

## SCHEDULES

### SCHEDULE II

#### (I.) RULES FOR ELECTION OF LOCAL BOARDS

##### *Number and Qualification of Members.*

- 1 The number of members of a local board constituted after the passing of this Act shall be such number as is determined by the order forming the district.
- 2 The Local Government Board may from time to time by order, after local inquiry, increase or diminish the number of members of any local board, and may prescribe at what time or times and in what manner such increase or diminution shall take effect, and may vary temporarily the provisions of this schedule relating to the continuance in office and retirement of members so far as may be necessary for that purpose.
- 3 A person shall not be qualified to be a member of a local board unless he is at the time of his election, and so long as he continues in office by virtue of such election, resident within the district for which or for part of which he is elected, or within seven miles thereof, and is seised or possessed of real or personal estate, or both, to the value of not less than five hundred pounds in districts containing less than twenty thousand inhabitants, or to the value of not less than one thousand pounds in districts containing twenty thousand or more inhabitants; or is rated to the relief of the poor of such district, or of some parish within the same, on an annual value of not less than fifteen pounds in districts containing less than twenty-thousand inhabitants, or on an annual value of not less than thirty pounds in districts containing twenty thousand or more inhabitants.
- 4 Where two or more persons are jointly seised or possessed of real or personal estate, or both, of such value or amount as would, if equally divided between them, qualify each to be elected, or if two or more persons are jointly rated in respect of any property which if equally divided between them would qualify each to be elected, each of the persons so jointly seised possessed or rated may be elected, but the same property shall not at the same time qualify the owner and the occupier thereof.
- 5 A person who is a bankrupt or whose affairs are under liquidation by arrangement or who has entered into any composition with his creditors shall be incapable, so long as any proceedings in relation to such bankruptcy liquidation or composition are pending, of being elected member of a local board.

##### *Wards.*

- 6 The Local Government Board may, by order made on application in pursuance of a resolution of owners and ratepayers passed in manner provided by schedule III. to this Act, and after local inquiry, divide any district into wards; and on the like application from time to time may abolish such wards, or alter the number of boundaries of such wards, and may determine and from time to time alter the

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proportion of members of the local board to be elected by each ward. Provided that where a district has been divided into wards by a provisional order, such wards shall not be abolished or altered otherwise than by a provisional order confirmed by Parliament.

7 If any member is elected in more than one ward, he shall within three days notice thereof choose, or, in default of his choosing, the local board at their next meeting shall decide for which one of the wards the member shall serve, and he shall thereupon be held to be elected in that ward only, and a vacancy shall be held to exist in the other ward or wards, and shall be filled up as if it were a casual vacancy.

8 No person entitled to vote shall give in the whole of the wards a greater number of votes than he would have been entitled to give if the district had not been divided into wards, nor in any one ward a greater number of votes than he is entitled to in respect of property in that ward.

9 Subject as aforesaid, any owner or ratepayer may, by notice in writing delivered to the clerk of the local board, or in case of the first election to the returning officer, elect in what ward or wards he will vote for the ensuing year, and determine the proportion of votes which he will give in any one or more of such wards, and if he does not give such notice he shall not be entitled to vote for any ward in which he does not reside.

*Qualification of Electors, Scale of Voting, and Register of Owners.*

10 The word owner, when used in relation to the right of voting at any election of a local board, shall mean any person for the time being in the actual occupation of any kind of property in the district or part of a district for which he claims to vote, rateable to the relief of the poor, and not let to him at a rackrent, or any person receiving on his own account, or as mortgagee or other incumbrancer in possession, the rackrent of any such property.

11 A person shall not be deemed a ratepayer or be entitled to vote as such at any such election unless he has been rated to the relief of the poor in the district or part of a district for which he claims to vote for the space of one whole year immediately preceding the day of tendering his vote, and has also before that day paid all rates made on him for the relief of the poor in such district or part of a district for the period of one whole year, and all rates due from him under this Act, except rates which have been made or become due within the six months immediately preceding.

