more than two schools during each year for five preceding years whether consecutive or not.

2. This Act may be cited as the Elementary Education (School Attendance) Act (1893) Amendment Act, 1899, and shall be read with the Elementary Education Acts, 1870 to 1897. Short title and construction.

CHAPTER 14.

An Act to make better provision for Local Government in London. [13th July 1899.]

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:

Establishment of Metropolitan Boroughs.

1. The whole of the administrative county of London, exclusive of the City of London, shall be divided into metropolitan boroughs (in this Act referred to as boroughs), and for that purpose it shall be lawful for Her Majesty by Order in Council, subject to and in accordance with this Act, to form each of the areas mentioned in the First Schedule to this Act into a separate borough, subject, nevertheless, to such alteration of area as may be required to give effect to the provisions of this Act, and subject also to such adjustment of boundaries as may appear to Her Majesty in Council expedient for simplification or convenience of administration, and to establish and incorporate a council for each of the boroughs so formed. Establishment of metropolitan boroughs in London.

2.—(1.) The council of each borough shall consist of a mayor, aldermen, and councillors. Provided that no woman shall be eligible for any such office. Constitution of borough councils.

(2.) An Order in Council under this Act shall fix the number of councillors, and fix the number and boundaries of the wards, and shall assign the number of councillors to each ward, that number being divisible by three, and regard being had to the rateable value as well as to the population of the wards.

(3.) The number of aldermen shall be one-sixth of the number of councillors, and the total number of aldermen and councillors for each borough shall not exceed seventy.

(4.) Except as otherwise provided by or under this Act, the provisions of the Local Government Act, 1888, with respect to the chairman of the county council and the county aldermen respectively shall apply to the mayor and aldermen of a metropolitan borough respectively, and for this purpose references in that Act to the chairman of the county council and to county 51 & 52 Vict. c. 41.

aldermen shall be construed as references to the mayor and aldermen of the borough.

(5.) Except as otherwise provided by or under this Act, the law relating to the constitution, election and proceedings of administrative vestries, and to the electors and members thereof, shall apply in the case of the borough councils under this Act and the electors and councillors thereof, and section forty-six of the Local Government Act, 1894, relating to disqualifications shall apply to the offices of mayor and alderman.

56 & 57 Vict. c. 73.

(6.) The quorum of the borough council shall be one-third of the whole number of the council.

(7.) The mayor and an alderman of a metropolitan borough shall be required to accept office within the same period as is allowed in the case of a councillor.

(8.) The Local Government Board may, on request made by a borough council in pursuance of a resolution of the council passed by a majority of two-thirds of the members present and voting at a meeting of the council duly convened for the purpose, provided that such majority is not less than the majority of the whole council, make an order directing that the whole of the councillors shall retire together on the ordinary day of election in every third year, and may on like request rescind any such order.

Date for elections of councillors.

3.—(1.) The first elections of all borough councillors under this Act shall be held on the first day of November one thousand nine hundred, or on such later day, as soon as practicable thereafter, as may be fixed by the Lord President of the Council, who shall also fix a corresponding date for the first elections of mayor and aldermen.

(2.) The ordinary day of election of borough councillors shall be the first day of November, or if that day is Sunday, then the following day.

(3.) The ordinary day of election of the mayor and aldermen shall be the ninth day of November, or if that day is Sunday, then the following day

(4.) The revised lists of voters in each borough shall in each year after the year one thousand nine hundred be printed and signed before the twentieth day of October, and come into operation as the register for the purpose of borough elections on the first day of November.

Powers of Borough Councils.

Transfer to borough councils of powers from vestries and district boards.

4.—(1.) On the appointed day every elective vestry and district board in the county of London shall cease to exist, and, subject to the provisions of this Act and of any scheme made thereunder, their powers and duties, including those under any local Act, shall, as from the appointed day, be transferred to the council for the borough comprising the area within which those powers are exercised, and their property and liabilities shall be transferred to that council, and that council shall be their successors, and the clerk of the council shall be called the town clerk, and shall be

the town clerk within the meaning of the Acts relating to the registration of electors.

Provided that in the case of borrowing powers so transferred, if the London County Council refuse their sanction, or do not within six months after application made give their sanction, to a loan, or attach conditions to their sanction, an appeal shall lie to the Local Government Board, whose decision shall be final.

(2.) Where any of the adoptive Acts is adopted within a borough, the borough council shall be the authority for administering the Act; and where any such Act has been adopted before the appointed day, and is administered by commissioners or a board, a scheme under this Act shall abolish the commissioners or board, and transfer their powers, duties, property, and liabilities to the borough council.

(3.) The powers of a borough council shall, save as in this Act mentioned, extend to the whole of their borough.

Provided that any power or duty of the council under any Act, whether general or local, conferring powers in relation to some particular parish or district, or part of a parish or district, shall be exercised and performed by the council either throughout the borough or in a limited part thereof, or shall cease to be exercised and performed, as may be provided by a scheme under this Act, having regard to the object of the Act under which the power or duty arises, and to the nature of any change of area or alteration of boundary made by or under this Act.

