CHAPTER 9.

An Act to amend the Roads and Bridges (Scotland) Act, 1878. [16th May 1888.]

WHEREAS it is expedient that Burgh Local Authorities, under the Roads and Bridges (Scotland) Act, 1878, should be empowered to borrow to meet sums expended in widening, or otherwise permanently altering or permanently improving, roads, bridges, or streets within their districts:

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:

Short title.

1. This Act shall be cited for all purposes as the Roads and Bridges (Scotland) Act, 1878, Amendment Act, 1888.

Extension of 41 & 42 Vict. c. 51. s. 58.

2. The provisions of section fifty-eight of the Act forty-one and forty-two Victoria, chapter fifty-one, in so far as the same confer powers on the burgh local authority in regard to the construction of new streets, roads, or bridges, are hereby extended so as to apply to the widening, or otherwise permanently altering or permanently improving, streets, roads, or bridges within the burgh.

CHAPTER 10.

An Act to provide for the Qualification and Registration of Electors for the purposes of Local Government in England and Wales. [16th May 1888.]

WHEREAS it is expedient to make provision with respect to the qualification and registration of electors of any representative bodies (in this Act referred to as "county authorities") which may be established under any Act of the present session of Parliament for the purposes of local government in counties in England:

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:

Short title and construction. 48 & 49 Vict. c. 15.

1. This Act may be cited as the County Electors Act, 1888.

The Registration Act, 1885, and the Parliamentary Registration Acts within the meaning of that Act, are in this Act referred to as the Registration of Electors Acts, and together with this Act may be cited as the Registration of Electors Acts, 1843 to 1888.

This Act shall be construed as one with the Registration of Electors Acts.

Extension of burgess franchise to county electors outside municipal boroughs. 45 & 46 Vict. c. 50.

2.—(1.) For the purpose of the election of county authorities in England, the burgess qualification, that is to say, the qualification enacted by section nine of the Municipal Corporations Act, 1882, shall extend to every part of a county not within the limits of a borough, and a person possessing in any part of a county outside the limits of a borough such burgess qualification, shall be entitled to be registered under this Act as a county elector in the parish in which the qualifying property is situate.

(2.) Sections nine, thirty-one, thirty-three, and sixty-three of the Municipal Corporations Act, 1882, and any enactments of that or any other Act affecting the same, shall extend to so much of every county as is not comprised within the limits of a municipal borough in like manner as if they were herein re-enacted, with the substitution of "county" for "borough" and of "county elector" for "burgess," and with the other necessary modifications.

Occupation of land of the value of 10*l.* to qualify.

3. Every person who is entitled to be registered as a voter in respect of a ten pounds occupation qualification within the meaning of the provisions of the Registration Act, 1885, which are set out in the schedule to this Act, shall be entitled to be registered as a county elector, and to be enrolled as a burgess, in respect of such qualification, in like manner in all respects as if the sections of the Municipal Corporations Act, 1882, relating to a burgess qualification included the said ten pounds occupation qualification.

Registration of county electors.

41 & 42 Vict. c 26.

4.—(1.) The Registration of Electors Acts shall, so far as circumstances admit, apply to the enrolment of burgesses in a municipal borough to which the Parliamentary and Municipal Registration Act, 1878, does not apply, and to the registration of county electors within the meaning of this Act; and the lists of burgesses, and of county electors, and of occupation voters for parliamentary elections, shall, so far as practicable, be made out and revised together; and the Registration of Electors Acts shall accordingly—

(*a*) apply to every such municipal borough in like manner as if it were a borough to which sub-section two of section six of the Registration Act, 1885, applied (sub-section one of which section is hereby repealed), and revising assessors for such borough shall not be elected; and

(*b*) apply to every parish not situate in a municipal borough, in like manner as if such parish were a municipal borough to which the Parliamentary and Municipal Registration Act, 1878, applies, and the said lists of county electors and of occupation voters for parliamentary elections in such parish shall be made out in divisions, as provided in the said Act:

Provided that a person whose name appears in any list of county electors or burgesses in a county may object to the name of any other person on a list of county electors or burgesses for a parish in that county, and may oppose the claim of a person to have his name inscribed in any such list.