12 Owners of and ratepayers in respect of property situated within the district for which the election is held shall be entitled to vote according to the scale following; (that is to say,)

If the property in respect of which the person is entitled to vote is rated to the poor rate on a rateable value of less than fifty pounds, he shall have one vote: if such rateable value amounts to fifty pounds and is less than one hundred pounds, he shall have two votes; if it amounts to one hundred pounds and is less than one hundred and fifty pounds, he shall have three votes; if it amounts to one hundred and fifty pounds and is less than two hundred pound; he shall have four votes; if it amounts to two hundred pounds and is less than two hundred and fifty pounds, he shall have five votes; and if it amounts to or exceeds two hundred and fifty pounds, he shall have six votes.

13 Any person who is owner and also bonk fide occupier of the same property shall be entitled to vote both in respect of such ownership and of such occupation.

- 14 Owners may give their votes either personally-or by proxy.
- 15 The instrument appointing a proxy shall be in writing under the hand of the appointer, or where the appointer is a corporation under their common seal, or where the appointer is a body of persons unincorporate under the hands of three directors or other persons having the direction or management of the undertaking or business carried on by such body of persons ; and every such instrument shall be attested by a witness, and may be in the form M. in schedule IV. to this Act.
- 16 No member of a corporation or of any such body of persons (other than a partnership firm consisting of not more than six persons) shall be entitled to vote individually as owner in respect of property belonging to such corporation or body of persons.
- 17 Partners in a firm consisting of not more than six persons may vote as owners in respect of property of the firm as if that property were equally divided among the partners.
- 18 An owner or a proxy shall not (except at the first election of a local board constituted after the passing of this Act) be entitled to have a voting paper delivered to him as such unless his name is on the register herein-after mentioned.
- 19 The local board shall cause a register to be made and kept, in which shall be entered the names addresses and qualifications of the owners claiming and entitled to vote, and the names or descriptions addresses and qualifications of the appointers of proxies, and the names and addresses of proxies duly appointed.
- Any such register made before the passing of this Act shall be deemed to be a register or part of a register under this Act.
- 20 A claim by an owner or proxy to be entered on the register shall state his name and address within the district, and a description of the nature of the interest or estate in the property giving the qualification, and a statement of the amount of all rent service (if any) received or paid in respect thereof by him or the body of persons for whom he is proxy, and of the persons from whom or to whom the same is received or paid; and in the case of a proxy the claim shall be accompanied by the appointment of the proxy or an attested copy thereof.
- 21 A claim by an owner or proxy may be made by writing in the form L. in schedule IV. to this Act.
- 22 A person entitled to vote either as owner or ratepayer may object to the keeping of any name on the register by writing in the form L. in the said schedule.
- 23 Claims and objections shall be sent to the chairman of the local board on some one of the first six days of March, and a claim or objection sent at any other time shall not be admitted by the chairman.
- 24 A person making an objection shall also give written notice thereof to the person objected to by leaving the same at the address within the district of that person.
- 25 The chairman shall between the twentieth of February and the first day of March, publish a notice, in the form L. in schedule IV. to this Act, and signed by him, of the time within which claims and objections are to be made as aforesaid, and shall cause a copy of such notice to be inserted in some local newspaper circulating in the district and to be affixed at the places where parochial notices are usually affixed.
- 26 The chairman on the expiration of the time for sending in claims and objections shall with the assistance of such persons (if any) as the local board may appoint, proceed forthwith to revise the register by entering thereon the names of the persons

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who have claimed and are proved to his satisfaction to be entitled to vote as owners or proxies respectively, and the other particulars by this schedule required to be entered with respect to owners and proxies, and by expunging from the register the names of owners and proxies who are proved to his satisfaction to be dead or to have ceased to be entitled to vote.

27 For the purpose of enabling the chairman to determine the validity of claims and objections he may examine such persons and call for such evidence from the persons making the same as he may think fit; any person may tender himself to be examined; but no person shall be entitled to be examined or to be heard before the chairman in support either of a claim or an objection.

