CHAPTER 58.

An Act to amend the Divided Parishes and Poor Law Amendment Act, 1876; and for other purposes. A.D. 1882.

[18th August 1882.]

BE it 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. 39 & 40 Vict. c. 61.

1. This Act may be cited as the Divided Parishes and Poor Law Amendment Act, 1882, and shall be construed as one with the Divided Parishes and Poor Law Amendment Act, 1876, in this Act referred to as the principal Act, and the Acts amending the same.

Detached Parts of Parishes.

Detached parts of parishes to form parts of parishes surrounding them.

2. Where any part of a parish is isolated or detached from the other part or parts of the parish, and is wholly surrounded by another parish, such part shall, from and after the twenty-fifth day of March one thousand eight hundred and eighty-three, be amalgamated with the last-mentioned parish in the same manner and with the same consequences and limitations in every respect, subject nevertheless as herein-after mentioned, as if the amalgamation had been effected by an order of the Local Government Board under the principal Act, and such part shall be deemed to be within the same county as the parish with which it is amalgamated.

Provided as follows:

(1.) If two or more isolated or detached parts of parishes adjoin each other, and such parts together are wholly surrounded by another parish, the same shall for the purposes of this Act be deemed one isolated or detached part.

(2.) If any question should arise as to whether part of a parish is isolated or detached from the other part or parts of the parish, or is wholly surrounded by another parish, the Local Government Board may by order determine the question.

A.D. 1882

(3.) This section shall not apply to any parish situate wholly or partly in the metropolis.

Provision for parishes not separately maintaining highways.

3. Where the parish with which any such isolated or detached part of a parish as aforesaid becomes amalgamated, under the provisions of this Act, is not a place separately maintaining its own highways, or entitled to return a separate waywarden to a highway board, the Local Government Board may deal with such parish for highway purposes by an order in like manner as they would have been enabled to deal with the same by a supplemental order under section seven of the Poor Law Act, 1879, if the amalgamation had been effected prior to the passing of that Act by an order under the principal Act.

42 & 43 Vict. c. 54.

Detached parts with a population exceeding 300 may be made separate parishes.

4. If the population of any such isolated or detached part of a parish as aforesaid exceeds three hundred persons, one tenth in number and rateable value of the persons appearing on the rate in force for the time being to be rated to the relief of the poor in respect of property within such part may apply to the Local Government Board, in writing, on or before the first day of December next, to have the same declared to be a separate parish, and the Board may by order either dismiss the application or constitute such part a separate parish from and after a day to be fixed by the order; and if an order is made dismissing the application, section two of this Act shall not take effect with respect to such part until such order is made.

An order constituting a parish under this section shall have the same consequences and may contain the same provisions as if the same were made under the principal Act, but section two of that Act shall not apply to such order.

Provision as to school districts.

5. Notwithstanding anything contained in the principal Act, any alteration of an area made by or pursuant to this Act shall extend to alter the constitution of the school districts, unless the Education Department otherwise direct.

Extension of 39 & 40 Vict. c. 61. s. 5.

6. Section five of the principal Act shall apply to any parish in a highway district, although it may not be a parish for which a waywarden can be elected.

Interpretation of county.

7. For the purposes of the principal Act, and the Acts amending the same, a riding or other division of a county having a separate court of quarter sessions, or for which a separate county treasurer may be appointed, shall be deemed to be a separate county.

Poor Law Amendments.

Power to alter wards for election of guardians in certain cases. 35 & 36 Vict. c. 79. 38 & 39 Vict. c. 55.

8. Any wards already formed or hereafter to be formed by the Local Government Board under the Public Health Act, 1872, or the Public Health Act, 1875, for the election of guardians of the poor, and the number of guardians to be elected for such wards respectively, may be altered from time to time by that Board as they may think fit.

Adjustment of liabilities in asylum district. 30 & 31 Vict. c. 6.

9. Where the Local Government Board, by order, under section six of the Metropolitan Poor Act, 1867, have altered, or shall hereafter alter, any district formed under that Act, they may ascertain the proportionate value of the property and the amount of the obligations of every parish or union affected by the change, and may fix the amount to be received, or paid, or secured to be paid by every such parish or union.

Provision for separate rate.

10. If, for the purpose of giving effect to any adjustment which the Local Government Board are authorised or required to make under the Poor Law Amendment Act, 1834, or the Acts amending the same, it is necessary that a separate rate should be levied on part of a parish only, the Board may in the order of adjustment direct such rate to be made, and the same shall be assessed, made, allowed, published, collected, and levied in the same manner and by the same persons as if it were a poor rate and extended to the whole parish.

Adjustment of liabilities not required in certain cases.