(2.) In the construction of the Registration of Electors Acts for the purpose of their application to a parish not situate in a municipal borough, there shall be made the variations following,

and such other variations as may be necessary for carrying into effect the application, that is to say:—

(*a.*) Where such parish is not within a parliamentary borough, "parliamentary county" shall be substituted for "parliamentary borough;"

(*b.*) Where such parish is not within a parliamentary borough, the clerk of the peace shall perform the duties of and be substituted for the town clerk; but any notice required to be given to the town clerk by section twenty-seven of the Parliamentary and Municipal Registration Act, 1878, relating to the withdrawal and revival of objections, shall be given to the overseers and not to the clerk of the peace;

(*c.*) County elector shall be substituted for burgess;

(*d.*) Section nine of the Parliamentary and Municipal Registration Act, 1878, shall not apply to any parish which is not wholly situate in an urban district;

(*e.*) Where such parish is not within a parliamentary borough section twenty-one of the Parliamentary and Municipal Registration Act, 1878, shall not apply, and the lists and register of voters shall be made out alphabetically, but shall be framed in parts for polling districts and electoral divisions and for urban districts and for wards of urban and rural districts in such a manner that the parts may be conveniently compiled or put together to serve as lists for polling districts, and elections in urban districts and as electoral division or ward lists:

(*f.*) Where such parish is within a parliamentary borough—

(i) the overseers shall send to the clerk of the peace for the county two copies of the lists of voters at the same time at which they send copies to the town clerk; and

(ii) the town clerk shall cause to be printed such number of copies of the revised lists as the clerk of the peace may require, and shall transmit the same to the clerk of the peace, who shall deal with the same as with other lists of county electors in his county; but,

(iii) save as aforesaid, the clerk of the peace shall not act in relation to the registration of county electors in the said parish, and the town clerk of the parliamentary borough shall be the town clerk within the meaning of the Registration of Electors Acts and this Act in relation to such parish, and shall include in his precept to the overseers proper directions respecting the registration of the county electors within the meaning of this Act.

(*g.*) The lists of occupation voters and county electors shall be revised by the revising barrister for the parliamentary borough or county in which such parish is situate, and the revising barrister for revising the county electors lists for the whole or any part of an electoral division of any county shall, if so required by the county council, hold a court in that electoral division or at some convenient place in a division adjoining thereto.

(*h.*) The guardians of a union which is not wholly comprised in an urban district may, with the consent of the overseers of any parish or parishes within their union for which an assistant overseer has not been appointed, annually appoint a fit person to act as registration officer for such parish or parishes, and may remove any such person, and fill up any vacancy caused by death, resignation, or otherwise. Such registration officer shall perform all the duties of overseers of the parish or parishes for which he is appointed in respect of the registration of county electors and parliamentary voters, and the provisions of the Registration of Electors Acts relating to overseers, including those providing for penalties, shall apply to him accordingly:

Provided that his remuneration shall be fixed and paid by the guardians of the union, and charged on the poor rates of the parish or parishes for which he is appointed, and (if he acts for more than one parish) in proportion to the number of persons on the registers made during the year of his appointment of county electors and parliamentary voters for each parish.

(3.) Notwithstanding anything in this Act contained, where a municipal borough or an urban district is coextensive with any electoral division or divisions of a parliamentary county, the lists of voters may be directed by the county authority to be made out according to the order in which the qualifying premises appear in the rate book, and section twenty-one of the Parliamentary and Municipal Registration Act, 1878, shall apply to such borough or urban district, and where lists of voters are so made out nothing in this Act shall require such part of the county register as consists of these lists to be arranged alphabetically.

Making out of lists and registers in metropolis.

5. After the year one thousand eight hundred and eighty-eight, in every part of the metropolis, and in every part of a parliamentary borough, the whole or greater part of which is situate in the metropolis, the lists and registers of parliamentary voters, and of county electors, shall, unless the local authority otherwise direct, be arranged in the same order in which the qualifying premises appear in the rate book for the parish in which those premises are situate, or as nearly thereto as will cause those lists and registers to record the qualifying premises in successive order in the street or other place in which they are situate.

For the purpose of this section "metropolis" means the city of London and the parishes and places mentioned in Schedules (A), (B), and (C) of the Metropolis Management Act, 1855.

18 & 19 Vict. c. 120.