28 Not later than the sixteenth of March the chairman shall close the revision and sign the revised register, and that register shall continue in force for the twelve months next ensuing.

29 If the chairman is unable or unwilling to conduct the revision of the register, the local board shall appoint some person to conduct the revision, and in default of such appointment the revision shall be conducted by the clerk to the local board. Any person so appointed or the clerk shall for the purposes of the revision have the same powers and duties as the chairman of the local board.

30 The register shall be open to the inspection of candidates and other persons interested in any election or in any question at which any such owner or proxy claims to vote, subject to such rules as the local board may prescribe for the prevention of loss injury or disorder.

31 At the first election of a local board constituted after the passing of this Act an owner or proxy shall be entitled to have a voting paper delivered to him if not less than fourteen days before the last day appointed for delivery of the voting papers he sends a claim in writing to the returning officer containing such particulars as are herein-before required to be contained in claims to be entered on the register of owners and proxies.

*Returning Officer.*

32 The returning officer, for the purposes of the election of a local board, shall be the chairman of the board, or in the case of the first election, if the district is constituted by provisional order, such person as may be appointed by order of the Local Government Board ; and if the district is constituted in pursuance of a resolution of owners and ratepayers, the summoning officer of the meeting of owners and ratepayers ; and all powers and duties by this Act vested in or imposed on the returning officer, and all other duties requisite to be performed by him in relation to such election, shall be exercised and performed by the chairman or such person as aforesaid.

33 If the office of chairman is vacant at the time when any such power or duty must be exercised or performed, or if the chairman or such other person as aforesaid, from illness or other sufficient cause, is unable to exercise or perform such powers or duties, or is absent, or refuses to act, some other person shall be appointed (in case of the first election) by the Local Government Board, and (in any other case) by the local board, to exercise or perform such powers and duties.

34 The local board, or (in case of the first election) the returning officer, shall, before or during the election, appoint a competent number of persons to assist the returning officer in conducting and completing the same.

35 If any returning officer appointed by the Local Government Board dies refuses or becomes incapable to act, the Local Government Board may appoint another person to act in his stead.

*Election.*

36 The returning officer shall after the close of the revision of the register but not less than fourteen days before the last day appointed for delivery to him of nomination papers, publish a notice, signed by him, and specifying—

The number and qualification of the persons to be elected ;

The place where the nomination papers herein-after mentioned are to be delivered or sent to him ;

The last day on which they are to be delivered or sent in ;

The mode of voting in case of a contest ;

The day or days on which the voting papers will be delivered and the day on which they will be collected ; and

The place for the examination and for the casting up of the votes ;

and shall also cause copies of such notice to be affixed at the places where parochial notices are usually affixed.

37 The returning officer may, if he thinks fit, cause to be made an alphabetical list of the persons entitled to vote at the election.

38 The clerk of the board of guardians of any union, and the overseers or other officers of every parish wholly or in part within the parts for which the election is held, and having the custody of any books or papers relating to the election of guardians of the poor, or of the poor rate books relating to any such parish, shall permit the same to be inspected and copies or extracts to be taken therefrom by the returning officer. Any person having the custody of any such books or papers who: refuses, to permit the, same to be inspected, or copies or extracts to be taken therefrom, shall be liable to a penalty not exceeding five pounds.

39 Any person entitled to vote may nominate for the office of member of the local board himself (if qualified to be elected), or any other person or persons so qualified (not exceeding the number of persons to be elected).

40 Every such nomination shall be in writing, and shall state the names and residence and calling or quality of the person or persons nominated, and shall be signed by the persons nominating, and be delivered or sent to the returning officer.

41 Any person nominated may withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer.

42 If the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected, such persons (if duly qualified) shall be deemed and shall be certified by the returning officer under his hand to be elected.

