



Local Government Act 1888

1888 CHAPTER 41 51 and 52 Vict

PART V

SUPPLEMENTAL

Application of Acts

75^{F1}

Textual Amendments

F1 S. 75 repealed by [Representation of the People Act 1949 \(c. 68\)](#), s. 175, [Sch. 9](#)

76, 77.^{F2}

Textual Amendments

F2 Ss. 76, 77 repealed by [Representation of the People Act 1918 \(7 & 8 Geo. 5 c. 64\)](#), [Sch. 8](#)

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, . . .^{F3}, 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

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Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1888, Part V. (See end of Document for details)

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,

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.....

- (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 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.

Textual Amendments

F3 Words repealed by [Police Act 1964 \(c. 48\)](#), **Sch. 10 Pt. I**

F4 Words repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), **Sch. 5 Pt. II**

Modifications etc. (not altering text)

C1 Functions of Board of Trade now exercisable by Secretary of State concurrently with Board of Trade: [S.I. 1970/1537](#)

C2 Functions of Metropolitan Board of Works now exercisable by Greater London Council: [Local Government Act 1888 \(c. 41\)](#), **s. 40(8)(9)**, [London Government Act 1963 \(c. 33\)](#), ss. 2, 3(1)(b), **Sch. 2** and [Local Government Act 1972 \(c. 70\)](#), s. 8, **Sch. 2**

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Proceedings of Councils and Committees

79 Incorporation of county council.

- (1) ^{F5}
- (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 . . . ^{F6} 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 . . . ^{F7} county concerned.

Textual Amendments

- F5** Ss. 79(1), 80 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. III](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)
- F6** Words repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. III](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)
- F7** Word repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), [Sch. 1 Pt. XII](#)

80 ^{F8}

Textual Amendments

- F8** Ss. 79(1), 80 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. III](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)

81 Appointment of joint committees.

- [^{F9}(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) ^{F10}

Textual Amendments

- F9** [S. 81\(1\)](#) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#) but reproduced for the purpose of construing the remaining provisions of this Act
- F10** [S. 81\(2\)–\(8\)](#) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

82 ^{F11}

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Textual Amendments

F11 S. 82 repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

83 **F12**

Textual Amendments

F12 S. 83 repealed by S.I. 1974/1351

84 **F13**

Textual Amendments

F13 S. 84 repealed by Justices of the Peace Act 1949 (c. 101), s. 46(2), **Sch. 7 Pt. III**

Regulations for Bicycles, &c.

85 **Regulations for bicycles, &c.**

- (1) ^{F14} bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the Highway Acts; ^{F15}
 - (a) ^{F16}
 - (b) ^{F17}
- (2) ^{F17}

Textual Amendments

- F14** Words repealed by Statute Law Revision Act 1908 (c. 49), Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1963 (c. 33), s. 93(1), **Sch. 18 Pt. II**
- F15** Words repealed by Road Traffic Act 1930 (c. 43), **Sch. 5**
- F16** S. 85(1)(a) repealed by Road Transport Lighting Act 1927 (c. 37), **Sch.**
- F17** S. 85(1)(b), (2) repealed by Road Traffic Act 1930 (c. 43), **Sch. 5**

Adaptation of Acts

86 **F18**

Textual Amendments

F18 S. 86 repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

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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, . . . ^{F19}

(2) F20

(3) F21

(4) F20

(5) F21

Textual Amendments

F19 Words repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. III](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)

F20 [S. 87\(2\)\(4\)](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), [Sch. 1 Pt. XII](#)

F21 [S. 87\(3\)\(5\)](#) repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. III](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)

Modifications etc. (not altering text)

C3 [S. 87](#) applied by [Ferries \(Acquisition by Local Authorities\) Act 1919 \(c. 75\)](#), [s. 1\(5\)](#)

88 F22

Textual Amendments

F22 [S. 88](#) repealed by [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)

89 F23

Textual Amendments

F23 [S. 89](#) repealed by [Administration of Justice Act 1964 \(c. 42\)](#), [Sch. 5](#)

90 F24

Textual Amendments

F24 [S. 90](#) repealed by [Local Government Act 1958 \(c. 55\)](#), s. 67, [Sch. 9 Pt. V](#)

91 F25

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Textual Amendments

F25 S. 91 repealed by [Administration of Justice Act 1964 \(c. 42\)](#), **Sch. 5**

Savings

- 92** (1) **F26**
- (2) **F27**
- (3) **F28**

Textual Amendments

F26 S. 92(1) repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. III** and [London Government Act 1939 \(c. 40\)](#), **Sch. 8**

F27 S. 92(2) repealed by [Representation of the People Act 1949 \(c. 68\)](#), s. 176(2)(3), **Sch. 9**

F28 S. 92(3) repealed by [Representation of the People Act 1918 \(7 & 8 Geo. 5 c. 64\)](#), **Sch. 8**

- 93** **F29**

Textual Amendments

F29 S. 93 repealed by [Police Act 1964 \(c. 48\)](#), **Sch. 10 Pt. I**

- 94** **F30**

Textual Amendments

F30 S. 94 repealed by [Local Government Act 1929 \(c. 17\)](#), s. 134, **Sch. 12 Pt. VI**

95 Saving as to Middlesex, Surrey, and Kent.

- (1) **F31**
- (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 [^{F32}and the ^{M1}London Government Act 1963] had not passed, except where such application is inconsistent with this Act [^{F32}or with the said Act of 1963 or any instrument made thereunder], or where the object of such enactment, deed, instrument, or document requires that it shall be construed to apply to [^{F33}the area consisting of the inner London boroughs, the City of London, the Inner Temple and the Middle Temple].

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Textual Amendments

- F31 S. 95(1) repealed by [Administration of Justice Act 1964 \(c. 42\)](#), **Sch. 5**
- F32 Words inserted by [S.I. 1965/654](#)
- F33 Words substituted by [S.I. 1965/654](#)

Marginal Citations

- M1 [1963 c. 33](#).

96 F34

Textual Amendments

- F34 S. 96 repealed by [Local Government Act 1958 \(c. 55\)](#), s. 67, **Sch. 9 Pt. V**

97 F35

Textual Amendments

- F35 S. 97 repealed by [Highways Act 1959 \(c. 25\)](#), s. 312(2), **Sch. 25** and [London Government Act 1963 \(c. 33\)](#), s. 16(2), **Sch. 6 para. 70**

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.

Modifications etc. (not altering text)

- C4 Functions of Commissioners of Inland Revenue as to excise duty now exercisable by Commissioners of Customs and Excise: [S.R. & O. 1909/197 \(Rev. V, p. 465: 1909, p. 239\)](#)

Definitions

99 F36

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Textual Amendments

F36 Ss. 99, 103–108, 110–114 repealed by Statute Law Revision Act 1908 (c. 49)

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:—

- F37
- F37
- F38
- F37
- F39
- F37
- F37

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 . . . ^{F40}

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- F37
- F43

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

- F45 F46
- F37

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:

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- F37
- F47

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..... F48
The expression “office” includes any place, situation, or employment, and the
expression “officer” shall be construed accordingly:
..... F37
..... F49
..... F50
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Textual Amendments

- F37** Definition repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**
- F38** Definition repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**
- F39** Definition repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**
- F40** Words repealed by Justices of the Peace Act 1968 (c. 69), **Sch. 5 Pt. II**
- F41** Definitions repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1963 (c. 33), s. 93(1), **Sch. 18 Pt. II**
- F42** Definitions repealed by Statute Law Revision Act 1908 (c. 49)
- F43** Definitions repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**
- F44** Definitions repealed by Statute Law Revision Act 1908 (c. 49), Highways Act 1959 (c. 25), s. 312(2), **Sch. 25** and London Government Act 1963 (c. 33), s. 93(1), **Sch. 6 para. 70**
- F45** Words repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**
- F46** Words repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**
- F47** Paragraph repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**
- F48** Definitions repealed by Statute Law Revision Act 1908 (c. 49) and Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**
- F49** Definitions repealed by Statute Law Revision Act 1908 (c. 49), Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V** and Local Government Act 1972 (c. 70), **Sch. 30**
- F50** Words repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

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.

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