



# Local Government Act 1888

## 1888 CHAPTER 41

### PART II

APPLICATION OF ACT TO BOROUGHES, THE METROPOLIS, AND CERTAIN SPECIAL COUNTIES.

*Application of Act to Metropolis.*

**40 Application of Act to Metropolis as county of London.**

In the application of this Act to the Metropolis, the following provisions shall have effect:—

- (1) The Metropolis shall, on and after the appointed day, be an administrative county for the purposes of this Act by the name of the administrative county of London.
- (2) Such portion of the administrative county of London as forms part of the counties of Middlesex, Surrey, and Kent, shall on and after the appointed day be severed from those counties, and form a separate county for all non-administrative purposes by the name of the county of London; and it shall be lawful for Her Majesty the Queen to appoint a sheriff of that county, and to grant a commission of the peace and court of quarter sessions, to that county; and, subject to the provisions of this Act, all enactments, laws, and usages with respect to counties in England and Wales, and to sheriffs, justices, and quarter sessions shall, so far as circumstances admit, apply to the county of London:
- (3) Provided that, for the purpose of the jurisdiction of the justices under such commission, and of such court, as well as other non-administrative purposes, the county of the city of London shall continue a separate county, but if and when the mayor, commonalty, and citizens of the city assent to jurisdiction being conferred therein on such justices and court may by commission under the Great Seal be made subject to the jurisdiction thereof.
- (4) The number of the county councillors for the administrative county of London, shall be double the number of members which at the passing of this Act, the parliamentary boroughs in the metropolis are authorised by law to return to serve in Parliament; and

each such borough, or if it is divided into divisions, each division thereof, shall be an electoral division for the purposes of this Act, and the number of county councillors elected for each such electoral division, shall be double the number of members of Parliament which such borough or division is at the passing of this Act entitled to return to serve in Parliament:

- (5) Provided that the number of county aldermen in the administrative county of London, shall not exceed one-sixth of the whole number of county councillors.
- (6) The provisions of this Act with respect to the powers, duties, and liabilities of county councils, and the transfer of property, debts, and liabilities of counties to county councils, shall apply to the administrative county of London in like manner, so nearly as circumstances admit, as if the quarter sessions, justices, and clerks of the peace of the counties of Middlesex, Surrey, and Kent had been, so far as regards the metropolis, the quarter sessions, justices, and clerk of the peace for the administrative county of London:
- (7) Provided that any property, debts, or liabilities of the county of Kent shall not, by reason only of this enactment, be vested in the county council of London, but such property, debts, and liabilities, and also the property, debts, and liabilities of the counties of Middlesex and Surrey, shall be apportioned between the portions of those counties situate within the Metropolis and the portions situate outside the Metropolis in such manner as may be determined by agreement between the respective county councils, or in default of agreement by the Commissioners under this Act, and the property, debts, and liabilities apportioned to the portions within the Metropolis shall be the property, debts, and liabilities of the whole of the administrative county of London.
- (8) There shall also be transferred to the London county council the powers, duties, and liabilities of the Metropolitan Board of Works, and after the appointed day that board shall cease to exist, and the property, debts, and liabilities thereof shall be transferred to the London county council, and that council shall be in law the successors of the Metropolitan Board of Works.
- (9) If the London county council borrow for the purposes of this Act they shall borrow in accordance with the provisions of the Acts relating to the Metropolitan Board of Works, but save as aforesaid Part Four of this Act shall apply to the London county council when acting as successors of the Metropolitan Board of Works, and the costs incurred when so acting shall be paid out of the county fund, and the payment thereof shall be a general county purpose.

#### **41 Position of City of London/ and application of Highway Acts.**

- (1) Of the powers, duties, and liabilities of the court of quarter sessions and justices of the city of London—
  - (a) such of them as would, if the city were a quarter sessions borough, with a population exceeding ten thousand, be exercised by virtue of this or any other Act by the council of the borough, shall be transferred to the mayor, commonalty, and citizens of the city acting by the council (in this Act referred to as the common council); and
  - (b) such of them as would, in the said case, be by virtue of this Act exercised and discharged by the county council shall cease, and the county council shall, subject to the provisions of this Act, have those powers, duties, and liabilities

within the city of London in like manner as within the rest of the administrative county of London.