43 If the number nominated and not withdrawn exceeds the number to-be elected, the returning officer shall cause voting papers, in the form N. contained in schedule IV. to this Act, to be prepared and filled up, and shall insert therein the names and residence and the calling or quality of each of the persons nominated and not withdrawn, in the alphabetical order of the surnames of such persons, but it shall not be necessary to insert more than once the name of any person nominated.

44 The returning officer shall, three days at least before the day of collection of the voting papers, cause one of such voting papers to be delivered, by persons appointed

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by him for that purpose, at the address stated in the register or claim" of each owner and proxy, and at the residence within the district of each ratepayer entitled to vote therein.

45 Each voter shall write his initials in the voting paper delivered to him against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom he intends to vote, and shall sign such voting paper.

46 Any person voting as a proxy shall in like manner write his own initials and sign his own name, and state also in writing the name of the person or body of persons for whom he is proxy.

47 Any voter unable to write shall affix his mark at the foot of the voting paper in the presence of a witness, who shall attest and write the name of the voter against the mark, as well as the initials of such voter against the name of every candidate for whom the voter intends to vote.

48 The returning officer shall cause the voting papers to be collected on the day of collection (which shall not be later than the seventh of April) by such persons as he may appoint.

49 No voting paper shall be received or admitted unless the same has been delivered at the address or residence as aforesaid of the voter, nor unless the same is collected by the persons appointed for that purpose : Provided—

(a) That if any person entitled to receive a voting paper has not received a voting paper as aforesaid, he shall, on personal application before the day of collection to the returning officer, be entitled, to receive a voting paper from him, and to fill up the same in his presence, and then and there to deliver the same to him.

(b) That if any voting paper duly delivered has not been collected, through the default of the returning officer or the persons appointed to collect the same, the voter in person may deliver the same to the returning officer before twelve o'clock at noon on the day or on the first day (as the case may be) appointed for the examination and casting up of the votes.

50 If any person nominated, or any person on his behalf, gives at least one clear day's notice in writing to the returning officer, before the delivery or collection of the voting papers, of an intention to send some agent to accompany the deliverer or collector of the papers, the returning officer shall make his arrangements so as to enable the person appointed by him to be so accompanied, but no such agent shall interfere in any respect in the delivery or collection of the voting papers.

#### *Counting of Votes.*

51 The returning officer shall on the day immediately following the day of collection of the voting papers, and on as many days immediately succeeding as may be necessary, attend at the place appointed for the examination and casting up of the votes, and ascertain the validity of the votes, by an examination of the rate books and such other books and documents as he may think necessary, and by examining such persons as he may see fit; he shall cast up such of the votes as he finds to be valid, and to have been duly given collected or received, and shall ascertain the number of such votes for each candidate.

Any candidate may himself attend or may appoint any agent to attend the examination and casting up of the votes; any candidate or agent so attending who obstructs or in any way interferes with the examination and casting-up of the



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58 Any person who neglects to make and subscribe the declaration required by this Act for the space of three months next after he has become a member of the local board shall be deemed to have refused to act, and shall cease to be a member of such local board, and his office as such shall thereupon become vacant.

*Retirement of Members.*

59 Subject as herein-after mentioned, one third of the number of members elected for the district, or if the district is divided into wards, one third of the number elected for each ward (being those who have been longest in office) shall go out of office on the fifteenth of April in each year.

60 The order in which the persons elected at the first election of a local board for a district constituted after the passing of this Act shall go out of office shall be regulated by the local board, and if the number of persons to be elected is not divisible by three, the proportion to go out of office in each year shall be regulated by the local board so that as nearly as may be one third shall go out of office in each year.

61 No person elected shall in any case continuously remain in office (without re-election) for more than three years : Provided that if the number of persons to be elected for any ward is less than three, the persons elected shall go out of office on the fifteenth of April in such year or years as the local board may, with the sanction of the Local Government Board, determine.

62 Before the fifteenth of April in each year a number of persons equal to the number of retiring members shall be elected in manner provided by this schedule, and so many others as may be necessary to complete the full number of the local board in respect of which the election is held.