Revision of electoral lists.

6.—(1.) The lists of parliamentary voters, and of burgesses, and of county electors, shall be revised between the eighth day of September and the twelfth day of October both inclusive, and shall be revised as soon as possible after the seventh day of September, and the eighth day of September shall be substituted in the Acts relating to the registration of parliamentary voters for the fifteenth day of September; and the declarations under section ten of the County Voters Registration Act, 1865, and section twenty-four of

28 & 29 Vict. c. 36.

the Parliamentary and Municipal Registration Act, 1878, shall be sent to the clerk of the peace or town clerk on or before the fifth day of September. 41 & 42 Vict. c. 26.

(2.) In sections sixty-two and sixty-three of the Parliamentary Voters Registration Act, 1843 (relating to appeals from revising barristers in England), "the Michaelmas sittings of the High Court of Justice" shall be substituted for "the Michaelmas term," and forthwith after the fourth day of the Michaelmas sittings a court or courts shall sit for the purpose of hearing such appeals, and those appeals shall be heard and determined continuously and without delay, and any statement by the barrister for the purpose of any such appeal made in pursuance of section forty-two of the said Act may be made at any time within ten days after the conclusion of the revision, so that it be made not less than four days before the first day of the said Michaelmas sittings, and the statement need not be read in open court, but shall be submitted to the appellant, who, if he approves the same, shall sign the same as directed by the said section, and return the same to the barrister. 6 & 7 Vict. c. 18.

Roll of county electors.

7.—(1.) The clerk of the peace of every county shall make up a register of all persons registered as burgesses or county electors in the county, both for the county and for each electoral division into which the county is divided for the purpose of election of the county authority, and such number of copies as the clerk of the peace may require of the list of burgesses as revised shall be delivered by the town clerk to such clerk of the peace for the purpose of making up such register.

(2.) The Registration of Electors Acts, and sections forty-five, forty-eight, and seventy-one of the Municipal Corporations Act, 1882, shall apply, for the purposes of this section, with the substitution of clerk of the peace for town clerk, and of county register and division register for burgess roll and ward roll respectively, and of electoral division for ward, and of county fund for borough fund. 45 & 46 Vict. c. 50.

(3.) If district councils are established under any Act of the present session of Parliament, the clerk of every such council, not being the council of a borough, shall make up a register of all persons registered as county electors in his district, and where there are wards in a district, of all county electors in each ward, and he shall obtain from the clerk of the peace a sufficient number of copies of the lists of the county electors so registered as may be required for the purpose of making up such register and supplying the same to the public, and the above-mentioned Acts and sections shall apply for that purpose, with the substitution of "clerk of the district council" for "town clerk," and of "district register" for "burgess roll" respectively;

(4.) Provided that nothing in this section shall prevent a county elector from being registered in more than one division register.

(5.) Where in pursuance of section four of the Registration Act, 1885, the revising barrister has power to erase the name of any person as a parliamentary voter from division one of the occupiers list, such barrister, in lieu of erasing the name, shall place an 48 & 49 Vict. c. 15.

asterisk or other mark against the name, and, in printing such lists, the name shall be numbered consecutively with the other names, but an asterisk or other mark shall be printed against the name, and a person against whose name such asterisk or other mark is placed shall not be entitled to vote in respect of such entry at a parliamentary election, but shall have the same right of voting at an election of a county authority as he would have if no such mark were placed against his name.

(6.) If under any Act of the present session of Parliament establishing a council for a county any portion of another county is added to that county for the purpose of such election, such portion of the county register as relates to the electors having qualifying property in the said part so added shall be deemed to be part of the county register of the county for which such council is elected, and the clerk of the peace and other officers shall take such steps as may be necessary for giving effect to these enactments.

Expenses.

8.—(1.) All expenses properly incurred and all sums received in carrying into effect the provisions of this Act and the Registration of Electors Acts with respect to county electors,—

(*a*) if incurred or received by overseers, shall be respectively paid and applied as expenses and receipts of overseers under the Registration of Electors Acts in the case of the lists of parliamentary voters; and

(*b*) if incurred or received by the clerk of the peace or town clerk, shall be paid out of or into the county or borough fund; and such expenses shall include all proper and reasonable fees and charges made and charged by him for the trouble, care, and attention of such clerk in the performance of the services and duties imposed on him by the said provisions.

