest in the Vestry ; and all actions and proceedings commenced by or against the Trustees may be continued by or against the Vestry ; and all notices given by or to the Vestry shall enure in behalf of or against the Vestry, as if such actions had been commenced by or against, or such notices had been given by or to the Vestry.

Provided that all the proceedings of the Vestry under and by virtue of the powers, rights, duties, capacities, property, liabilities, and obligations hereby transferred to them shall be conducted in like manner and subject to the same rules and regulations as the proceedings of the Vestry under and by virtue of the Metropolis Management Act, 1855, and the Acts amending the same.

Article V. The unrepealed provisions of the Act of 1777 and the Act of 1826 shall be altered so as to provide as follows :—

(1.) All persons who at the commencement of this Order are officers and servants of the Trustees (herein-after referred to as "existing officers") shall become officers and servants of the Vestry ; and shall hold their offices by the same tenure and upon the same terms and conditions as if this Order had not been made, and shall receive not less salaries or remuneration and be entitled to not less pensions than they would have if this Order had not been made.

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(2.) The Vestry may distribute the business to be performed by existing officers in such manner as they may think just, and every existing officer shall perform such duties in relation to that business, as may be directed by the Vestry, with this qualification, that except with the consent of such officer, the duties required to be performed by him shall be the same as or analogous to those which he has hitherto performed, and if any officer considers that such duties are not the same as, or analogous to, those which he has hitherto performed, he may appeal to the Local Government Board, whose determination shall be final.

(3.) The Vestry may abolish the office of any existing officer whose office they may deem unnecessary, but such officer shall be entitled to compensation for the pecuniary loss suffered by him in consequence of such abolition of office, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service in any paid parochial office, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office.

(4.) If the office of clerk to the Trustees is abolished under the power contained in the last sub-section, and it appears to the Vestry to be desirable, in order to simplify the conduct of parochial business, that the office of vestry clerk under the Act passed in the Session of the 13th and 14th years of the reign of Her present Majesty, chapter 57, for regulating the appointment of vestry clerks, which is now held by the clerk to the Trustees, should be vacated by him so that the clerk to the Vestry may be appointed to the said office, and the said office is vacated accordingly, the Vestry may grant compensation in respect of the said office, as if the same were an office under the Trustees, and had been abolished by the Vestry as aforesaid.

(5.) Every person who becomes entitled to compensation as aforesaid shall deliver to the Vestry a claim under his hand, setting forth the whole amount received and expended by him in every year during the period of five years next before the date on which his office is abolished on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declarations Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief.

(6.) Such statement shall be submitted to the Vestry, who shall forthwith take the same into consideration and assess the just amount of compensation, and shall forthwith inform the claimant of their decision.

(7.) If a claimant is aggrieved by the amount of compensation assessed, or the manner in which such compensation is to be paid, the claimant may, within three months after the decision of the Vestry, appeal to the Local Government Board, who shall consider the case, and determine whether any compensation, and if so what amount, ought to be granted to the claimant, and in what manner the same shall be paid, and such determination shall be final.

(8.) The sum payable as compensation to any person in pursuance of this Order shall be payable out of the poor rate, and shall be a specialty debt due

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from the Vestry, and may be enforced accordingly in like manner as if the Vestry had entered into a bond to pay the same.

A.D. 1888.

*Saint Mary
Abbotts
(Kensing-
ton) Order.*

The SCHEDULE above referred to.

The sections of the Act of 1777 which are not repealed by Article II. of this Order are those to which the marginal notes are as follows, viz. :—

Trustees of the charity estates, impowered to grant leases. Leases may be renewed and shall contain usual covenants for payment of rent, &c.

Leases so made to be valid.

54*l*. per annum to be applied to apprenticing poor boys, and all other rents, &c. of the Charity estates to be applied towards purchasing of ground, and building a workhouse, &c. After all monies borrowed shall be repaid, &c., then to be applied to the uses of Lord and Lady Cambden's wills.

Churchwardens, &c. with consent of parishioners to let almshouses, &c.

Rents to be applied in aid of the poor rates.

Trustees appointed.

Trustees to appoint collectors, treasurers, &c., and pay their salaries.

Parishioners to assemble annually, and make an equal pound-rate; giving due notice in the parish church. Rates to be allowed by two Justices.

On default of parishioners, the trustees to make the rate.

Rates made by the trustees to be valid.

No rates to be made for the poor except as directed by this Act.

How rates shall be paid for houses let in lodgings.

Lodgers liable to payment of the rates; but may deduct the same out of their rents.

Charges of making distress, to be levied with the rates.

Rates to be recovered as the Poor's Rates by Act 43 Elizabeth.

How to be recovered from persons removed.

Laws relating to churchwardens, &c., to continue in force.

Persons aggrieved may appeal to the quarter sessions; whose determination shall be final.

Given under the Seal of Office of the Local Government Board, this
Seventeenth day of May, One thousand eight hundred and eighty-
eight.

(L.S.)

CHAS. T. RITCHIE, President.
HUGH OWEN, Secretary.

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