63 Any person who has ceased to be a member is re-eligible (if qualified).

*Disqualification of Members.*

64 Any member who ceases to hold his qualification, or becomes bankrupt, or submits his affairs to liquidation by arrangement, or compounds with his creditors, or is absent from meetings of the local board for more than six months consecutively (unless in case of illness), or accepts or holds any office or place of profit under the local board of which he is a member, or in any manner is concerned in any bargain or contract entered into by such board, or participates in the profit thereof, or of any work done under the authority of this Act in or for the district, shall, except in the cases next herein-after provided, cease to be such member, and his office as such shall thereupon become vacant:

Provided that no member shall vacate his office—

By reason of his being interested in the sale or lease of any lands or in any loan of money to the local board ; or

By reason of his being interested in any contract with the local board as a shareholder in any joint stock company, but he shall not vote at any meeting of the local board on any question in which such company are interested, save that in the case of a water company, or other company established for the carrying on of works of a like public nature, this prohibition may be dispensed with by the Local Government Board.

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*Casual Vacancies.*

- 65 Any casual vacancy occurring by death resignation disqualification failure duly to elect members or otherwise in a local board shall be filled up by the local board out of qualified persons within six weeks or within such further period as the Local Government Board may by order allow ; but the member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

In the event of a casual vacancy, or of an ordinary vacancy which ought to have "been filled up at a previous election, being filled up at an annual election, if there is a poll, the member who has been elected by the fewest votes shall be deemed elected to fill such vacancy ; if there is no poll, that member to be deemed to be elected to fill such vacancy shall be determined by lot.

*General Provisions.*

- 66 Whenever the day appointed for the performance of any act in relation to any election is a Sunday, Christmas Day, or Good Friday, a Bank holiday, or any day appointed for public fast or thanksgiving, such act shall be performed on the day next following, unless it is one of the days excluded as aforesaid ; and in that case on the day following such excluded day.

- 67 The necessary expenses attendant on any election, and such reasonable remuneration to the returning officer and other persons for services performed or expenses incurred by them in relation thereto as may be allowed by the local board, shall be paid out of the general district rates levied under this Act.

- 68 If the returning officer refuses or neglects to comply with any of the provisions of this schedule relating to elections, he shall be liable to a penalty not exceeding fifty pounds; and any person employed for the purposes of any such election by or under the returning officer who is guilty of any such neglect or refusal shall be liable to a penalty not exceeding five pounds.

- 69 Any person who—  
Fabricates in whole or in part or alters defaces destroys abstracts or purloins any voting paper, or  
Personates any person entitled to vote at any election, or  
Falsely assumes to act in the name or on the behalf of any person so entitled to vote, or  
Interferes with the delivery or collection of any voting papers, or  
Delivers any voting paper under a false pretence of being lawfully authorised so to do,

shall be liable to a penalty not exceeding twenty pounds, or, in the discretion, of the court, to imprisonment with or without hard labour for any period not exceeding three months.

- 70 Any person who, not being duly qualified to act as member of the local board, or not having made and subscribed the declaration required of him by this Act, or being disabled from acting by any provision of this Act, acts as such member, shall be liable to a penalty of fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt; in such action it shall be sufficient for the plaintiff to prove in the first instance that the defendant at the time when the offence is alleged to have been committed acted as such member ; and the burden of proving qualification, and the making and subscription of the declaration, or of negating

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disqualification by reason of non-residence or not being seised or possessed of the requisite real or personal estate, or both, shall be on the defendant.

But all acts and proceedings of any person disqualified disabled or not duly qualified, or who has not made and subscribed the declaration required by this Act, shall, if done previously to the recovery of the penalty mentioned in this Act, be valid and effectual to all intents and purposes.