- (2) The provisions of this Act with respect to the transfer to a county council shall apply with the necessary modifications to such transfer to the common council, and the common council shall be entitled to receive from the London county council in respect of each pauper lunatic, the same amount as is required by this Act to be paid by any other county council to the council of a borough.
- (3) Where at the passing of this Act the Metropolitan Board of Works or the quarter sessions of Middlesex are authorised to incur costs for any purpose, and the common council of the city are not liable to contribute to such costs, the parishes in the city of London shall not, save as in this Act expressly mentioned, be liable to be assessed to county contributions in respect of costs incurred by the county council for such purpose, but this exemption shall not extend to any costs incurred for the purpose of any powers, duties, or liabilities of the quarter sessions or justices of the city of London, which will be exercised and discharged by the London county council.
- (4) The provisions of the Highways and Locomotives (Amendment) Act, 1878, with respect to main roads, as amended by this Act, shall extend to the Metropolis in like manner as if the expression "urban sanitary district" in that Act included, as respects the Metropolis, the city of London, and a parish in Schedule A., and a district in Schedule B. of the Metropolis Management Act, 1855, as amended by subsequent Acts, and as if the Commissioners of Sewers, or vestry, or district board (as the case may be) were the urban sanitary authority: Provided that—
  - (a) in the city of London the common council shall have the power under the Highways and Locomotives (Amendment) Act, 1878, of making byelaws respecting locomotives, and authorising locomotives to be used on any road within the city, save that if any difference is made by such byelaws or authority between any main road maintained by the county council and the other roads in the city, such authority and byelaws shall require the approval of the county council; and
  - (b) the common council in the city of London, and in any other part of the Metropolis, the vestry, or district board, shall be deemed to be a district council and an urban authority within the meaning of the provisions of this Act with respect to main roads, and may accordingly claim to retain the power of maintaining and repairing a main road, and in such case shall have all such powers and duties of maintaining, repairing, improving and enlarging, and otherwise dealing with the main road as they would have if it were an ordinary highway repairable by them, and such powers and duties shall in the city of London be discharged by the Commissioners of Sewers.
- (5) The payment of the costs of assizes and sessions shall be a general county purpose for which the parishes in the city may be assessed to county contributions, and all such costs of prosecutions in the city as are by law payable out of the county rate shall be paid out of the county fund.
- (6) The county councillors elected for the city, shall not act or vote in respect of any question arising before the county council as regards matters involving expenditure on account of which the parishes in the city are not for the time being liable to be assessed equally with the rest of the administrative county to county contributions.
- (7) The London county council, and the common council of the city of London may agree for the cessation in whole or in part of any exemption under this section from

assessment, in consideration either of payment by the county council of a capital sum, or of an annual payment, or of a transfer of property or liabilities, or of the county council undertaking, in substitution for the common council, any powers or duties, or partly for one consideration and partly for another, or in any other manner, according as may be determined.

- (8) The sheriffs of the city of London shall not have any authority except in the city.

**42 Arrangements for paid chairman and sitting of quarter sessions for London.**

- (1) If the London county council petitions Her Majesty the Queen in that behalf, it shall be lawful for Her Majesty from time to time to appoint a barrister of not less than ten years' standing to be paid chairman or deputy chairman, or one of the paid deputy chairmen, as the case may be, of the quarter sessions for the county of London.
- (2) Any person so appointed shall hold office during good behaviour, and shall by virtue of his office be a justice of the peace for the county of London.
- (3) There shall be paid to him out of the county fund as a general county purpose such yearly salary not exceeding that stated in the petition in consequence of which the appointment was made, as Her Majesty directs.
- (4) Such chairman or deputy chairman shall not, during his office, be eligible to serve in Parliament, and shall not during his continuance in office practise as a barrister.
- (5) Where there is any such paid chairman or deputy chairman of the quarter sessions, the court may be held before such chairman or deputy chairman alone.
- (6) Separate courts of quarter sessions may be held at different parts of the county of London at the same time if so directed by the county council with the approval of a Secretary of State, and every court of general sessions of the peace for the county of London and every adjournment thereof shall have the same jurisdiction in all respects, including the power, of hearing and determining appeals, as if such court were quarter sessions.
- (7) The London county council may from time to time submit to a Secretary of State a scheme for regulating the holding of courts of quarter sessions in London either at any one place or at different places, and in the latter case either at the same time or at different times, and for determining the legal character of each sessions so held, that is to say, whether quarter, general, original, or adjourned sessions, or otherwise, and for making such regulations respecting committals for trial, recognisances, depositions, and other matters as are necessary or proper for giving effect to the scheme, and such scheme, when approved by a Secretary of State, shall be published in the London Gazette, and thereupon shall have effect as if it were enacted in this Act.
- (8) Until the quarter sessions for the county of London constitute special sessional divisions, every petty sessional division of the counties of Middlesex, Surrey, and Kent existing at the appointed day, or so much of such division as is situate in the county of London, shall form a special or petty sessional division of the county of London.
- (9) Where any special or petty sessional division of the counties of Middlesex, Surrey, and Kent, existing at the appointed day, is situate partly within and partly without the county of London, so much thereof as is situate without the said county shall, until any alteration is made by the quarter sessions for the county of Middlesex, Surrey, or Kent, as the case may be, be a special or petty sessional division of that county.