Remuneration of revising barristers and contribution by county authorities.

9. Every barrister appointed to revise any list of voters under the Parliamentary Voters Registration Act, 1843, shall be paid the sum of two hundred and fifty guineas by way of remuneration to him, and in satisfaction of his travelling and other expenses, and every such barrister, after the termination of his last sitting, shall forward his appointment to the Commissioners of Her Majesty's Treasury, who shall make an order for the payment of the above sum to every such barrister.

The maximum amount to be paid to an additional barrister in pursuance of the Revising Barristers Act, 1886, shall not exceed the amount authorised by this section to be paid to a revising barrister.

49 & 50 Vict. c. 42.

The sums so paid to a revising barrister or an assistant barrister shall be payable partly out of moneys provided by Parliament and partly by the county authorities, as herein-after mentioned.

(1.) There shall be annually paid by the county authority of every county out of the county fund into Her Majesty's Exchequer such sum as the Treasury certify to be one-half of the cost incurred for the payment of revising barristers at the then last revision of the lists of parliamentary electors, burgesses, and county electors in that county.

(2.) The Treasury shall yearly ascertain the total cost of the revising barristers appointed for all the counties and boroughs

on any circuit, and shall divide one-half of such cost among the counties comprised in such circuit in proportion to the number of burgesses and county electors in each county, and certify the amount which under such apportionment is due under this section from each county. The Treasury may vary such certificate if they think fit, but unless it is so varied the certificate shall be final.

(3.) So much of any Act as requires a payment out of the borough fund of any borough to a revising barrister, in respect of the revision of the burgess lists, shall be repealed, without prejudice to any payment or liability previously made or incurred.

Perpetuation of 49 & 50 Vict. c. 42.

10.—(1.) Section four of the Revising Barristers Act, 1886, is hereby repealed, and that Act, as amended by this Act, shall be perpetual.

Repeal of 6 & 7 Vict. c. 18. s. 59.

(2.) So long as a separate commission of assize is issued for the county of Surrey, that county shall be deemed to be a circuit within the meaning of section two, as well as of section one of the Revising Barristers Act, 1886.

(3.) An application to appoint an additional barrister under the said Act may be made at any time after the first day of September.

(4.) Section fifty-nine of the Parliamentary Voters Registration Act, 1843, is hereby repealed.

Application of provisions of Act respecting county fund.

11.—(1.) In the event of a county authority being established under any Act of the present session, the provisions of this Act with respect to county authority, county, and county fund shall refer to the said county authority and to the county and county fund of such authority, and in case of any borough which, for the purposes of the said Act, is a county of itself, to the council of the borough and to the borough and borough fund.

(2.) In the event of a county authority not being established under any Act during the present session, the sums directed by this Act to be paid out of and into the county fund shall be paid by or under the direction of the local authority of every county quarter sessional area within the meaning of the Registration Act, 1885, in like manner as expenses or receipts of the clerk of the peace for such area under the Registration of Electors Acts, and by and under the direction of the council of every municipal borough which is also a parliamentary borough out of and into the borough fund, and the amount to be paid for revising barristers shall be apportioned between such quarter sessional areas and boroughs upon the principles above mentioned in this Act.

48 & 49 Vict. c. 15.

Separate list of persons residing within fifteen miles of county.

12. A list of persons occupying property in a county, and residing within fifteen miles, but more than seven miles from the county, shall be made out in accordance with section forty-nine of the Municipal Corporations Act, 1882, and that section shall apply as if it were herein re-enacted, with the substitution of "county" for "borough," and of "county elector" for "burgess," and of "clerk of the peace" for "town clerk."

Precepts by clerk of the peace.

13. All precepts, notices, and forms required for the purposes of the Registration of Electors Acts shall be altered in such manner

as may be declared by Her Majesty in Council to be necessary for carrying into effect this Act, and clerks of the peace and town clerks shall alter their precepts and forms accordingly, and if clerks of the peace or town clerks have sent out precepts to the overseers before the passing of this Act, they shall send to them such supplemental precepts as are necessary or desirable for instructing them to carry into effect this Act.

Definitions.