*As to Local Boards established before the passing of the Local Government Act, 1858.*

71 Where the district of a local board established under the Public Health Act, 1848, before the passing of the Local Government Act, 1858, comprises the whole or any part of a borough or boroughs, and also parts not within the boundaries of any such borough, the following provisions shall have effect; namely,

- (a) Each person selected by the council of any such borough out of their own number shall be a member of the local board with which he is selected to act, so long as he continues without re-election to be member of the council from whom he was selected, and no longer; and a declaration shall not be required to be made by any person so selected :
- (b) Each person selected by any such council otherwise than out of their own number shall be a member of the local board with which he is selected to act, for one year from the date of his selection, and no longer:
- (c) In case of any vacancy in the number selected some other qualified person shall be selected by the council by whom the person causing the vacancy was selected, within one month after the occurrence of the vacancy :
- (d) The meeting of any council at which any selection a3 aforesaid is made in pursuance of this Act shall to all intents and purposes be deemed to be a meeting held in pursuance of the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled " An Act for the Regulation of Municipal Corporations in England " and Wales/" and any Act amending the same :
- (e) If any person is both selected and elected to be a member of any such local board, he shall, within three days after notice thereof from the clerk, choose, or, in default of such choice, the local board of which he is so selected and elected to be member shall determine, the title in respect of which he shall serve ; and immediately on such choice or determination the person so selected and elected shall be deemed to be member only in respect of the title so chosen or determined, and his office as member in respect of any other title shall thereupon become vacant.

72 Elective members of any local board established under the Public Health Act, 1848, before the passing of the Local Government Act, 1858, shall be elected by such owners of property and ratepayers and in such manner as in this schedule mentioned ; and the provisions of this schedule (with the exception of the provisions relating to the number and qualification of members) shall apply accordingly.

*Temporary Provisions.*

73 All members of local boards existing at the time of the passing of this Act shall, notwithstanding any provision of any Act or order confirmed by Parliament, continue to hold office till the fifteenth day of April one thousand eight hundred and seventy-six ; and the next election of members of such local boards shall be held in accordance with the provisions of this schedule.

- 74 The provisions of section twenty-six of the Sanitary Law Amendment Act, 1874, shall be deemed not to have been compulsory in the case of the first election of members of any local board elected after the passing of that Act, and before the passing of this Act; and all elections held or purporting to have been held in accordance with such provisions before the passing of this Act, shall be deemed to have been duly held, and to be valid for all purposes.

*Oxford.*

- 75 Nothing in the rules in this schedule shall apply to the local government district of Oxford

**(II.) PROCEEDINGS IN CASE OF LAPSE OF LOCAL BOARD**

- 1 Where any local board lapses through its members ceasing to hold office, and failure to elect new members in manner by this Act provided, any mortgagee or other person entitled to any principal or interest on any mortgage of rates made by such local board may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction. The said court may, by writing under their hands, appoint a person to make levy and collect the whole or a competent part of the rates liable to the payment of the principal and interest in respect of which the application is made, and to recover all arrears of such rates until such principal and interest, together with the costs of the application and of collection, are paid ; and on such appointment being made, all such rates, competent part thereof and arrears, shall be paid to the receiver so appointed, and shall be rateably apportioned by him among the mortgagees or other persons entitled to the same.

- 2 In the case of any lapse of a local board, the owners and ratepayers of the district may, by resolution passed in manner provided by schedule III. to this Act, determine to elect, and may accordingly proceed to the election of a new local board in manner provided by this schedule, and the result of such election shall be signified to the Local Government Board by the returning officer; and all the powers rights duties property and liabilities of the lapsed board shall attach to the new board as if there had been no lapse before the election thereof, and from the date of the completion of such election all powers of any receiver to make rates under this schedule shall determine.

If no election takes place in pursuance of this provision within three months from the date of the lapse of the board, the Local Government Board may by order dissolve the district, and declare it to be a rural district, or to be included in any adjoining rural district; and from and after a day named in such order A.D. 187fL all such powers rights duties property and liabilities of the lapsed board as the Local Government Board may direct shall with respect to the dissolved district attach to the rural authority named in the order, and such property shall be held by the rural authority for the benefit of the dissolved district.

The Local Government Board may by order determine any question as to the fact of a local board having lapsed, or as to the date of the lapse of any local board.