- (10) The quarter sessions for the county of London shall be substituted for the general assessment sessions under the Valuation (Metropolis) Act, 1869, and have all the jurisdiction vested in those sessions, and shall exercise the same within the same area. Upon the hearing of any appeals in relation to property in the city 'of London, such two members of the court of quarter sessions of the city of London as may be appointed by that court for the purpose, shall be entitled to attend and sit as members of the quarter sessions for the county of London.
- (11) The enactments respecting the times for holding sessions of the peace for the county of Middlesex, and the appointment and payment of any assistant judge, or deputy assistant judge, or of a person to preside in a second court at any sessions in the county of Middlesex, shall cease to apply to the county of Middlesex.
- (12) Quarter sessions for the counties of Middlesex, Surrey, and Kent respectively may be held, and the justices of each of those. counties may hold special and petty sessions for any division of such county, and appoint a petty sessional or occasional court house, at any place in the county of London, and for all purposes relating to such sessions or any business transacted at such court house, such place shall be deemed to be within the county and division for which the justices holding the same are justices, but no jurors shall be summoned for such sessions from within the county of London.
- (13) Nothing in this Act shall alter the powers or duties of the justices, quarter sessions, recorder, or common serjeant of the city of London, further or otherwise than is expressly provided or than the powers and duties of the justices or quarter sessions of any county are altered.
- (14) Provided that from and after the appointed day the rights claimed by the court of common council to appoint to the offices of common serjeant, and judge of the City of London Court shall cease, and in any future vacancy in each of the said offices, it shall be lawful for Her Majesty the Queen to appoint a duly qualified barrister to be such common serjeant, or judge, and from and after the next vacancy no recorder shall exercise any judicial functions unless he is appointed by Her Majesty to exercise such functions.

#### **43 Grant by London county council to poor law unions.**

- (1) In the administrative county of London the county council:—
- (a) shall pay to the guardians for every poor law union wholly in the county such sums as the Local Government Board from time to time certify to be due from the said council in substitution for the local grants towards the remuneration of poor law medical officers, and towards the cost of drugs and medical appliances; and
  - (b) shall grant to the guardians of every poor law union wholly in their county an amount equal to fourpence a day per head for every indoor pauper maintained in that union, and such grant, during the five local financial years beginning on the appointed day, shall be reckoned according to the average number of indoor paupers so maintained during the five financial years ending on the twenty-fifth day of March next before the passing of this Act, and shall, after the end of the said five local financial years, unless Parliament otherwise determine, continue to be reckoned in accordance with the same average number; and
  - (c) shall pay to the guardians of every poor law union, a portion of which only is situate in their county, such proportion of the annual sum which is, under

the other provisions of this Act, payable by the county council of a county to the guardians of that union, as the rateable value of the portion within the administrative county of London bears to the rest of the union.

- (2) For the purposes of this section the expression " indoor pauper " includes all paupers maintained in a workhouse, and all paupers maintained in any district school, separate school, separate infirmary, sick asylum, hospital for infectious diseases, or institution for the deaf, dumb, blind, or idiots, or in any certified school under the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her Majesty, chapter forty-three, and includes any children boarded out, whether within or without the limits of the union, and in the metropolitan asylum district includes all inmates of any asylum for imbeciles provided by the managers of that district, but excludes paupers relieved in casual wards, and such number of indoor paupers in a workhouse or in a district or separate school or in a separate infirmary or asylum, as exceeded the number prescribed by the Local Government Board for that workhouse, school, infirmary or asylum, and also excludes paupers maintained for part only of a clay: Provided always, that any paupers maintained under any contract or agreement in a 'workhouse other than that of the union to which they are chargeable, shall be included only in the number of indoor paupers of the union to which they are so chargeable.
- (3) The average number of paupers shall be estimated in such manner as the Local Government Board direct, and shall be certified by the Board. The Board may, if they think proper, vary their certificate, but unless it is so varied, their certificate shall be conclusive.

**44      Transfer of duties under 32 & 33 Vict. c.67 of clerk of metropolitan asylum managers.**

On and after the appointed day all powers and duties of the clerk to the managers of the metropolitan asylums district under the Valuation (Metropolis) Act, 1869, shall be transferred to the clerk of the county council of London, and the said Act shall be construed as if the county council were substituted therein for the managers of the metropolitan asylums district.

**45      Adjustment of law as to slaughter-houses in the metropolis.**

On and after the appointed day, the powers, duties, and liabilities of justices out of session in the Metropolis, in relation to the licensing of slaughter-houses for the purpose of the slaughtering of cattle for butchers meat, and of cow-houses and places for the keeping of cows, shall be transferred to the county council of London.