11. It shall not be incumbent on the Local Government Board to make an adjustment under the Poor Law Amendment Act, 1834, or the Acts amending the same, in any case where the circumstances appear to them to render such adjustment inexpedient or unnecessary.

Mode of consent by guardians and managers.

12. Where, under the Poor Law Amendment Act, 1834, or any of the Acts amending the same, the consent in writing of a majority of the guardians of a union or the managers of a school district is required it shall be deemed a sufficient compliance with such requirement if a resolution giving consent is passed at a meeting of the guardians or managers, of which meeting, and of the business to be transacted thereat, not less than fourteen days notice shall be given to each guardian or manager.

Extension of 25 & 26 Vict. c. 43. s. 1.

13. The guardians of any union who send any pauper child to a school certified under the Act of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter forty-three, may pay the reasonable expenses incurred in the maintenance, clothing,

A.D. 1882.

and education of such child whilst in such school to an amount not exceeding such rate of payment as may be sanctioned by the Local Government Board for pauper children sent to such school, anything contained in the said Act to the contrary notwithstanding.

Repeal of 20 Vict. c. 19. s. 2 and 4 & 5 Will. 4. c. 76. s. 18.

14. The following enactments are hereby repealed, viz.—

(1.) Section two of the Act of the twentieth year of the reign of Her present Majesty, chapter nineteen, relating to the appointment of overseers for extra-parochial places in certain cases;

(2.) So much of section eighteen of the Poor Law Amendment Act, 1834, as requires copies of the orders of the Poor Law Commissioners to be sealed or stamped with their seal; and

5 & 6 Will. 4. c. 69. 5 & 6 Vict. c. 18.

(3.) So much of section six of the Union and Parish Property Act, 1835, and of the schedule to that Act, and so much of section six of the Parish Property and Parish Debts Act, 1842, as relate to the transmission to the Poor Law Commissioners, and the approval, sealing, and registration by such Commissioners of deeds or other instruments, except as regards deeds or instruments executed prior to the date of this Act; and nothing in the said Acts, or in the Poor Law Amendment Act, 1834, or in the Union Loans Act, 1869, or the Acts amending or extending those Acts respectively, shall be deemed to require the approval or registration by the Local Government Board of any such deed or instrument as aforesaid, or of any lease or agreement for lease made or entered into under the authority of those Acts or any of them.

4 & 5 Will. 4. c. 76. 32 & 33 Vict. c. 45.

Provided that the guardians or managers, as the case may be, shall keep a register of the securities in respect of all sums borrowed by them, in such form and subject to such regulations as to inspection or otherwise as the Local Government Board may from time to time prescribe.

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Educational Endowments (Scotland) Act, 1882.

[45 & 46 VICT. CH. 59.]

ARRANGEMENT OF SECTIONS.

A.D. 1882.

Section.

1. Interpretation of terms.
2. Short title.
3. Commencement of Act.

Commissioners.

4. Appointment of Commissioners.
5. Powers of Commissioners.
6. Provisions where governing body wholly or partly consists of members of town council, &c.
7. Scope of Commission.

Endowments subject to Commission.

8. Act not to apply to certain endowments.
9. Date of oldest part of endowment to be date of endowment, unless conveniently separable.
10. Apportionment of mixed endowments.
11. Application to education of non-educational endowments.
12. Endowments for apprenticeship fees, maintenance, and clothing to be deemed educational.

Requisites of Schemes.

13. Vested interests.
14. Interests acquired after passing of Act.
15. Interests of particular classes to be kept in view.
16. Selection of beneficiaries.
17. Benefits to be extended to girls.
18. Tenure of office of teachers, &c.
19. Inspection and audit.
20. Provision for future alteration of schemes.

Procedure.

21. Preliminary inquiry.
22. Governing body may lodge draft scheme.

A.D. 1882.

Section.

23. Printing and publication of draft schemes.
24. Governing body may lodge objections.
25. As to framing of schemes.
26. Approval of Scotch Education Department to schemes.
27. Proceedings where scheme is remitted.
28. Quorum of Commissioners.
29. Quorum of governing body.
30. Special case to Court of Session on questions of law.
31. Deliverance of Court of Session final. Disposal of questions of expenses.
32. Scheme to be approved by Order in Council. When to be laid before Parliament.
33. Provision as to schemes for endowments under 100*l.* annual value.
34. Amendment of schemes.
35. Evidence of scheme.
36. Inquiry by assistant commissioner.
37. Power to cite witnesses, &c.
38. As to report of assistant commissioner.
39. Cost of publishing scheme, &c.

Miscellaneous.

40. Service of notices.
41. Service by post.
42. Signature and evidence of documents of the Scotch Education Department.
43. Annual reports.
44. Returns, &c. by governing body.
45. Inspection and audit where endowments regulated under former Acts.
46. Provision for default of governing body.
47. Duration of powers of making schemes.