(4.) Any of the adoptive Acts may be adopted in a metropolitan borough in like manner as in a borough outside London, and not otherwise, and where any of the adoptive Acts adopted before the appointed day does not extend to the whole borough, the Act may be adopted in the rest of the borough in like manner as if it were a separate borough and the borough council were the council thereof.

Transfer of powers from London County Council.

5.—(1.) As from the appointed day the powers and duties of the London County Council under the enactments mentioned in Part One of the Second Schedule to this Act shall, subject to the conditions mentioned in that schedule, be transferred to each borough council as respects their borough.

(2.) As from the appointed day the powers of the London County Council under the enactments mentioned in Part Two of the Second Schedule to this Act may, subject to the conditions mentioned in that schedule, be exercised also by each borough council as respects their borough.

(3.) The Local Government Board may, if they think fit, on the application of the London County Council and of the majority of the borough councils, make a Provisional Order for transferring to all the borough councils any power exerciseable by the County Council, or for transferring to the County Council any power exerciseable by the borough councils.

(4.) The Local Government Board may also, on the joint application of the London County Council and the Common Council of the City of London, make a Provisional Order transferring any

power from the County Council to the Common Council, or from the Common Council to the County Council.

Additional powers and duties of borough councils.

6.—(1.) As from the appointed day the power and duty of maintaining any main road existing at the passing of this Act within a borough shall be transferred to the borough council, and the road shall vest in the borough council and shall cease to be a main road.

(2.) Where a highway in a borough is repairable by the London County Council by reason of its being the roadway or footway of a bridge, embankment, or otherwise, the borough council shall, if so required by the county council, undertake the maintenance and repair thereof in consideration of such annual payment by the county council as may from time to time be agreed on, or in default of agreement be finally determined by the Local Government Board, and for the purpose of the undertaking the borough council shall have the same powers and be subject to the same duties and liabilities as if the highway were vested in them.

25 & 26 Vict. c. 102.

(3.) The power of a borough council to close or stop up a street under section eighty-four of the Metropolis Management Amendment Act, 1862, shall not require the sanction or allowance of the London County Council. Provided that before closing or stopping any such street the borough council shall give notice to the councils of any contiguous boroughs.

(4.) It shall be the duty of each borough council to enforce within their borough the byelaws and regulations for the time being in force with respect to dairies and milk, and with respect to slaughter-houses, knackers' yards, and offensive businesses, and for the purpose of performing this duty the borough council shall in all cases have the same powers of entry as they have in the case of slaughter-houses and knackers' yards, and if the council make default in performing this duty, the provisions of the Public Health (London) Act, 1891, shall apply as if the default were a default under that Act.

54 & 55 Vict. c. 76.

(5.) A borough council may, with the consent of the Local Government Board, alienate any land for the time being vested in the council, and the proceeds of the sale of any land sold by the council shall be applied in such manner as the Local Government Board sanction towards the discharge of any loan of the council or otherwise for any purpose for which capital may be applied by the council.

(6.) A borough council shall have the same powers of promoting and opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of their borough, as are conferred on borough councils outside London by the Borough Funds Act, 1872, and the provisions of that Act shall extend to the council of a metropolitan borough as if that council were included in the expression "governing body" and the borough were a district in that Act mentioned.

35 & 36 Vict. c. 91.

Expenses incidental to transfer of powers or duties.

7.—(1.) Where any power or duty is transferred from the London County Council to a borough council or from a borough council to the London County Council by or under this Act, the borough council or county council, as the case may be, shall defray as part of their ordinary expenses the expenses of and incidental to the power or duty, but the county council shall contribute to the borough council, or the borough council to the county council, in respect of those expenses, such amount, if any (whether capital or annual), and subject to such conditions, if any, as may—

(*a*) if the transfer is made by this Act, be agreed on between the councils within six months after the transfer, or in default of agreement be finally determined by the Local Government Board; and

(*b*) if the transfer is made by a Provisional Order, be fixed by the Order.

Provided that every borough council shall have an opportunity of making a representation to the Local Government Board as to the amount of any contribution under this section to another council, and if the amount is settled by agreement may, within three months from the date at which the agreement is notified to them, appeal against it to the Local Government Board, who may finally determine the amount.

(2.) Where the transfer is made by Provisional Order the amount of contribution from or to the county council may be varied in each case to meet the circumstances of the case.

(3.) This section shall apply as if the Common Council of the City of London were the council of a metropolitan borough.

Committees. 55 & 56 Vict. c. 53. 56 & 57 Vict. c. 11.

8.—(1.) Any committee appointed by a borough council for the purpose of the Public Libraries Acts, 1892 and 1893, may consist partly of persons not members of the council.

(2.) Every committee shall report their proceedings to the council, but, to the extent to which the council so direct, the acts and proceedings of the committee shall not require the approval of the council. Provided that a committee shall not raise money by loan or by rate, or spend any money beyond the sum allowed by the council.

(3.) Every borough council shall from time to time appoint a finance committee for regulating and controlling the finance of the council; and no order for payment of any sum, whether on account of capital or income, shall be made by a borough council except in pursuance of a resolution of the council passed on the recommendation of the finance committee; and any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee. The notice of the meeting at which any resolution for the payment of any sum by the borough council (otherwise than for ordinary periodical payments) or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or

liability, and the purpose for which they are to be paid or incurred. Provided that the foregoing provisions shall not apply to payments made in pursuance of a precept from another authority.

56 & 57 Vict. c. 73.

(4.) Section fifty-seven of the Local Government Act, 1894, which relates to joint committees, shall, with the substitution of the words Local Government Board for County Council therein, apply to borough councils as if they were district councils.

Payments to and by borough council.

9.—(1.) All payments to and by the borough council shall be made to and by the borough treasurer, and all payments by the council shall, unless made in pursuance of the specific requirement of an Act of Parliament, or of an order of a competent court, be made in pursuance of an order of the council signed by three members of the finance committee present at the meeting of the council, and countersigned by the town clerk, and the same order may include several payments. Moreover, all cheques for payment of moneys issued in pursuance of any such order shall be countersigned by the town clerk, or by a deputy approved by the council.

(2.) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs according to the judgment and discretion of the court.

Rates, Overseers, and Audit.

Levy of rates.

10.—(1.) A scheme under this Act shall provide for all the expenses of a borough council being paid out of the general rate, and for the discontinuance of a separate sewers rate and separate lighting rate, but shall make provision for protecting the interests of owners and occupiers of any hereditament which is exempt from any rate or liable to be assessed thereto at a less amount than other hereditaments.

(2.) After the appointed day the general rate and the poor rate shall be assessed, made, and levied together by the borough council as one rate, which shall be termed the general rate, and shall be assessed, made, collected, and levied, as if it were the poor rate, and all enactments applying or referring to the poor rate shall, subject to the provisions of this Act as to audit, be construed as applying or referring also to the general rate.

(3.) Where a borough comprises more than one parish, the amount to be raised to meet the expenses of the borough council, or other sums payable as part of those expenses, shall, subject to any provision required for the adjustment of local burdens, be divided between the parishes in proportion to their rateable value.

(4.) Where any of the adoptive Acts, or any local or other Act, does not extend to the whole borough, any rate required to meet the expenses incurred under the Act shall, subject to the provisions of any scheme under this Act, be levied together with, and as an additional item of, the general rate over the area to which the Act extends.

11.—(1.) After the appointed day the council of each borough shall be the overseers of every parish within their borough, and shall appoint such officers as may be required to assist in the transaction of the business, and shall defray the expenses of and incidental to the performance of the duties, of overseers. Provided that the town clerk of each borough shall have the powers and duties and be subject to the liabilities of overseers with respect to the preparation of lists of voters and of jury lists in the borough, and any document required to be signed by overseers may be signed by the town clerk. Provisions as to overseers and collection of rates.

(2.) After the appointed day every precept issued by any authority in London for the purpose of obtaining money which is ultimately to be raised out of a rate within a borough, other than a precept sent to guardians by the Local Government Board or by a body containing representatives elected by the guardians, shall be sent to the council at their office, addressed to the council or to the town clerk. Any such precept, if so sent and addressed, shall be deemed to be personally served on the council, and shall be executed by them. "Precept" in this section includes any order, certificate, warrant, or other document of a like character, and the Local Government Board may settle the form of any precept as so defined.

(3.) After the appointed day all the rates collected in a metropolitan borough from any person by the council shall, as far as is practicable, be levied on one demand note, and the demand note shall be in a form approved by the Local Government Board, and shall state in manner provided in that form—

(*a*) the rateable value of the premises in respect of which the rate is levied; and

(*b*) the rate in the pound; and

(*c*) the period for which the rate is made; and

(*d*) the several purposes for which the rate is levied; and

(*e*) the approximate amount in the pound required for each purpose (including, as far as is practicable, the proportionate amount of the estimated costs of and loss in collection); and

(*f*) any matter required by section two of the London (Equalisation of Rates) Act, 1894, or any other enactment, to be stated in the demand note. 57 & 58 Vict. c. 53.

12. As between landlord and tenant every tenant who, if this Act had not been passed, would have been entitled to deduct against or to be repaid by his landlord any sum paid by the tenant on account of the sewers rate, shall in like manner be entitled to deduct against or to be repaid by his landlord such portion of the general rate as represents the sewers rate. Incidence of sewers rate or its equivalent.

13. Where the whole of a poor law union is within one borough, the assessment committee shall, notwithstanding anything in section five of the Valuation (Metropolis) Act, 1869, be appointed by the borough council instead of by the board of guardians, and, where the borough comprises the whole of two or more unions, the council shall appoint only one assessment committee for those Assessment Committees. 32 & 33 Vict. c. 67.

unions, and where the council appoint the assessment committee the town clerk shall act as the clerk to that committee.

Audit of accounts.

14. After the appointed day the accounts of the council of every metropolitan borough, and of any committee appointed by the council, and of their officers, including the accounts relating to the making, levy, and collection of any rate made by the council, shall be made up and audited in like manner and subject to the same provisions as the accounts of the London County Council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply accordingly.

Orders and Schemes.

Appointment of Commissioners and preparation of Orders and schemes.

15.—(1.) It shall be lawful for Her Majesty in Council to refer to a Committee of the Privy Council the appointment of Commissioners to prepare such Orders and schemes as are required for carrying this Act into effect, and the Committee may settle the Orders and schemes so prepared, and may employ such persons as they may deem necessary for the purposes of this Act.

(2.) Before any Order in Council forming an area into a borough is made under this Act, the draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and if either of those Houses before the expiration of those thirty days presents an address to Her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft Order.

(3.) The Commissioners shall for the execution of their duties under this Act have the like powers as inspectors of the Local Government Board.

(4.) Any expenses incurred by the Committee under this Act shall, to the amount certified by the Treasury, be paid by the London County Council out of the county fund.

Provisions to be made by scheme.

16.—(1.) A scheme under this Act may make provision—

(*a*) for any matters which under this Act are to be regulated by scheme; and

(*b*) for any of the purposes, except police, for which a scheme may be made under Part Eleven of the Municipal Corporations Act, 1882, so far as those purposes are consistent with this Act; and

45 & 46 Vict. c. 50.

(*c*) for anything which may be done with respect to a parish by an order under section fifty-seven of the Local Government Act, 1888, or may be done under section thirty-three of the Local Government Act, 1894, so, however, that parishes in different unions shall not be united except with the approval of the Local Government Board; and

51 & 52 Vict. c. 41. 56 & 57 Vict. c. 73.

(*d*) for such adjustments as may be required for carrying into effect any of the provisions of this Act or for preventing any injustice with respect to the incidence of any rate or the discharge of any liability or otherwise, and in particular

for such adjustments as may be required for the efficient maintenance of any libraries, baths, or washhouses, which have been maintained under the provisions of any of the adoptive Acts; and

(*e*) for preserving, so far as may appear necessary or expedient, any right, power, exemption, or immunity heretofore exercised or enjoyed in respect of property belonging to or occupied by the Crown or any Government department; and

(*f*) for making such alterations in the boundaries of the electoral divisions for the purpose of school board elections as may be rendered necessary by any alteration in the area of the county of London; and

(*g*) for repealing or modifying any local Act other than the London Building Act, 1894; and 57 & 58 Vict. c. ccxiii.

(*h*) for carrying into effect this Act or any Order in Council made thereunder;

and may contain any incidental, consequential, or supplemental provisions, which may appear to be necessary or proper for the purposes of the scheme.

(2.) In making adjustments by a scheme under this section, regard shall be had to any composition, contribution, or exemption, whether statutory or otherwise, which has heretofore existed in regard to any portion of any area dealt with under the scheme.

(3.) The provisions of the Municipal Corporations Act, 1882, as amended by the School Boards Act, 1885, with respect to a scheme under Part Eleven of the first-mentioned Act, shall apply in the case of any scheme under this Act with the necessary modifications, and any governors or trustees of the poor or other similar body under a local Act shall be deemed, but the London County Council shall not be deemed, to be a local authority within the meaning of those provisions. There shall also be deemed to be local authorities within the meaning of the said provisions:— 45 & 46 Vict. c. 50. 48 & 49 Vict. c. 38.

(*a*) the mayor, commonalty, and citizens, and the Court of Aldermen of the City of London, so far as relates to any powers exerciseable by them or by officers appointed by them respectively within the ancient borough of Southwark; and

(*b*) the Dean and Chapter of the Collegiate Church of St. Peter, Westminster, so far as relates to any powers of local government exerciseable by them or their officers within the borough of Westminster, and the Court of Burgesses of the ancient city of Westminster.

(4.) Provided that notification in the London Gazette, and in such other manner as the Committee of Council may direct, of a draft scheme having been prepared or of a scheme having been settled, and of the place where copies of it can be inspected and obtained, shall be substituted for publication of the draft scheme or scheme in the London Gazette or in the manner required by the Seventh Schedule to the Municipal Corporations Act, 1882. 45 & 46 Vict. c. 50.

17.—(1.) Every part of the administrative county of London outside the City shall be situate in some borough and some parish, Rules as to boroughs and parishes.

and a parish shall not be situate in more than one borough, or partly in a borough and partly in the City.

(2.) An Order in Council under this Act may divide a parish or place into parts for the purpose of giving effect to this section or of constituting a satisfactory area for a borough, and, unless otherwise provided by the Order or by a scheme under this Act, each part shall be a separate parish.

Detached parts of parishes.

18.—(1.) Every part of a parish in London which is wholly detached from the principal part of the parish shall by an Order in Council under this Act be annexed to or divided between any of the boroughs which it adjoins, and be either constituted a separate parish or be annexed to or divided between any of the parishes which it adjoins, so however that the provisions of this Act with respect to a parish not being situate in more than one borough shall be observed.

Provided that if the Commissioners under this Act make a special report to Parliament that by reason of anything done under any of the adoptive Acts, or for any other exceptional reason, it is impracticable to deal with a detached part of a parish in manner required by the foregoing provisions of this section, those provisions shall not apply.

And further provided that the foregoing provisions of this section shall not apply to the hamlet of Knightsbridge.

(2.) Where the county of London surrounds a detached part of a parish in another county, the foregoing provisions shall apply, and the detached part shall for all purposes become part of the county of London and of the appropriate county electoral division.

(3.) Where a detached part so becomes part of the county of London, and is part of any urban district the remainder of which adjoins the county of London, the whole of the district may, by Order in Council, if it seems expedient after considering all the circumstances of the case, be added to and form for all purposes part of the county of London and of the appropriate borough.

(4.) Where a detached part of a parish in the county of London is wholly surrounded by any other county, the detached part shall for all purposes become part of that county, and where a detached part as aforesaid is surrounded by more than one county, that detached part shall become part of such county as shall be determined by Order in Council under this Act, and every such detached part shall, by Order in Council, be either constituted a separate parish or annexed to or divided between any parish or parishes which it adjoins, and be added to the appropriate county district and county electoral division.

(5.) Nothing in this section shall apply to the City of London.

(6.) The London County Council and the council of any adjoining county shall be entitled to be heard on any alteration or proposed alteration of the area of the county of London.

Application of Act to Woolwich.

19.—(1.) A scheme under this Act shall provide for placing Woolwich under the general law applying to metropolitan boroughs, and for the repeal of the application thereto of the provisions of the Public Health Acts and other enactments not applying to

London, and for the application thereto of the Metropolis Management Acts, 1855 to 1893, and other enactments applying to London.

(2.) Subject to the provisions of any such scheme, this Act shall apply to Woolwich in like manner as if the local board of health thereof were an administrative vestry.

(3.) Nothing in this Act shall prevent the council of any borough consisting of or comprising Woolwich from continuing to make any contribution for the purpose of technical education hitherto made by any local authority, or from exercising any existing powers of carrying on a market.

Special provision as to Penge.

20.—(1.) An Order in Council under this Act may either annex Penge to the borough of Lewisham or to the borough of Camberwell, or separate it from the county of London and make it form part of the county of Surrey or of the county of Kent, and if it is so separated shall provide for constituting it an urban district, or for adding it to an adjoining county borough or urban district, and if necessary shall determine the county electoral division to which it is to belong.

(2.) A scheme under this Act shall make such provision as may be necessary for the apportionment and transfer of property and liabilities, and for the repeal of the application to Penge of the Metropolis Management Acts, 1855 to 1893, and any other enactments applying to London, and for the application thereto of the Public Health Acts and other enactments not applying to London.

Provision as to Kensington Palace.

21. An Order in Council under this Act may detach Kensington Palace from the borough of Westminster and attach it to the borough of Kensington.

Provision as to the Temples.

22. The places known as the Inner and Middle Temples shall for the purposes of this Act be deemed to be within the city of London.

Supplemental.

Church affairs and charities.

23.—(1.) Nothing in this Act shall transfer to a borough council any powers or duties of a vestry which relate to the affairs of the Church or any interest of a vestry in any church property, or shall make any incumbent or churchwarden an ex-officio member of a borough council, and a scheme under this Act shall provide for vesting any such powers and duties in the inhabitants of some parish or ecclesiastical district, and for vesting any such interest in the incumbent and churchwardens or one or some of them, and for the collection of any rate connected with a church or an incumbent by the churchwardens, or by officers appointed for the purpose.

(2.) Provided that any building which belongs to any body whose powers and duties are transferred to any borough council by or under this Act, and which has been erected wholly or partly on a churchyard shall, with its appurtenances, be transferred to

and vest in the council, subject to such right of use for church purposes as may be given by the scheme.

(3.) As from the appointed day, the churchwardens of every parish within a metropolitan borough shall cease to be overseers, and references in any Act to the churchwardens and overseers of any such parish shall, except so far as those references relate to the affairs of the church, be construed as references to the council of the borough comprising the parish, and the legal interest in all property vested either in the overseers or churchwardens and overseers of any such parish (other than property connected with the affairs of the church or held for an ecclesiastical charity within the meaning of the Local Government Act, 1894), shall, subject to the provisions of any scheme under this Act, vest in the borough council.

56 & 57 Vict. c. 73.

(4.) Provision shall be made by scheme under this Act for substituting nominees of the borough council for overseers as trustees of any charity, due regard being had to the area benefited by the charity.

(5.) The Charity Commissioners shall, for the purposes of this Act, have the like powers with respect to charities, subject to the like appeal, as they have under and for the purposes of the Local Government Act, 1894.

(6.) Nothing in this Act shall affect the right to the benefit of any charity, or shall alter or confer any power of altering the defined charitable purposes (if any) to which any property is by law applicable at the passing of this Act.

Mayors of boroughs as justices of the peace.

24. With respect to a mayor of a borough being by virtue of his office a justice of the peace—

(1) he shall become a justice of the peace for the county of London;

(2) he shall not be disqualified by reason of being a solicitor practising or carrying on business in the county of London or city of London;

(3) he shall not practise as a solicitor before any justices of the county of London.

Deputy town clerk.

25. In case of the illness or absence of the town clerk, the borough council may appoint a deputy town clerk to hold office during their pleasure, and all things required or authorised by law to be done by or to the town clerk may be done by or to the deputy town clerk, and no defect in the appointment of a deputy shall invalidate his acts.

Alteration of wards.

26.—(1.) Whenever the Local Government Board is satisfied that a primâ facie case is made out for a proposal for the alteration of the number of wards of a metropolitan borough, or of the boundaries of any ward, or of the apportionment of the members of the council among the wards, the Local Government Board may cause such inquiry to be made and such notices to be given as they may think expedient; and if satisfied that the proposal is desirable, may make an order accordingly.

(2.) Notice of the provisions of the order shall be given, and copies thereof shall be supplied, in such manner as the Local Government Board may direct.

(3.) The expenses of and incidental to the making of the order shall be paid by the borough council.

Provisions as to names, first elections, &c.

27.—(1.) An Order in Council under this Act shall—

(*a*) give each of the metropolitan boroughs an appropriate name; and

(*b*) fix the days, years, and times for the retirement of the first aldermen and councillors; and

(*c*) give such directions as to the first meeting of the borough councils, and make such other temporary modifications of the provisions of this Act, as may appear to Her Majesty to be necessary or proper for making those provisions applicable in the case of the first constitution of a borough council,

(2.) An Order in Council under this Act may make such provisions as appear necessary for adapting the enactments relating to the registration of electors to the provisions of this Act with respect to the powers and duties of the town clerk and overseers, and in particular for applying, so far as appears necessary, the law regulating the registration of electors in a municipal borough outside London.

(3.) An Order in Council under this Act shall provide for the revised lists of voters in the administrative county of London outside the city being, in the year one thousand nine hundred, printed and signed before the twentieth day of October, and coming into operation as the register for the purpose of borough elections on the first day of November, and may provide for such adjustment of the lists of voters and registers with respect to any alteration under this Act of parish boundaries as may appear required for the purpose of those elections.

(4.) On the day on which the first borough councillors elected under this Act come into office, the persons who are then members of elective vestries or district boards, and the auditors and overseers of any place to be included in a borough, shall cease to hold office, and until that day the persons who are at the passing of this Act members of elective vestries and district boards, and auditors and overseers, shall continue in office as if the term of office for which they were elected or appointed expired on that day, and, except for the purpose of filling casual vacancies, no further election or appointment shall be held or made.

Provisional Orders and proceedings of Local Government Board. 38 & 39 Vict. c. 55.

28.—(1.) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875, shall apply to any Provisional Order made under this Act as if it were a Provisional Order made under that Act, except that the expenses incidental to the Provisional Order shall be defrayed by the councils concerned in such proportions as the Local Government Board may determine.

(2.) Sub-sections one and five of section eighty-seven of the Local Government Act, 1888, shall apply to any proceedings of the Local Government Board under or for the purposes of this Act.

51 & 52 Vict. c. 41.

(3.) Where the Local Government Board are authorised by this Act to determine any matter, it shall be at their option to determine the matter as arbitrators or otherwise, and, if they elect to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of matters under this Act.

31 & 32 Vict. c. 119.

Proceedings in case of doubts as to transfer of powers.

29. If any question arises, or is about to arise, as to whether any power, duty, or liability is or is not transferred by or under this Act to the council of any metropolitan borough, or any property is or is not vested in any such council, that question, without prejudice to any other mode of trying it, may, on the application of the council, be submitted for decision to the High Court in such summary manner as, subject to any rules of court, may be directed by the court; and the court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

Existing officers.

30.—(1.) Where the powers and duties of any authority are transferred by or under this Act to any borough council, the existing officers of that authority shall be transferred to and become the officers of that council. Any assistant overseers, rate collectors, and other officers employed in the performance of duties of overseers within a borough shall also be transferred to and become officers of the council for that borough. The council may abolish the office of any such officer whose office they may deem unnecessary; but any officer required to perform duties such as are not analogous, or which are an unreasonable addition to those which he is at present required to perform, may relinquish his office, and any officer so relinquishing his office, or whose office is abolished, shall be entitled to compensation under this Act.

56 & 57 Vict. c. 73.

(2.) Sub-sections four and seven of section eighty-one of the Local Government Act, 1894, shall apply to the existing officers affected by this Act as if references in those sub-sections to the district council were references to the borough council, and all expenses incurred by the borough council in pursuance of those sub-sections shall be paid out of the general rate: Provided that the borough council may, if it thinks fit, take into account continuous service under any authority or authorities to which this Act refers, in order to calculate the total period of service of any officer entitled to compensation under this Act.

(3.) For the purposes of this section "existing officers" shall mean officers holding office on the twenty-fourth day of February one thousand eight hundred and ninety-nine and also at the passing of this Act.

(4.) A scheme under this Act may make such provisions as may appear necessary for carrying this section into effect, and if necessary for determining the authority to whom any existing officer is to be transferred, and for applying the provisions of this section to any officer who suffers pecuniary loss by reason of anything in or done under this Act, although he is not transferred to a borough council, and although he is not an officer of an authority whose powers and duties are transferred by or under this Act, and for determining in any such case the fund out of which compensation is to be paid.

Construction of Acts and savings.

31.—(1.) Where any Act passed before the passing of this Act contains expressions referring to a borough, those expressions shall not be construed as referring to a metropolitan borough created by this Act unless applied thereto by or under the provisions of this Act or of any subsequent enactment.

(2.) Any enactment in any Act, whether general or local, referring to an authority whose powers or duties are transferred by or under this Act to a borough council shall be construed with the necessary modifications, including the substitution of the borough council for that authority and of the borough for the area of that authority.

(3.) Nothing in or done under this Act shall be construed as altering the limits of any parliamentary borough or parliamentary county.

(4.) Except so far as the areas of parishes and sanitary districts are altered by or under this Act, nothing in this Act shall affect the London (Equalisation of Rates) Act, 1894. 57 & 58 Vict. c. 53.

(5.) Nothing in this Act, or in any order or scheme under this Act, shall abridge, alter, or affect the powers, rights, duties, or jurisdiction of the School Board for London over the area which for the time being constitutes the administrative county of London.

Borough councils not to alienate open spaces.

32. Nothing in this Act shall authorise any borough council to alienate any recreation ground or other open space dedicated to the use of the public, or any land held on trusts which prohibit building thereon.

Appointed day and transitory provisions.

33.—(1.) For the purposes of this Act the appointed day shall be the day on which the members of the borough councils first elected under this Act come into office, or such other day not being more than six months earlier or later, as the Lord President of the Council may appoint, either generally, or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections, or for different boroughs.

(2.) Subject to the provisions of any scheme under this Act, and to such adaptations as may be made by Order in Council, sections eighty-five to eighty-eight of the Local Government Act, 1894 (which contain transitory provisions), shall apply in the case of boroughs and borough councils under this Act. 56 & 57 Vict. c. 73.

Definitions.

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

The expression "administrative vestry" means a vestry having the powers of a vestry elected for a parish specified in Schedule A. to the Metropolis Management Act, 1855; and the expression "elective vestry" means any vestry elected under the Metropolis Management Act, 1855:

18 & 19 Vict. c. 120.

The expression "rateable value" shall include the value of Government property upon which a contribution in lieu of rates is paid:

The expressions "powers," "duties," "property," "liabilities," and "powers, duties, and liabilities," have respectively the same meanings as in the Local Government Act, 1888:

51 & 52 Vict. c. 41.

The expression "adoptive Acts" means the Baths and Washhouses Acts, 1846 to 1896, the Burial Acts, 1852 to 1885, and the Public Libraries Acts, 1892 and 1893:

The expression "local Act" includes a provisional order confirmed by an Act, and the Act confirming the order; and the expression "enactment" includes a provision of any such order.

Short title and repeal.

35.—(1.) This Act may be cited as the London Government Act, 1899.

(2.) As from the appointed day the enactments mentioned in the Third Schedule to this Act shall be repealed to the extent in the third column of that schedule mentioned.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

AREAS WHICH ARE TO BE BOROUGHS.

The parishes of—

Battersea.	Islington.
Bethnal Green.	Kensington.
Camberwell.	Lambeth.
Chelsea.	Paddington.
Fulham.	St. Marylebone.
Hackney.	St. Pancras.
Hammersmith.	Shoreditch.
Hampstead.	

The area consisting of the parishes of Mile End Old Town and St. George's-in-the-East and the districts of the Limehouse and Whitechapel Boards of Works including the Tower of London and the liberties thereof.

The district of the Poplar Board of Works.

The district of the Wandsworth Board of Works.

The area consisting of the parishes of St. George the Martyr, Christchurch, Southwark, St. Saviour, Southwark, and Newington.

The area consisting of the parishes of Rotherhithe, Bermondsey, Horselydown, and St. Olave and St. Thomas, Southwark.

The area of the parliamentary division of Holborn.

The area consisting of the parliamentary divisions of East and Central Finsbury.

The area of the parliamentary borough of Deptford.

The area of the parliamentary borough of Greenwich.

The area of the parliamentary borough of Lewisham.

The area of the parliamentary borough of Woolwich.

The area of the ancient parliamentary borough of Westminster, comprising the parishes of St. Margaret and St. John, Westminster, the parish of St. George, Hanover Square, the parish of St. James, Westminster, the parish of St. Martin-in-the-Fields and the district of the Strand Board of Works, and including the Close of the Collegiate Church of St. Peter, Westminster, and the Liberty of the Rolls.

The area consisting of the parish of Stoke Newington and of the urban district of South Hornsey, or so much thereof as may be incorporated with the county of London under this Act.

SECOND SCHEDULE.

PART I.

Section 5 (1).

MINOR POWERS AND DUTIES TO BE TRANSFERRED FROM COUNTY COUNCIL.

Powers and Duties transferred.	Conditions of Transfer.
Power under section eighty-four of the London Building Act, 1894, to license the setting up of wooden structures, and power to take proceedings for default in obtaining or observing the conditions of a licence under that section.	
Power under section one hundred and thirty-four of the London Building Act, 1894, in relation to the removal of unauthorised sky signs.	Subject in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.
Powers under section one hundred and ninety-nine of the London Building Act, 1894, which section relates to the removal of obstructions in streets.	
Power under section twenty-eight of the Public Health (London) Act, 1891, of registering dairymen.	Subject to the power of the London County Council to make byelaws, and in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.

PART II.

Section 5 (2). POWERS OF COUNTY COUNCIL TO BE EXERCISED ALSO BY BOROUGH COUNCILS.

	Powers exerciseable.	Conditions of Exercise.
57 & 58 Vict. c. cexiii.	Power under section one hundred and seventy of the London Building Act, 1894, which section relates to the demolition of buildings in case of the conviction for an offence against the Act, or byelaws made under it.	The power to be exercised only where the borough council have obtained the conviction.
	Power to take proceedings in respect of timber or other articles piled, stacked, or stored in contravention of section one hundred and ninety-seven or section two hundred (11) (*h*) of the London Building Act, 1894.	The power to be exercised only within the borough.
34 & 35 Vict. c. 113.	Powers under sections seventeen to twenty-five of the Metropolis Water Act, 1871, with respect to regulations of water companies.	The power to be exercised only with respect to a water company supplying any part of the borough.
51 & 52 Vict. c. 25.	Power under section seven of the Railway and Canal Traffic Act, 1888, to make or appear in opposition to certain complaints.	
51 & 52 Vict. c. 41.	Powers under section sixty-five of the Local Government Act, 1888, which section relates to the acquisition of land.	The power to be exercised only where the land is required for the purpose of any of the powers or duties of the borough council.
53 & 54 Vict. c. 70.	Power to adopt Part III. of the Housing of the Working Classes Act, 1890.	The power to be exercised only within the borough.
45 & 46 Vict. c. 50. 51 & 52 Vict. c. 41.	Power to make byelaws under section twenty-three of the Municipal Corporations Act, 1882, as applied by section sixteen of the Local Government Act, 1888.	The byelaws to be in force only within the borough and not to be inconsistent with any byelaws made by the county council.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Section 35 (2).

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict. c. 18.	The Parliamentary Voters (Registration) Act, 1843.	In section fifty-six, the words "or to the town clerk of the borough of Southwark" and the words "and in regard to the borough of Southwark the high bailiff of the said borough."
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.	Sections two and three. Section five. Section seven. Section eight, from the beginning to "shall be elected and," and the words "with such other persons as herein-before mentioned." Sections eleven and twelve. Section twenty-eight to "every such meeting." Section twenty-nine. Section thirty-one to forty-two. Sections fifty-five and fifty-six. Sections fifty-seven, fifty-eight, sixty, sixty-one and sixty-six, so far as they relate to district boards and their districts, and section fifty-eight, from "Provided always" to the end of the section. Section ninety-one, from "save as regards" to "any of the said Acts; and." Section one hundred and fifty-four, from "may sell and dispose of any land" to "just; and any such board or vestry," except in so far as it applies to the Metropolitan Board of Works. Section one hundred and fifty-eight, from "but every such vestry." Sections one hundred and sixty-one to one hundred and sixty-five. Sections one hundred and sixty-six to one hundred and sixty-nine. Sections one hundred and seventy-two to one hundred and seventy-four.

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 120.—*cont.*	The Metropolis Management Act, 1855—*cont.*	Sections one hundred and seventy-five to one hundred and seventy-nine. Sections one hundred and ninety-two to one hundred and ninety-seven. In section one hundred and ninety-eight, the words "the said account in abstract" to "printed therewith," and the words "account in abstract, statement, and" wherever they occur. In section one hundred and ninety-nine, the words "according to the provisions of this Act." Section two hundred and thirty-seven, from "nor shall such parts" to "cleansing." Section two hundred and thirty-eight.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.	In section eight, the words "and the precepts for "obtaining payment of "moneys required by the "board for that purpose." Sections nine to twelve. Section fourteen. Section fifteen, so far as it relates to vestries and district boards. Section sixteen. Section thirty-seven, so far as it relates to district boards. Section thirty-eight. Section forty. Section forty-one. In section fifty-six, the words "out of the sewers rate to "be levied in their parish "or district." In section eighty-four, the words "with the previous "sanction of the Metropolitan Board of Works" and the words "allowed by "the Metropolitan Board." The forms of precept in Schedule C.
48 & 49 Vict. c. 23.	The Redistribution of Seats Act, 1885.	In section twelve the words "and also the town clerk "for the new borough "within the meaning of "the Registration Acts."

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	Sections one hundred and two and one hundred and forty, and the Second Schedule.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	Section twenty-two.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section thirty-one, the words "the local board of Woolwich and"; the words "and the auditors for "parishes elected under "those Acts, and so far as "respects the qualification "of persons to be elected "as if members of the "district boards under the "said Acts," and the words "and no person shall ex "officio be chairman of "any of the said vestries"; and sub-section (2). At the end of section forty-six, the words "and in the "case of London auditors "as if they were members "of a district council." In section forty-eight, sub-section (4), the words "and "of members of the local "board of Woolwich"; and in sub-section (5), the words "local board or" and "or auditor."
56 & 57 Vict. c. ccxxi.	The London County Council (General Powers) Act, 1893.	Section fifteen.
58 & 59 Vict. c. cxxvii.	The London County Council (General Powers) Act, 1895.	Section forty-two.

CHAPTER 15.

An Act to amend the provisions of the Metropolis Management Acts with respect to Byelaws.

[1st August 1899.]

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.

1. This Act may for all purposes be cited as the Metropolis Management Acts Amendment (Byelaws) Act, 1899.