14. In this Act, unless the context otherwise requires,—

The expressions "urban district" and "rural district" respectively mean an urban or rural sanitary district, also any urban or rural district under any Act of the present session of Parliament;

The expression "clerk of the peace" means, in the event of the establishment of a county authority, the person acting as clerk of that authority, and such person shall act as clerk of the peace throughout the whole county of such authority, both for the purposes of this Act and of the Registration of Electors Acts; subject nevertheless—

(*a*) to the provisions of the Registration Act, 1885, respecting the case of any parliamentary county extending into more county quarter sessional areas than one, and

(*b*) to the proviso that where at the passing of this Act any clerk of the peace acts as clerk of the peace under the Registration of Electors Acts he shall continue so to act, but shall act as deputy of the person acting as clerk of the peace by virtue of this Act.

Transitory provisions as to the year 1888.

15. In the year one thousand eight hundred and eighty-eight, notwithstanding anything in this Act or the enactments applied by this Act, the revision of the lists of parliamentary voters and county electors may be later than the twelfth day of October, so that it be not later than the thirty-first day of October, and the register of county electors shall be completed on or before the thirty-first day of December in the said year, and shall come into operation on the first day of January one thousand eight hundred and eighty-nine, and shall continue in operation until the next register of county electors comes into operation.

In the year one thousand eight hundred and eighty-eight, notwithstanding anything in this Act or the enactments thereby applied, the clerk of the peace in a county may, if he thinks fit, instead of directing the occupiers list to be made out in three divisions as provided by the Registration of Electors Acts, direct the overseers to make supplemental lists containing the names which would otherwise be contained in division two and division three of the occupiers list respectively, and the names so contained in the supplemental list corresponding to division two shall be struck by the revising barrister out of division one of the list, and the supplemental list corresponding to division two or division three shall be treated as if it were division two or three of the said list, as the case may be.

SCHEDULE.

Section 3.

Registration Act, 1885.

DEFINITION OF TEN POUNDS OCCUPATION QUALIFICATION.

A person entitled to be registered as a voter in respect of a ten pounds occupation qualification in a borough, municipal or parliamentary— Ten pounds occupation qualification.

(*a.*) must during the whole twelve months immediately preceding the fifteenth day of July have been an occupier as owner or tenant of some land or tenement in a parish [or township] of the clear yearly value of not less than ten pounds; and

(*b.*) must have resided in or within seven miles of the borough during six months immediately preceding the fifteenth day of July; and

(*c.*) Such person, or some one else must during the said twelve months have been rated to all poor rates made in respect of such land or tenement; and

(*d.*) All sums due in respect of the said land or tenement on account of any poor rate made and allowed during the twelve months immediately preceding the fifth day of January next before the registration, or on account of any assessed taxes due before the said fifth day of January, must have been paid on or before the twentieth day of July.

If two or more persons jointly are such occupiers as above mentioned, and the value of the land or tenement is such as to give ten pounds or more for each occupier, each of such occupiers is entitled to be registered as a voter.

If a person has occupied in the borough different lands or tenements of the requisite value in immediate succession during the said twelve months, he is entitled in respect of the occupation thereof to be registered as a voter in the parish [or township] in which the last occupied land or tenement is situate.

CHAPTER 11.

An Act to make further provision for the Restoration and Repair of Westminster Abbey. [28th June 1888.]

WHEREAS by the Westminster Abbey Act, 1886, the Dean and Chapter of the Collegiate Church of Saint Peter Westminster (in this Act referred to as the Dean and Chapter of Westminster) were authorised to borrow, and the Ecclesiastical Commissioners for England (in this Act referred to as the Ecclesiastical Commissioners) were authorised to lend, on the security of the revenues of the Dean and Chapter, or of part thereof, such capital sums not exceeding ten thousand pounds in the whole as the Commissioners might consider to be required for the restoration or repair of Westminster Abbey and the buildings attached thereto: 49 & 50 Vict. c. liii.

And whereas by the said Act the Ecclesiastical Commissioners were authorised, if satisfied that the revenues of the Dean and Chapter would not suffice to repay the principal of or pay the interest on the aforesaid sum, to make a grant of such portion thereof as should be necessary for the preservation of the building, provided that the repairs and restorations on which the grant was expended should have been approved by the said Commissioners: