Offences under section twenty-eight of the Road Traffic Act, 1930. 20 & 21 Geo. 5. c. 43.

Aiding or abetting the commission of any offence herebefore specified in this Schedule; and attempting to commit any such offence, other than an offence under section eight, section twenty-seven or section thirty-eight of the Malicious Damage Act, 1861.

CHAPTER 51.

An Act to consolidate with amendments the enactments relating to authorities for the purposes of local government in England and Wales exclusive (except in relation to certain matters) of London. [17th November 1933.]

BE it enacted by the King'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:—

PART I.—CONSTITUTION AND ELECTIONS.

LOCAL GOVERNMENT AREAS.

Division into administrative areas.

1.—(1) For the purposes of local government, England and Wales (exclusive of London) shall be divided into administrative counties and county boroughs, and administrative counties shall be divided into county districts, being either non-county boroughs, urban districts or rural districts, and county boroughs and county districts shall consist of one or more parishes.

(2) Subject to any alteration of boundaries or the constitution of new authorities which may take effect after the passing of this Act—

(*a*) the administrative counties shall be the administrative counties which are named in Part I of the First Schedule to this Act;

PART I. —*cont.*

(*b*) the county boroughs shall be the boroughs which are named in Part II of the First Schedule to this Act;

(*c*) the non-county boroughs shall be the boroughs which are named in Part III of the First Schedule to this Act;

(*d*) the urban districts shall be the urban districts other than boroughs existing at the passing of this Act;

(*e*) the rural districts shall be the rural districts existing at the passing of this Act; and

(*f*) the parishes shall be the urban parishes which at the passing of this Act are comprised in boroughs or urban districts, and the rural parishes which at the passing of this Act are comprised in rural districts.

(3) Every county borough shall, with respect to the functions which the council of the borough discharge, form a separate administrative area.

ADMINISTRATIVE COUNTIES.

Constitution of County Councils.

Establishment of county councils.

2.—(1) For every administrative county there shall be a county council consisting of the chairman, county aldermen and county councillors, and the council shall have all such functions as are vested in the county council by this Act or otherwise.

(2) The county council shall be a body corporate by the name of the county council with the addition of the name of the administrative county, and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

Chairman and Vice-Chairman of County Council.

Chairman of county council.

3.—(1) The chairman of a county council shall be elected annually by the county council from among the county aldermen or county councillors or persons qualified to be county aldermen or county councillors.

PART I. —*cont.*

(2) The chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(3) During his term of office, the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of county councillors at the end of three years.

(4) The county council may pay to the chairman such remuneration as they think reasonable.

(5) The chairman shall, by virtue of his office, be a justice of the peace for the county, but before acting as such justice he shall take the oaths required by law to be taken by a justice of the peace for the county, unless he is, at the date on which he becomes entitled to act as chairman, a justice of the peace for the county and has taken the oaths required by law to be taken to enable him to act as a justice of the peace for the county.

Election of chairman.

4.—(1) The election of the chairman shall be the first business transacted at the annual meeting of the county council.

(2) An outgoing county alderman shall not, as alderman, vote at the election of a chairman.

(3) In the case of an equality of votes, the person presiding at the meeting, whether or not entitled to vote in the first instance, shall have a casting vote.

Vice-chairman.

5.—(1) A county council shall appoint a member of the council to be vice-chairman of the council.

(2) The vice-chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of county councillors at the end of three years.

(3) Subject to any standing orders made by the county council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman, except that he shall not, as vice-chairman, act as a justice of the peace.

PART I. —*cont.*

County Aldermen.

County aldermen.

6.—(1) The county aldermen shall be elected by the county council from among the county councillors or persons qualified to be county councillors.

(2) The number of county aldermen shall be one-third of the whole number of county councillors or, if that number is not divisible by three, one-third of the highest number below that number which is divisible by three:

Provided that, if at the commencement of this Act the number of county aldermen for any county exceeds the number permitted by this section, the number of such county aldermen shall not be reduced until the ordinary election of county aldermen held next or next but one after the commencement of this Act, as the Secretary of State may direct.

(3) If a county councillor is elected to and accepts the office of county alderman, his office of county councillor shall thereupon become vacant.

(4) In every third year, being the year in which county councillors are elected, one half as near as may be of the whole number of county aldermen, being those who have been county aldermen for the longest time without re-election, shall retire immediately after the election of the new county aldermen, and their places shall be filled by the newly elected county aldermen who shall come into office on that day.

Election of county aldermen

7.—(1) The ordinary election of county aldermen shall be held in every third year, being the year in which county councillors are elected, at the annual meeting of the county council, and shall take place immediately after the election of the chairman.

(2) A county alderman shall not, as such, vote at the election of a county alderman.

(3) Every person entitled to vote may vote for any number of persons, not exceeding the number of vacancies to be filled, by signing and delivering at the meeting to the person presiding thereat a voting paper containing the full names and places of residence and descriptions of the persons for whom he votes.

PART I. —*cont.*

(4) The person presiding at the meeting, as soon as all the voting papers have been delivered to him, shall openly produce and read them or cause them to be read, and then deliver them to the clerk of the county council to be kept for six months.

(5) In the case of an equality of votes, the person presiding at the meeting, whether or not entitled to vote in the first instance, shall have a casting vote.

(6) As many persons as there are vacancies to be filled, being the persons who have the greatest number of votes, shall be declared by the person presiding at the meeting to be elected.

County Councillors.

Term of office, retirement, &c. of county councillors.

8.—(1) The county councillors shall be elected by the local government electors for the county in manner provided by this Act.

(2) The term of office of county councillors shall be three years, and they shall retire together in every third year, on the eighth day of March, and their places shall be filled by the newly-elected councillors, who shall come into office on that day.

Day of election of county councillors.

9. The ordinary day of election of county councillors shall be such day, not being earlier than the first day and not later than the eighth day of March, as the county council may, not later than the preceding twenty-fifth day of January, fix for that purpose, and, if no date is so fixed, shall be the eighth day of March.

Election of County Councillors.

Division of county into electoral divisions.

10. For the purpose of the election of county councillors, every county shall be divided into electoral divisions, each returning one councillor, and there shall be a separate election for each electoral division.

Alteration of electoral divisions.

11.—(1) A county council may at any time, either on the receipt of proposals from the council of a county district or without any such proposals, make a representation to the Secretary of State for the alteration of the boundaries of any electoral division of the county, or of the number of county councillors and the number of electoral divisions of the county.

PART I. —*cont.*

(2) Where the council of a county district have made proposals to the county council under the preceding subsection and are aggrieved by the refusal or neglect of the county council to make a representation to the Secretary of State, the council of the county district may themselves make a representation to the Secretary of State as to all or any of the matters referred to in their proposals.

(3) As soon as a representation has been made under this section, the council making the representation shall—

(*a*) in the case of a representation relating only to the alteration of the boundaries of electoral divisions, send a copy thereof to the council of every county district wholly or in part comprised in any of the electoral divisions proposed to be altered, and, if the representation is made by the council of a county district, to the county council; and

(*b*) in every other case, send a copy thereof to the council of every county district wholly or in part comprised in the county and, if the representation is made by the council of a county district, to the county council.

(4) The council making the representation shall forthwith publish in one or more local newspapers circulating in the county a notice stating that the representation has been made and that a copy thereof is open to inspection at a specified place within the county, and that petitions with respect thereto may be made to the Secretary of State within six weeks after the publication of the notice.

(5) Where any such representation has been made, the Secretary of State shall, unless for special reasons he considers that the representation ought not to be entertained, direct a local inquiry to be held, and may either—

(*a*) make such order as he may think fit altering the boundaries of any electoral division, or altering the number of county councillors and the boundaries and numbers of the electoral divisions; or

(*b*) refuse to make an order:

PART I. —*cont.*

Provided that an order may be made under this subsection without a local inquiry being held—

(i) if within six weeks after the publication of the notice referred to in subsection (4) of this section, a petition against the representation has not been received by the Secretary of State from any local authority in or for the county, or from at least one hundred or one-sixth of the local government electors for any electoral division of the county, whichever number is the smaller; or

(ii) if all petitions so received have been withdrawn.

(6) In the constitution of electoral divisions the following directions shall, so far as is reasonably practicable, be observed—

(*a*) The divisions shall be arranged with a view to the population of each division being approximately equal, subject to due regard being had to area, to a proper representation both of the rural and of the urban population, to the distribution and pursuits of the population, to the last published census for the time being, and to evidence of any considerable change of population since that census;

(*b*) Every division shall consist of one or more county districts or wards, or shall be comprised in one county district or ward;

(*c*) Whenever a rural district is divided into two or more electoral divisions, every division shall consist of one or more parishes.

Persons entitled to vote.

12.—(1) The persons entitled to vote at an election of a county councillor shall be the persons entitled, by virtue of the provisions of the Representation of the People Acts, to vote at that election.

(2) No person shall give more than one vote at an election of a county councillor.

Polling districts.

13. The county council may divide an electoral division into polling districts, and may alter any polling district.

Appointment of returning officer, &c.

14.—(1) The county council shall appoint a person to be the county returning officer, and if at an election of a county councillor the office of county returning officer is vacant, or the county returning officer is for

PART I. —*cont.*

any reason unable to act, the chairman of the county council shall forthwith appoint another person to be the county returning officer at that election.

(2) At an election of a county councillor for an electoral division which is not co-extensive with or wholly comprised in a borough, the county returning officer shall be the returning officer, and may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to such election may be discharged by a deputy so appointed.

(3) At an election of a county councillor for an electoral division which is co-extensive with or wholly comprised in a borough, the mayor of the borough or some person appointed by him shall be the returning officer, or if the office of mayor is vacant, or the mayor is for any reason unable to act and has failed to appoint a person to act in his place, the deputy mayor, or if there is no deputy mayor, or the deputy mayor is for any reason unable to act, such alderman of the borough as the council of the borough may choose for that purpose, shall be the returning officer.

(4) A mayor or other person acting as returning officer under the provisions of this section shall, as respects the election at which he is so acting, follow the instructions of the county returning officer.

Conduct of county council elections.

15. Subject to the provisions of this Part of this Act, an election of a county councillor shall be conducted in accordance with the provisions of the Second Schedule to this Act.

Expenses of county council elections.

16.—(1) All expenses properly incurred in relation to the holding of an election of a county councillor, not exceeding such scale as may be fixed by the county council, so far as the scale is applicable, shall be paid by the county council.

(2) Before a poll is taken at an election of a county councillor, the county council shall, at the request of a returning officer, advance to him such sum, not exceeding ten pounds for every thousand electors at the election, as he may require.

BOROUGHS. PART I. —*cont.*

Constitution.

Name of corporations and constitution of councils of boroughs

17.—(1) The municipal corporation of a borough shall be capable of acting by the council of the borough and shall—

(*a*) in the case of a borough being a city, the mayor of which is entitled to bear the title of lord mayor, bear the name of the lord mayor, aldermen and citizens of the city;

(*b*) in the case of any other borough being a city, bear the name of the mayor, aldermen and citizens of the city; and

(*c*) in the case of any other borough, bear the name of the mayor, aldermen and burgesses of the borough.

(2) The council of a borough shall consist of the mayor, aldermen and councillors and shall exercise all such functions as are vested in the municipal corporation of the borough or in the council of the borough by this Act or otherwise.

(3) The municipal corporation of a borough shall have power to hold land for the purposes of their constitution without licence in mortmain.

The Mayor.

Qualification, term of office, salary, precedence, and powers of mayor.

18.—(1) The mayor shall be elected annually by the council of the borough from among the aldermen or councillors of the borough or persons qualified to be aldermen or councillors of the borough.

(2) The term of office of the mayor shall be one year, but he shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor becomes entitled to act as mayor.

(3) During his term of office, the mayor shall continue to be a member of the council, notwithstanding the provisions of this Act relating to the retirement of councillors of a borough at the end of three years.

(4) The council may pay to the mayor such remuneration as they think reasonable.

PART I. —*cont.*

(5) The mayor shall have precedence in all places in the borough:

Provided that nothing in this subsection shall prejudicially affect His Majesty's royal prerogative.

(6) Save as otherwise expressly provided in this Act, nothing in this Act shall affect any functions of the mayor existing immediately before the commencement of this Act.

(7) The mayor shall, by virtue of his office, be a justice of the peace for the borough and shall, unless he ceases to be qualified or becomes disqualified for being mayor, continue to be such a justice during the year next after he ceases to be mayor, but before acting as such justice he shall take the oaths required by law to be taken by a justice of the peace for the borough unless he is, at the date on which he becomes entitled to act as mayor, a justice of the peace for the borough and has taken the oaths required by law to be taken to enable him to act as a justice of the peace for the borough.

(8) The mayor of a non-county borough, shall, in addition, during his term of office be a justice of the peace for the county in which the borough is situate, but before acting as such justice he shall take the oaths required by law to be taken by a justice of the peace for the county unless he is, at the date on which he becomes entitled to act as mayor, a justice of the peace for the county and has taken the oaths required by law to be taken to enable him to act as a justice of the peace for the county.

(9) The mayor, if present, shall be entitled to preside at all meetings of justices of the peace held in the borough:

Provided that the mayor shall not, by virtue of this subsection, be entitled to preside at meetings of justices of the peace acting in and for the county in which the borough is situate except when acting in relation to the business of the borough, or at meetings when any stipendiary magistrate having jurisdiction in the borough is engaged in administering justice.

(10) The mayor shall not be required to make the declaration required to be made by a justice of the peace for a borough under section one hundred and fifty-seven of the Municipal Corporations Act, 1882.

45 & 46 Vict. c. 50.

PART I. —*cont.*

Election of mayor.

19.—(1) The election of the mayor shall be the first business transacted at the annual meeting of the council.

(2) An outgoing alderman shall not, as alderman, vote at the election of the mayor.

(3) In the case of an equality of votes, the person presiding at the meeting, whether or not entitled to vote in the first instance, shall have a casting vote.

Power of mayor to appoint deputy.

20.—(1) The mayor may appoint an alderman or councillor of the borough to be deputy mayor, and the person so appointed shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until a newly elected mayor becomes entitled to act as mayor.

(2) The appointment of a deputy mayor shall be signified to the council in writing and be recorded in the minutes of the council.

(3) The deputy mayor may, if for any reason the mayor is unable to act, or the office of mayor is vacant, discharge all functions which the mayor as such might discharge, except that he shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so, and shall not, as deputy mayor, act as a justice of the peace.

Aldermen.

Number, qualification, term of office and retirement of aldermen

21.—(1) The aldermen of a borough shall be elected by the council of the borough from among the councillors or persons qualified to be councillors of the borough.

(2) The number of aldermen shall be one-third of the whole number of councillors.

(3) If a councillor is elected to, and accepts the office of, alderman of the borough, his office of councillor shall thereupon become vacant.

(4) The term of office of an alderman of a borough shall be six years, and one half, as near as may be, of the whole number of aldermen, being those who have been aldermen for the longest time without re-election, shall retire in every third year immediately after the election of the new aldermen, and their places shall be filled by the newly elected aldermen who shall come into office on that day.

PART I. —*cont.*

Time and mode of election of aldermen.

22.—(1) The ordinary election of aldermen shall be held in every third year at the annual meeting of the council, and shall take place immediately after the election of the mayor, or, if there is a sheriff, after the appointment of the sheriff.

(2) An alderman shall not, as such, vote at the election of an alderman of the borough.

(3) Every person entitled to vote may vote for any number of persons, not exceeding the number of vacancies to be filled, by signing and delivering at the meeting to the person presiding thereat a voting paper containing the full names and places of residence and descriptions of the persons for whom he votes.

(4) The person presiding at the meeting, as soon as all the voting papers have been delivered to him, shall openly produce and read them, or cause them to be read, and then deliver them to the town clerk to be kept for six months.

(5) In the case of an equality of votes the person presiding at the meeting, whether or not entitled to vote in the first instance, shall have a casting vote.

(6) As many persons as there are vacancies to be filled, being the persons who have the greatest number of votes, shall be declared by the person presiding at the meeting to be elected.

Councillors.

Term of office of councillors, day of election, &c.

23.—(1) The councillors of a borough shall be elected by the local government electors for the borough in manner provided by this Act.

(2) The term of office of the councillors of a borough shall be three years, and one third of the whole number of councillors of the borough or of each ward thereof, as the case may be, being those who have been councillors for the longest time without re-election, shall retire in every year on the first day of November and their places shall be filled by the newly elected councillors who shall come into office on that day.

(3) The ordinary day of election of councillors shall be the first day of November.

Election of Councillors.

PART I. —*cont.*

Borough and ward elections.

24.—(1) Where a borough is not divided into wards, there shall be one election of councillors for the whole borough.

(2) Where a borough is divided into wards, there shall be a separate election of councillors for each ward.

Division of borough into wards or alteration of number of councillors, wards or boundaries.

25.—(1) The council of a borough may, upon a resolution passed by a majority of the whole number of the members of the council, present to His Majesty a petition praying for any one or more of the following things—

(*a*) the division of the borough into wards;

(*b*) an alteration of the number and of the boundaries of the wards;

(*c*) an alteration of the boundaries of the wards;

(*d*) an alteration of the number of councillors of the borough;

(*e*) the holding of a fresh election of councillors or of aldermen and councillors following upon any such division or alteration.

A petition presented under this section shall be accompanied by a detailed statement prepared by the council of proposals intended to give effect to the prayer contained in the petition, and a notice stating that the petition has been presented and that a copy of the petition and of the proposals accompanying it are open to inspection at a specified place within the borough shall be published in one or more local newspapers circulating in the borough.

(2) Where a petition is presented under this section by the council of a borough not divided into wards, praying only for an alteration of the number of councillors, His Majesty may, by Order in Council, alter the number of councillors of the borough as from such date as may be specified in the Order.

(3) Where a petition, other than such a petition as is in the preceding subsection mentioned, is presented under this section, the petition shall, unless it appears to His Majesty in Council that the petition ought not to be entertained, stand referred to the Secretary of State, and the Secretary of State shall appoint a

PART I. —*cont.*

commissioner to prepare a scheme, and the commissioner shall hold such local inquiries for that purpose as he may consider necessary.

(4) The scheme shall contain provisions giving such effect to the prayer contained in the petition as the commissioner may, after holding any necessary local inquiries, think proper and shall fix the number of councillors to be elected for each ward, and where the scheme does not provide for the holding of a fresh election of councillors, the following provisions shall have effect—

(*a*) in the case of a division of a borough into wards, the existing councillors shall be apportioned among the wards;

(*b*) in the case of an alteration of wards, the existing councillors shall, so far as is reasonably practicable, be apportioned among the wards so as to provide for their continuing to represent as large a number as possible of their former constituents; and

(*c*) in either case, an existing councillor shall hold his office in the ward to which he is assigned for the same time that he would have held it had the borough remained undivided or the wards unaltered.

(5) The number of councillors assigned by the scheme to each ward shall be a number divisible by three; and in fixing their number the commissioner shall, as far as he deems it practicable, have regard to the number of local government electors for the ward and to the net annual value of the land in the ward as at the last preceding thirty-first day of March.

(6) The commissioner shall send the scheme prepared by him to the Secretary of State to be submitted to His Majesty in Council and shall at the same time send a copy of the scheme to the town clerk.

(7) His Majesty may by Order in Council approve the scheme so submitted, either with or without modifications, or may reject the scheme.

(8) If a scheme is so approved, the council shall publish in the London Gazette and in one or more local newspapers circulating in the borough a notice stating that the scheme has been approved and that a copy

thereof is open to inspection at a specified place within the borough, and the scheme shall come into operation on such date as may be specified in the Order approving the scheme. PART I. —*cont.*

(9) Any Order in Council or scheme made under this section may contain such incidental, consequential or supplemental provisions as appear to be necessary or proper for bringing the Order or scheme into operation and giving full effect thereto.

Persons entitled to vote.

26.—(1) The persons entitled to vote at an election of councillors of a borough shall be the persons entitled, by virtue of the provisions of the Representation of the People Acts, to vote at that election.

(2) Every elector may give one vote and no more for each candidate:

Provided that the total number of votes which he may give shall not exceed the number of councillors to be elected.

Polling districts.

27. The council of a borough may divide the borough or any ward thereof into polling districts, and may alter any polling district.

Appointment of returning officer, &c.

28.—(1) At an election of councillors of a borough not divided into wards the mayor shall be the returning officer:

Provided that, if the office of mayor is vacant, or for any reason the mayor is unable to act, the deputy mayor, or if there is no deputy mayor, or the deputy mayor is for any reason unable to act, such alderman of the borough as the council may choose for that purpose, shall be the returning officer.

(2) At an election of councillors for a ward, an alderman of the borough assigned for that purpose by the council at the annual meeting shall be the returning officer, but if the number of aldermen in office at that time is less than the number of wards, then there shall be assigned to the ward or each of the wards for which no alderman is available a councillor, not being a councillor or local government elector for the ward, and he shall be the returning officer:

Provided that, if the alderman or councillor so assigned dies or is for any reason unable to act, the mayor may appoint another alderman, or if the number

PART I. —*cont.*

of aldermen able to act is less than the number of wards, a councillor, not being a councillor or local government elector for that ward, to be the returning officer.

(3) Where a borough is divided into wards, the returning officer at the first election for each ward held after the division shall, notwithstanding anything in this section, be the mayor or a person appointed by the mayor.

Conduct of elections of councillors of a borough.

29. Subject to the provisions of this Act, an election of councillors of a borough shall be conducted in accordance with the provisions of the Second Schedule to this Act.

Expenses of elections of councillors.

30. All expenses properly incurred by the mayor, returning officer or town clerk in relation to the holding of an election of councillors of a borough, shall be paid by the council of the borough.

URBAN AND RURAL DISTRICTS.

Constitution of District Councils.

Urban district councils.

31.—(1) For every urban district there shall be an urban district council consisting of the chairman and councillors, and the council shall have all such functions as are vested in the urban district council by this Act or otherwise.

(2) The urban district council shall be a body corporate by the name of the urban district council with the addition of the name of the urban district, and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

Rural district councils.

32.—(1) Subject to the provisions of this Act, for every rural district there shall be a rural district council consisting of the chairman and councillors, and the council shall have all such functions as are vested in the rural district council by this Act or otherwise.

(2) The rural district council shall be a body corporate by the name of the rural district council with the addition of the name of the rural district, and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

Chairman and Vice-Chairman of District Council. PART I. —*cont.*

Chairman of district council.

33.—(1) The chairman of a district council shall be elected annually by the council from among the councillors or persons qualified to be councillors of the district.

(2) The election of the chairman shall be the first business transacted at the annual meeting of the council.

(3) The chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(4) During his term of office the chairman shall continue to be a member of the council, notwithstanding the provisions of this Act relating to the retirement of district councillors at the end of three years.

(5) The chairman shall, by virtue of his office, be a justice of the peace for the county or for each county in which the district is wholly or in part situate, but before acting as a justice of the peace for a county, he shall take the oaths required by law to be taken by a justice of the peace for that county unless he is, at the date on which he becomes entitled to act as chairman, a justice of the peace for that county and has taken the oaths required by law to be taken to enable him to act as a justice of the peace for that county.

Vice-chairman.

34.—(1) A district council may appoint a member of the council to be vice-chairman of the council, and the vice-chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council, and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of district councillors at the end of three years.

(2) Subject to any standing orders made by the district council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman, except that he shall not, as vice-chairman, act as a justice of the peace.

PART I. —*cont.*

District Councillors.

Number and term of office of district councillors.

35.—(1) The councillors of an urban district shall be called "urban district councillors" and the councillors of a rural district shall be called "rural district councillors."

(2) The councillors for each urban or rural district shall be elected by the local government electors for the district in manner provided by this Act.

(3) The term of office of district councillors shall be three years, and one-third, as near as may be, of the whole number of councillors of the district or, in the case of an urban district divided into wards, of each ward, being those who have been district councillors for the longest time without re-election, shall retire in every year on the fifteenth day of April, and their places shall be filled by the newly elected councillors who shall come into office on that day:

Provided that, where a county council, on request made by a resolution of a district council, passed by not less than two-thirds of the members voting on the resolution, consider that it would be expedient to provide for the simultaneous retirement of the whole of the members of that district council, they may by order give directions to that effect, and where an order giving such directions as aforesaid has been made, whether before or after the commencement of this Act, the members of that district council shall retire together in every third year on the fifteenth day of April.

(4) Where any such order has been made with respect to the simultaneous retirement of district councillors, the county council may, on the like request, by order rescind such first-mentioned order, and the rescinding order shall provide for all matters necessary or proper for giving effect thereto and, in particular, shall require all the councillors of the district in office at the date thereof to retire on the fifteenth day of April next following that date, and their places to be filled by the newly-elected councillors.

(5) A county council may, for the purpose of regulating the retirement of rural district councillors, in cases where they retire by thirds, and in order that, as

near as may be, one third of the councillors of the rural district shall retire in each year, direct in which year or years of each triennial period the councillors for each electoral area in the district shall retire. PART I. —*cont.*

Election of District Councillors.

Urban district and ward elections.

36.—(1) Where an urban district is not divided into wards, there shall be one election of councillors for the whole district.

(2) Where an urban district is divided into wards, there shall be a separate election of councillors for each ward.

Division of urban district into wards.

37.—(1) Where a county council consider, either on receipt of proposals from the council of the urban district or without any such proposals, that a primâ facie case exists as respects any urban district in the county for—

(*a*) the division of the district into wards; or

(*b*) an alteration of the number and of the boundaries of wards; or

(*c*) an alteration of the boundaries of wards; or

(*d*) an alteration of the number of councillors; or

(*e*) an alteration of the apportionment of the councillors among the wards,

the county council may cause a local inquiry to be held.

(2) The county council shall cause such notice as may be prescribed by the Secretary of State of the local inquiry and of the matters to be considered thereat to be given both in the district and to the Secretary of State, and to the Minister, and to such other Government Departments as may be prescribed as aforesaid, and if, after holding the local inquiry, the county council are satisfied that any such division or alteration is desirable, they may prepare a draft order for the purpose of giving effect thereto and, in the case of a division of a district into wards or an alteration of the number or boundaries of wards or of the number of councillors, for apportioning, if necessary, the existing councillors among the wards.

(3) The county council shall publish in one or more local newspapers circulating in the district a notice stating that the draft order has been prepared and

PART I. —*cont.*

that a copy thereof is open to inspection at a specified place within the district, and that representations with respect thereto may be made to them within six weeks after the publication of the notice.

(4) On the expiration of six weeks from the date of the publication of the said notice, and upon consideration of any representations made thereon, the county council may make an order giving effect, with or without modification, to the proposed division or alteration, and to any apportionment of councillors, as from such date as may be fixed by the order.

(5) If proposals under this section have been made to the county council by the council of an urban district, and the county council refuse or neglect to hold a local inquiry or to make an order under this section, the council who made the proposals may apply to the Secretary of State, and the Secretary of State may, after giving the county council an opportunity of making representations, make any such order as the county council might have made.

Election of rural district councillors.

38.—(1) Rural district councillors shall be elected for the several areas into which the district is divided for the purpose of the election of rural district councillors, being either parishes, or combinations of parishes, or wards of parishes.

(2) A county council may by order fix or alter the number of rural district councillors to be elected for the several rural parishes within the county, and for those purposes may—

(*a*) divide a parish into wards and determine the number of councillors to be elected for each ward, and alter the boundaries of the wards; or

(*b*) combine a parish with any adjoining parish or parishes in the same rural district:

Provided that a parish shall not be combined under this section with another parish having a larger population if the population of the first mentioned parish exceeds three hundred, and the net annual value of the land in that parish as at the last preceding thirty-first day of March exceeds the average net annual value of the land in the parishes of the district at that date.

PART I. —*cont.*

(3) Where a rural parish is not divided into wards or combined with one or more other parishes for the purpose of the election of rural district councillors, there shall be a separate election of district councillors for the parish.

(4) Where a rural parish is combined with one or more other parishes for the purpose of the election of rural district councillors, there shall be a separate election of district councillors for the combined parishes.

(5) Where a rural parish is divided into wards for the purpose of the election of rural district councillors, there shall be a separate election of district councillors for each ward.

Persons entitled to vote.

39.—(1) The persons entitled to vote at an election of district councillors shall be the persons entitled, by virtue of the provisions of the Representation of the People Acts, to vote at that election.

(2) Every elector may give one vote and no more for each candidate:

Provided that the total number of votes which he may give shall not exceed the number of councillors to be elected.

District election rules.

40.—(1) An election of district councillors shall, subject to the provisions of this Part of this Act, be conducted in accordance with rules (in this Part of this Act referred to as "district election rules") made by the Secretary of State, which shall provide among other things—

(*a*) for the appointment of a returning officer for the election;

(*b*) for fixing, or enabling the county council to fix, the day of the poll and the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening;

(*c*) for the polls at elections of rural district councillors and of parish councillors being, so far as practicable, taken together where the elections are held on the same date and for the same area.

PART I. —*cont.*

(2) At every election regulated by district election rules the poll shall be taken by ballot, and Part IV of the Municipal Corporations Act, 1882, the Municipal Elections (Corrupt and Illegal Practices) Act, 1884 (other than the provisions referred to in section thirty-seven of that Act), the Municipal Corporations (Corrupt and Illegal Practices) Act, 1911, and the provisions of the Second Schedule to this Act shall, subject to such adaptations, alterations and exceptions as may be made by the district election rules, apply in like manner as in the case of an election of councillors of a borough.

47 & 48 Vict. c. 70.
1 & 2 Geo. 5. c. 7.

(3) Except in so far as provision is otherwise made by the district election rules in cases where the polls at elections of rural district councillors and parish councillors are taken together, the district council shall pay all expenses properly incurred in relation to the holding of an election of district councillors, not exceeding such scale as may be fixed by the county council so far as the scale is applicable.

(4) Rules made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Special Provisions as to Rural Districts.

Provision where district is situate in more than one county.

41.—(1) Where a rural district is not wholly situate in one county, the power conferred on county councils by this Part of this Act of regulating the retirement of rural district councillors and of fixing or altering the number of rural district councillors shall be exercised by a joint committee of the county councils concerned, but if either of those councils fail, within two months after request from the other of them, to appoint members of the said joint committee, the members of the committee actually appointed shall act as the joint committee.

(2) Where an order is made under this section, and within six weeks after the making thereof an objection is taken thereto by either of the county councils concerned, the order shall be of no effect until confirmed by the Minister.

PART I. —*cont.*

Appointment of councillors by Minister, &c.

42.—(1) Where the number of councillors of a rural district is less than five, the Minister may from time to time by order nominate as members of the district council such number of persons as may be necessary to make up the number of councillors to five.

(2) Where by virtue of subsection (5) of section twenty-four of the Local Government Act, 1894, part of a rural sanitary district became a separate rural district and the number of councillors for that district is less than five, and by virtue of a direction of the Local Government Board or the Minister the affairs of the district were, immediately before the commencement of this Act, being temporarily administered by the council of an adjoining district in another county, the councillors of the district whose affairs were being temporarily administered as aforesaid shall be entitled, so far as regards those affairs, to sit and act as members of that district council, but a separate account shall be kept of receipts and expenses in respect of the district, and those receipts and expenses shall be credited and charged separately to the district.

56 & 57 Vict. c. 73.

RURAL PARISHES.

Constitution of Parish Meetings and Parish Councils.

Parish meetings and councils.

43.—(1) For every rural parish there shall be a parish meeting, and, subject to the provisions of this Act, for every rural parish or group of parishes having a parish council immediately before the commencement of this Act there shall continue to be a parish council.

(2) If a rural parish has not a separate parish council, the county council shall by order establish a parish council for that parish—

(*a*) if the population of the parish is three hundred or upwards; or

(*b*) if, in the case of a parish having a population of two hundred or upwards but under three hundred, the parish meeting of the parish so resolve,

and the county council may, in the case of a parish having a population of less than two hundred, by order establish a parish council for that parish if the parish meeting so resolve.

PART I. —*cont.*

(3) Where a rural parish is co-extensive with a rural district, then, unless the county council otherwise direct, a parish council shall not be elected for that parish, and the rural district council shall, in addition to their own functions, have the functions of, and be deemed to be, the parish council.

(4) An order establishing a parish council for a rural parish shall make such provision as appears to the county council to be necessary for the election of a parish council in manner provided by this Part of this Act.

(5) An order establishing a parish council for a parish included in a grouping order, as hereinafter defined, shall make such provision as appears to the county council to be necessary for separating the parish from the group, and for the alteration or dissolution of the parish council of the group.

Power to dissolve parish councils in small parishes.

44.—(1) Where the population of a rural parish having a separate parish council is less than two hundred, the parish meeting may petition the county council for the dissolution of the parish council, and thereupon the county council may by order dissolve the parish council, and from such date as may be specified in the order this Act shall apply to that parish as to a parish not having a separate parish council.

(2) Where a petition for an order under this section is rejected, another petition for the same purpose may not be presented within two years from the presentation of the previous petition.

Orders for grouping parishes, dissolving groups, and separating a parish from a group.

45.—(1) The parish meeting of a rural parish may apply to the county council for an order grouping the parish with some neighbouring parish or parishes in the same county under a common parish council, and the county council may thereupon make an order (in this Act referred to as "a grouping order") accordingly:

Provided that—

(*a*) no parish shall be so grouped without the consent of the parish meeting of that parish; and

(*b*) unless the county council for special reasons otherwise direct, the grouped parishes shall be within the same rural district.

PART I. —*cont.*

(2) A grouping order shall make the necessary provisions—

(*a*) for the name of the group;

(*b*) for there being a parish meeting for each of the parishes included in the group;

(*c*) for the election, in manner provided by this Part of this Act and any rules made thereunder, of separate representatives on the parish council for each parish;

(*d*) for the application to the parishes included in the group of any provisions of the Local Government Act, 1894, with respect to the appointment of trustees and to beneficiaries of a parochial charity, and of any provisions of this Act with respect to the custody of parish documents, so as to preserve the separate rights of each parish,

and the order may provide for the consent of the parish meeting of a parish being required to any particular act of the parish council, and for any other necessary adaptations of this Act to the group of parishes, or to the parish meetings of the parishes in the group.

(3) The county council may, on the application of the council of a group of parishes or of the parish meeting of any parish included in a group of parishes, make an order dissolving the group, and an order so made shall make such provision as appears to the county council to be necessary for the election of a parish council or councils for any parish or parishes in the group.

In this subsection a reference to a group of parishes includes a reference to a group of parishes formed by an order made before the commencement of this Act.

Provisions as to orders.

46. An order made by a county council under any of the last three preceding sections may contain such incidental, consequential and supplemental provisions as appear to the county council to be necessary or proper for bringing the order into operation and giving full effect thereto, including provisions for the transfer and compensation of officers and for the adjustment of property, rights, and liabilities as between parishes and groups of parishes, and upon such order

PART I. —*cont.*

being made the provisions of Part VI of this Act with respect to the transfer and compensation of officers and with respect to financial adjustments between public bodies affected by an order shall apply as if the order was an order made under that Part of this Act.

Constitution and powers of parish meeting, &c.

47.—(1) The parish meeting of a rural parish shall consist of the local government electors for the parish.

(2) Any act of a parish meeting may be signified by an instrument under the hands, or, if an instrument under seal is required, under the hands and seals, of the person presiding at the meeting and two other local government electors present thereat, and any instrument purporting to have been so executed shall, until the contrary is proved, be deemed to have been so executed.

(3) In a rural parish not having a separate parish council the chairman of the parish meeting and the councillor or councillors for the time being representing the parish on the rural district council shall be a body corporate by the name of "the representative body" with the addition of the name of the parish, or, if there is any doubt as to the latter name, of such name as the county council after consultation with the parish meeting of the parish direct, and shall have perpetual succession and power to hold land for the purposes of the parish without licence in mortmain:

Provided that, if the parish is represented on the rural district council by one councillor only, and that councillor is also the chairman of the parish meeting, the rural district council shall appoint a local government elector for the parish to be a member of the representative body of the parish, and the person so appointed shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office as such member until the expiration of a term of four years, or until the offices of rural district councillor representing the parish and chairman of the parish meeting cease to be held by the same person, whichever first occurs.

(4) The representative body of a rural parish shall in all respects act in manner directed by the parish meeting, and any act of that body may be signified by an instrument under the hands, or, if an instrument under seal is required, under the hands and seals, of the members thereof, and any instrument purporting to

have been so executed shall, until the contrary is proved, be deemed to have been so executed. PART I. —*cont.*

Constitution and powers of parish council.

48.—(1) A parish council shall consist of the chairman and parish councillors, and shall have all such functions as are vested in the council by this Act or otherwise.

(2) The parish council shall be a body corporate by the name of the parish council with the addition of the name of the parish or, if there is any doubt as to the latter name, of such name as the county council after consultation with the parish meeting of the parish direct, and shall have perpetual succession and power to hold land for the purposes of their constitution without licence in mortmain.

(3) Any act of a parish council may be signified by an instrument under the hands, or, if an instrument under seal is required, under the hands and seals, of two members of the council, and any instrument purporting to have been so executed shall, until the contrary is proved, be deemed to have been so executed.

Chairman and Vice-Chairman of Parish Council or Meeting.

Chairman and vice-chairman of parish council or meeting.

49.—(1) The chairman of a parish council shall be elected annually by the council from among the councillors or persons qualified to be councillors of the parish.

(2) The election of the chairman shall be the first business transacted at the annual meeting of the council.

(3) The chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor is elected.

(4) During his term of office the chairman shall continue to be a member of the council, notwithstanding the provisions of this Act relating to the retirement of parish councillors at the end of three years.

(5) The parish council may appoint a member of the council to be vice-chairman of the council.

(6) The vice-chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during

PART I. —*cont.*

that time shall continue to be a member of the council, notwithstanding the provisions of this Act relating to the retirement of parish councillors at the end of three years.

(7) Subject to any standing orders made by the parish council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

(8) In a rural parish not having a separate parish council, the parish meeting shall, subject to any provisions of a grouping order, at their annual assembly choose a chairman for the year who shall continue in office until his successor is elected.

Parish Councillors.

Number and term of office of parish councillors.

50.—(1) The number of parish councillors for each parish, or group of parishes, shall be such number, not being less than five nor more than fifteen, as may be fixed from time to time by the county council.

(2) The term of office of parish councillors shall be three years, and they shall retire together on the fifteenth day of April in the year nineteen hundred and thirty-seven, and on the fifteenth day of April in every third year thereafter, and their places shall be filled by the newly elected councillors who shall come into office on that day.

Election of Parish Councillors.

Election of parish councillors.

51.—(1) Subject to the provisions of Part II of this Act, parish councillors shall be elected at a parish meeting, or at a poll consequent thereon:

Provided that a county council may, at the request of the parish council or parish meeting of a parish, by order direct that the parish councillors for that parish, or, if the parish is divided into parish wards, for the wards of that parish, shall cease to be elected at a parish meeting and shall be elected by means of nomination and, if necessary, a poll.

(2) An order made under this section may be revoked by the county council on application made by the parish council or parish meeting of the parish.

PART I. —*cont.*

Wards for election of parish councillors.

52.—(1) If a county council, on receipt of proposals made by the parish council of, or by not less than one-tenth of the local government electors for, a parish, are satisfied—

(*a*) that the area or population of the parish is so large, or different parts of the population are so situate, as to make a single election of parish councillors impracticable or inconvenient; or

(*b*) that it is desirable for any reason that certain parts of the parish should be separately represented on the parish council,

the county council may by order divide the parish for the purpose of the election of parish councillors into wards, to be called parish wards, and fix the boundaries of, and the number of parish councillors to be elected for, each parish ward.

(2) In the division of a parish into parish wards regard shall be had to—

(*a*) the population of the parish according to the last published census for the time being;

(*b*) the evidence of any considerable change of population since that census;

(*c*) the area of the parish;

(*d*) the distribution and pursuits of the population; and

(*e*) all the other circumstances of the case.

(3) An order made under this section may be revoked or varied by the county council on application made by the parish council of, or by not less than one-tenth of the local government electors for, the parish.

(4) Where a parish is not divided into parish wards, there shall be one election of parish councillors for the whole parish.

(5) Where a parish is divided into parish wards, there shall be a separate election of parish councillors for each ward.

Persons entitled to vote.

53.—(1) The persons entitled to vote at an election of parish councillors shall be the persons entitled by virtue of the Representation of the People Acts to vote at that election.

PART I. —*cont.*

(2) Every elector may give one vote and no more for each candidate:

Provided that the total number of votes which he may give shall not exceed the number of councillors to be elected.

Parish election rules.

54.—(1) An election of parish councillors shall, subject to the provisions of this Part of this Act, be conducted in accordance with rules (in this Part of this Act referred to as "parish election rules") made by the Secretary of State, which shall provide among other things—

(*a*) for the appointment of a returning officer for the election;

(*b*) for fixing, or enabling the county council to fix, the day of election and the day of the poll and the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening;

(*c*) for the polls at elections of rural district councillors and of parish councillors being, so far as practicable, taken together where the elections are held on the same date and for the same area.

(2) At every election regulated by parish election rules the poll shall be taken by ballot, and Part IV of the Municipal Corporations Act, 1882, the Municipal Elections (Corrupt and Illegal Practices) Act, 1884 (other than the provisions referred to in section thirty-seven of that Act), the Municipal Corporations (Corrupt and Illegal Practices) Act, 1911, and the provisions of the Second Schedule to this Act shall, subject to such adaptations, alterations and exceptions as may be made by the parish election rules, apply in like manner as in the case of an election of councillors of a borough.

(3) Except in so far as provision is otherwise made by the parish election rules in cases where the polls at elections of rural district councillors and of parish councillors are taken together, the parish council shall pay all expenses properly incurred in relation to the holding of an election of parish councillors, not exceeding such scale as may be fixed by the county council so far as the scale is applicable.

(4) Rules made under this section shall be laid before each House of Parliament as soon as may be after they are made. PART I. —*cont.*

Omission to hold election, &c.

55.—(1) If any difficulty arises with respect to an election of parish councillors or of an individual parish councillor, or to the first meeting of a parish council after an ordinary election of such councillors, or if, from an election not being held, or being defective, or otherwise, a parish council have not been properly constituted, the county council may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of such election or meeting, and properly constituting the council, and may, if it appears to them necessary, direct the holding of an election or meeting, and fix the dates for any such election or meeting.

(2) If a parish council become unable to act, whether from failure to elect or otherwise, the county council may order a new election to be held, and may by order make such provision as seems expedient for authorizing any person to act temporarily in the place of the parish council and of the chairman thereof.

(3) An order made under this section may modify the provisions of this Act, and the enactments applied by, or parish election rules made under, this Act, so far as may appear to the county council necessary or expedient for carrying the order into effect.

ORDERS UNDER PART I.

Orders under Part I.

56. A copy of every order made under this Part of this Act by a county council shall be sent to the Secretary of State and to the Minister.

PART II.

GENERAL PROVISIONS AS TO MEMBERS AND MEETINGS OF LOCAL AUTHORITIES AND ELECTIONS.

Qualifications for Office.

Qualifications for election and holding office as member of local authority.

57. A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be elected and to be a member of a local authority if he is of full age and a British subject, and—

(*a*) he is a local government elector for the area of the local authority; or

PART II. —*cont.*

(*b*) he owns freehold or leasehold land within the area of the local authority; or

(*c*) he has during the whole of the twelve months preceding the day of election resided in the area of the local authority; or,

(*d*) in the case of a member of a parish council, he has either during the whole of the twelve months preceding the day of election or since the twenty-fifth day of March in the year preceding the year of election resided either in the parish or within three miles thereof.

Re-election.

58. A person ceasing to hold any office to which he is elected under this Act, shall, unless he is not qualified or is disqualified, be eligible for re-election.

Disqualifications for Office.

Disqualifications for office as member of local authority.

59.—(1) Subject to the provisions of this section, a person shall be disqualified for being elected or being a member of a local authority if he—

(*a*) holds any paid office or other place of profit (other than that of mayor, chairman or sheriff) in the gift or disposal of the local authority or of any committee thereof; or

(*b*) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or

(*c*) has within twelve months before the day of election or since his election received poor relief; or

(*d*) has within five years before the day of election or since his election been surcharged to an amount exceeding five hundred pounds by a district auditor; or

(*e*) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and ordered to be imprisoned for a period of not less than three months without the option of a fine; or

PART II. —*cont.*

(*f*) is disqualified for being elected or for being a member of that authority under any enactment relating to corrupt or illegal practices; or

(*g*) in the case of the council of a borough, is an elective auditor of the borough; or

(*h*) in the case of the council of a county or county borough, is a paid officer engaged in the administration of the laws relating to the relief of the poor or, having been such a paid officer, has been dismissed from his office within five years before the day of election under the provisions of any enactment relating to the relief of the poor:

Provided that—

(i) a person shall not be disqualified for being elected or being a member of a county council by reason only of his holding the office of county returning officer for that county, unless he has, directly or indirectly, by himself or his partner, received any profit or remuneration in respect of that office;

(ii) the disqualification attaching to a person by reason of his having been adjudged bankrupt shall cease,—

(*a*) if the bankruptcy is annulled either on the ground that he ought not to have been adjudged bankrupt, or that his debts have been paid in full, on the date of the annulment; or

(*b*) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, on the date of his discharge; or

(*c*) in any other case, on the expiration of five years from the date of his discharge;

(iii) the disqualification attaching to a person by reason of his having made a composition or arrangement with his creditors shall cease,—

(*a*) if he pays his debts in full, on the date on which the payment is completed; or

PART II. —*cont.*

(*b*) in any other case, on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled;

(iv) a person shall not be deemed to have received poor relief within the meaning of paragraph (*c*) of this subsection by reason only that he, or a member of his family, has received medical or surgical treatment, or been an inmate of an institution for the purpose of receiving such treatment, or received relief which could have been granted under the Blind Persons Act, 1920;

10 & 11 Geo. 5. c. 49.

(v) for the purposes of paragraphs (*d*) and (*e*) of this subsection, the ordinary date on which the period allowed for making an appeal or application with respect to the surcharge or conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof, shall be deemed to be the date of the surcharge or conviction, as the case may be.

(2) A paid officer of a local authority who is employed under the direction of a committee or sub-committee of the authority, any member of which is appointed on the nomination of some other local authority, shall be disqualified for being elected or being a member of that other local authority.

(3) The recorder of a borough shall be disqualified for being elected or being a member of the council of the borough.

(4) A coroner for a county or a borough, or the deputy of such a coroner, shall be disqualified for being elected or being a member of the council of that county or borough.

(5) Teachers in a school maintained but not provided by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school provided by the authority.

PART II. —*cont.*

Validity of acts done by unqualified person.

60. The acts and proceedings of any person elected to an office under this Act and acting in that office, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Acceptance of Office.

Declaration of acceptance of office.

61.—(1) A person elected after the commencement of this Act to any of the following offices, that is to say, the office of—

(*a*) chairman of a county council, county alderman, or county councillor; or

(*b*) mayor, alderman, or councillor of a borough; or

(*c*) chairman of a district council or district councillor,

shall not, unless he has made a declaration of acceptance of office in a form prescribed by the Secretary of State, and the declaration has within two months from the day of the election been delivered to the clerk of the authority, act in the office except for the purpose of taking such a declaration.

(2) If such declaration is not made and delivered to the clerk of the authority within the appointed time, the office of the person elected shall at the expiration of that time become vacant.

(3) The declaration shall be made before either—

(*a*) two members of the council to which the declarant is elected; or

(*b*) the clerk of the authority; or

(*c*) a justice of the peace or magistrate at any place within His Majesty's dominions; or

(*d*) a commissioner appointed to administer oaths in the Supreme Court; or

(*e*) a British consular officer.

(4) A person elected after the commencement of this Act to the office of chairman of a parish council or parish councillor shall, in the case of the chairman, at the meeting at which he is elected and, in the case of a councillor, at the first meeting of the parish council after his election, or in either case if the council at that meeting so permit at a later meeting fixed by the council, make in the presence of a member of the council

PART II. —*cont.*

and deliver to the council a declaration of acceptance of office in a form prescribed by the Secretary of State, and if he fails so to do his office shall thereupon become vacant.

(5) Any person before whom a declaration is authorised to be made under this section may take the declaration.

Vacation of Office.

Resignation.

62. A person elected to any office under this Act may at any time resign his office by writing signed by him (in this Act referred to as the "notice of resignation") and delivered—

(*a*) in the case of a member of a county council, to the clerk of the county council;

(*b*) in the case of a person elected to a corporate office in a borough, to the town clerk;

(*c*) in the case of a member of a district council, to the clerk of the council;

(*d*) in the case of a parish councillor, to the chairman of the parish council; and

(*e*) in the case of a chairman of a parish council or of a parish meeting, to the parish council or parish meeting, as the case may be,

and his resignation shall take effect upon the receipt of the notice of resignation by the person or body to whom it is required to be delivered.

Vacation of office by failure to attend meetings, &c.

63.—(1) If a member of a local authority fails throughout a period of six consecutive months to attend any meeting of the local authority, he shall, unless the failure was due to some reason approved by the local authority, cease to be a member of the authority:

Provided that—

(*a*) attendance as a member at a meeting of any committee or sub-committee of the local authority, or at a meeting of any joint committee, joint board or other body to which any of the functions of the local authority have been delegated or transferred, shall be deemed for the purposes of this subsection to be attendance at a meeting of the local authority;

(*b*) a member of any branch of His Majesty's naval, military or air forces when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of His Majesty in connection with war or any emergency is such as, in the opinion of the Minister, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of failure to attend meetings of the local authority if the failure is due to that employment;

(*c*) in relation to a member of a county council or of the council of a borough, the said period of six consecutive months must be a period of six consecutive months commencing on or after the date of the commencement of this Act.

(2) If the mayor of a borough is continuously absent from the borough, except in case of illness, for a period exceeding two months, he shall as from the expiration of that period cease to hold that office.

Declaration by local authority of vacancy in office in certain cases.

64. Where a member of a local authority—

(*a*) ceases to be qualified to be a member of the authority; or

(*b*) becomes disqualified for being a member of the authority for any reason other than by reason of a surcharge, or of a conviction, or of a breach of any enactment relating to corrupt or illegal practices; or

(*c*) ceases to be a member of the authority or to hold the office of mayor of a borough by reason of failure to attend meetings of the local authority or by reason of absence from the borough, as the case may be,

the local authority shall, except in any case in which a declaration has been made by the High Court under this Part of this Act, forthwith declare his office to be vacant and signify the vacancy by notice signed by the clerk of the authority and affixed to the offices of the authority.

PART II. —*cont.*

Casual Vacancies.

Date of casual vacancies.

65. For the purpose of filling a casual vacancy in any office for which an election is held under this Act, the date on which the vacancy shall be deemed to have occurred shall be—

(*a*) in the case of non-acceptance of office by any person who is required to make and deliver a declaration of acceptance of office, upon the expiration of the period appointed under this Part of this Act for the delivery of the declaration;

(*b*) in the case of resignation, upon the receipt of the notice of resignation by the person or body to whom the notice is required to be delivered;

(*c*) in the case of death, upon the date of death;

(*d*) in the case of a disqualification by reason of a surcharge or conviction, upon the expiration of the ordinary period allowed for making an appeal or application with respect to the surcharge or conviction or, if an appeal or application is made, upon the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;

(*e*) in the case of an election being declared void on an election petition, upon the date of the report or certificate of the election court;

(*f*) in the case of a person ceasing to be qualified to be a member of a local authority, or becoming disqualified for any reason other than those mentioned in the foregoing paragraphs of this section, or ceasing to be a member of a local authority by reason of failure to attend meetings, or ceasing to hold the office of mayor of a borough by reason of absence from the borough, upon the date on which his office is declared to have been vacated either by the High Court or by the council, as the case may be; and

(*g*) in the case of a county councillor accepting the office of county alderman or of a councillor of a borough accepting the office of alderman of the borough, upon the date on which he accepts that office.

PART II. —*cont.*

Filling of casual vacancy in case of chairman, mayor or alderman.

66.—(1) On a casual vacancy occurring in the office of chairman of a county council or county alderman, or of mayor or alderman of a borough, or of chairman of a district council or parish council, an election to fill the vacancy shall be held not later than the next ordinary meeting of the council held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the council, and shall be conducted in the same manner as an ordinary election.

(2) Where the office vacant is that of chairman of a county council, or of mayor, or of chairman of a district council or parish council, a meeting of the council for the election may be convened by the clerk of the authority.

(3) In a rural parish not having a separate parish council, a casual vacancy in the office of chairman of the parish meeting shall be filled by the parish meeting, and a parish meeting shall forthwith be convened for the purpose of filling the vacancy.

Filling of casual vacancies in case of councillors.

67.—(1) Subject to the provisions of this section, on a casual vacancy occurring in the office of county councillor, councillor of a borough, or district councillor, an election to fill the vacancy shall be held—

(*a*) in a case in which the High Court or the council have declared the office to be vacant, within thirty days from the date of the declaration; and

(*b*) in any other case within thirty days after notice in writing of the vacancy has been given to the clerk of the authority by two local government electors for the county, borough, or district;

and shall be conducted in the same manner as an ordinary election, or, in the case of an election of a district councillor, in the manner prescribed by the district election rules.

(2) The day of election to fill a casual vacancy shall be fixed, in the case of an election of a county councillor by the county returning officer, in the case of an election of a councillor of a borough by the mayor, and in the case of an election of a district councillor by the clerk of the district council.

PART II. —*cont.*

(3) Where a casual vacancy occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs, an election under this section shall not be held to fill the vacancy, but the vacancy shall be filled at the next ordinary election:

Provided that if upon a vacancy, or a number of simultaneous vacancies, so occurring the total number of unfilled vacancies in the membership of the council exceeds one third of the whole number of members, this subsection shall not apply to that vacancy or to those vacancies.

(4) Where more than one casual vacancy in the office of councillor of a borough, or of an urban or rural district in which the council retire by thirds, is filled at the same election, the person elected by the smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have first retired, and the person elected by the next smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have next retired, and so with respect to the others; and if there has not been a contested election, or if any doubt arises, the order of retirement shall be determined by lot.

(5) Where an election to fill one or more casual vacancies in the office of councillor of a borough, or of an urban or rural district in which the council retire by thirds, is combined with an ordinary election of councillors, the following provisions shall apply—

(*a*) where the election is contested—

(i) the persons who are elected by the smallest number of votes shall be deemed elected to fill the casual vacancies;

(ii) in the case of an equality of votes between the persons who are elected by the smallest number of votes, the persons who shall be deemed elected to fill the casual vacancies shall be determined by lot;

(iii) if the persons elected to fill the casual vacancies will hold office for different periods, the person elected by the smallest number of votes, or, if the votes are equal, such person as is determined by lot, shall hold office for the shorter period;

PART II. —*cont.*

(*b*) where the election is not contested, the persons who shall be deemed to be elected to fill the casual vacancies shall be determined by lot.

(6) A casual vacancy among parish councillors shall be filled by the parish council, and the council shall forthwith be convened for the purpose of filling the vacancy.

(7) Where under this section any question is required to be determined by lot, the lots shall be drawn at the next practicable meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

Term of office of persons filling casual vacancies.

68. A person elected under this Act to fill a casual vacancy shall hold office until the date upon which the person in whose place he is elected would regularly have retired, and he shall then retire.

Miscellaneous Provisions as to Elections.

Right of certain candidates to the use of schoolrooms at elections.

69.—(1) A candidate at an election of a county councillor, councillor of a borough, district councillor, or parish councillor shall be entitled, for the purpose of holding public meetings in furtherance of his candidature, to the use, without payment and at all reasonable times during the period commencing on the day on which notice of the election is given and ending on the day preceding the day of election, and after reasonable notice, of a suitable room in the schoolhouse of any public elementary school situate in a parish wholly or in part comprised in the electoral area in which he is a candidate:

Provided that nothing in this section shall authorise the use of a room used as part of a private dwelling-house, nor authorise any interference with the hours during which the schoolhouse is used for educational purposes.

(2) If by reason of the use of a room under this section any expense is incurred by the persons having control over the room, or any damage is done to the schoolhouse, or to the furniture, fittings or apparatus therein, the expense or cost of making good such damage shall be defrayed by the person by whom, or on whose behalf, the meeting was convened.

PART II. —*cont.*

(3) Any question arising under this section as to what is reasonable or suitable shall be determined by the Board of Education.

Non-compliance with provisions as to nomination, &c.

70.—(1) An election held under this Act shall not be invalidated by non-compliance with the provisions of the Second Schedule to this Act, or mistake in the use of the prescribed forms, if it appears to the court having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that the non-compliance or mistake did not affect the result of the election.

(2) No misnomer or inaccurate description of any person or place named in any register of electors, electors list, nomination paper, ballot paper, voting paper, or notice, shall affect the full operation of that document with respect to that person or place, in any case where the description of the person or place is such as to be commonly understood.

Election valid unless questioned by election petition, &c.

71.—(1) An election held under this Act or under any enactment repealed by this Act, unless questioned by election petition within the period fixed by law for those proceedings, shall be deemed to have been to all intents a good and valid election.

(2) An election held under this Act or under any enactment repealed by this Act, shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at, or conducting, the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at, or conduct, the election.

Omission to hold election, or election void.

72.—(1) If at an election of a county councillor or of councillors of a borough or of district councillors—

(*a*) the poll is countermanded by reason of the death of a candidate before the commencement of the poll; or

(*b*) no person is or remains, or an insufficient number of persons are or remain, validly nominated to fill the vacancy or vacancies in respect of which the election is held and, in the case of an ordinary election, there is no retiring councillor or an insufficient number of retiring councillors to fill the vacancy or vacancies,

PART II. —*cont.*

the county returning officer in the case of an election of a county councillor, or the mayor in the case of an election of councillors of a borough, or the returning officer in the case of an election of district councillors, shall order an election to be held on such day as he may appoint to fill any vacancy which remains unfilled.

(2) If for any other reason an election is not held on the appointed day or within the appointed time, or fails either wholly or in part or becomes void, then—

(*a*) in the case of an election of the chairman of a county council or of a county alderman or county councillor, or of the mayor or an alderman or councillor of a borough, the High Court may order an election to be held on a day appointed by the court; and

(*b*) in the case of an election of the chairman of a district council or of a district councillor, the county council shall order an election to be held on a day appointed by them.

(3) If a district council become unable to act, whether from there being a failure to elect or otherwise, the county council may appoint persons to form the district council until the newly-elected members come into office.

(4) Where an election is ordered under this section, notice of the election shall be given, and the election shall be conducted, in the same manner as is directed by this Act for the conduct of the election in the place of which the new election is ordered:

Provided that no fresh nomination shall be necessary in the case of a candidate who remained validly nominated for the election which has not been duly held or has failed or become void.

(5) The High Court may order that the costs of any person of proceedings under paragraph (*a*) of subsection (2) of this section shall be paid by the council of the county or borough concerned.

(6) If a municipal election is not held on the appointed day or within the appointed time, or becomes void, the municipal corporation shall not thereby be dissolved, or be disabled from acting.

PART II. —*cont.*

Notices as to elections.

73. Any notice required to be given in connection with an election held under this Act may relate to more than one electoral area, and, in cases where the polls at elections of rural district councillors and parish councillors are held together, to both elections.

Provisions as to ballot boxes, &c.

74.—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may, on request, be lent to the returning officer at an election under this Act or at a poll consequent on a parish meeting upon such terms and conditions as the Treasury may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request, and if not required for immediate use by that authority, be lent to the returning officer at an election held under this Act or at a poll consequent on a parish meeting upon such terms and conditions as may be agreed.

Meetings and Proceedings.

Meetings and proceedings of local authorities.

75. The provisions of Parts I to V of the Third Schedule to this Act shall have effect as respects the meetings and proceedings of local authorities and of committees thereof:

Provided that a county councillor elected for an electoral division consisting wholly of a county district or of some part of a county district shall not vote on any matter involving only expenditure on account of which the county district is not, for the time being, liable to be charged.

Disability of members of authorities for voting on account of interest in contracts, &c.

76.—(1) If a member of a local authority has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter:

Provided that this section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or inhabitant of the area, or as an ordinary consumer of gas, electricity or water, or

to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(2) For the purposes of this section a person shall (subject as hereafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or other matter, if—

(*a*) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(*b*) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that—

(i) this subsection shall not apply to membership of, or employment under, any public body;

(ii) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body.

(3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.

(4) A general notice given in writing to the clerk of the authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The clerk of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) of this section, and of any

PART II. —*cont.*

notice given under subsection (4) thereof, and the book shall be open at all reasonable hours to the inspection of any member of the local authority.

(6) If any person fails to comply with the provisions of subsection (1) of this section, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds, unless he proves that he did not know that a contract, proposed contract, or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(7) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(8) The county council, as respects a member of a parish council, and the Minister, as respects a member of any other local authority, may, subject to such conditions as the county council or the Minister, as the case may be, may think fit to impose, remove any disability imposed by this section in any case in which the number of members of the local authority so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the county council or the Minister, as the case may be, that it is in the interests of the inhabitants of the area that the disability should be removed.

(9) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority whilst any contract, proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

Parish meetings.

77.—(1) Parish meetings shall be held, and the proceedings thereat shall be conducted, in accordance with the provisions of Part VI of the Third Schedule to this Act.

(2) The chairman of a parish council shall be entitled to attend a parish meeting for the parish whether he is or is not a local government elector for the parish, but, if not such an elector, he shall not be entitled to give any vote at the meeting except a casting vote.

PART II. —*cont.*

Parish meeting for parish wards, &c.

78. Where a parish meeting is required or authorised to be held for a parish ward or other part of a parish, then—

(*a*) the persons entitled to attend and vote at the meeting, or to vote at any poll consequent thereon, shall be the local government electors registered in respect of qualifications in that parish ward or part of the parish; and

(*b*) the provisions of this Act with respect to parish meetings for the whole of a parish, including the provisions with respect to the convening of a parish meeting by local government electors, shall apply as if the parish ward or part of the parish were the whole parish.

Offences.

Failure of returning officers, &c. to conduct election.

79. If a person whose duty it is to act as returning officer at, or to take part in the conduct of, an election under this Act neglects or refuses to conduct the election, or to declare the result of, or to take part in the conduct of, the election, as required by this Act or by any rules made thereunder, or if a person whose duty it is to convene a parish meeting for the purpose of the election of parish councillors neglects or refuses to convene the meeting, he shall for every such offence be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that a person shall not be liable to conviction under this section, unless the information has been laid within three months from the date of the commission of the offence.

Offences in relation to nomination papers.

80. If any person fraudulently defaces or so attempts to deface, or fraudulently destroys or so attempts to destroy, any nomination paper, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

Offences in relation to ballot papers and ballot boxes.

81. If any person—

(*a*) fraudently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(*b*) without due authority supplies a ballot paper to any person; or

PART II. —*cont.*

(*c*) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(*d*) fraudulently takes out of the polling station any ballot paper; or

(*e*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of an election; or

(*f*) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts;

he shall—

(i) if he is a returning officer, or an officer appointed to assist in taking the poll or counting the votes, be liable, on conviction on indictment, to imprisonment for a term not exceeding two years; and

(ii) in any other case be liable, on conviction on indictment or on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

Offence of personation.

82.—(1) If any person—

(*a*) applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person; or

(*b*) having voted once at an election applies at the same election for a ballot paper in his own name;

he shall be guilty of the offence of personation, and shall be liable—

(i) on conviction on indictment, to imprisonment for a term not exceeding two years; or

(ii) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(2) It shall be the duty of a returning officer to institute proceedings against any person whom he may

have reasonable cause to believe to have been guilty of the offence of personation under this section at the election for which he is returning officer. PART II. —*cont.*

(3) A person charged with the offence of personation under this section shall not be convicted or committed for trial except upon the evidence of not less than two credible witnesses.

Costs of returning officer in legal proceedings.

83. All costs properly incurred by a returning officer in the institution of legal proceedings arising out of an election held under this Act shall be deemed to form part of the expenses properly incurred by him in relation to the holding of the election.

Proceedings in respect of qualification.

84.—(1) Proceedings may be instituted, either in the High Court or in a court of summary jurisdiction, against any person acting as a member of a local authority, or as mayor of a borough, on the ground of his being disqualified within the meaning of this section for so acting, and proceedings may be instituted in the High Court on the like ground against any person claiming to be entitled so to act:

Provided that proceedings under this section on the ground of a person acting as aforesaid shall not be instituted after the expiration of six months from the date on which he so acted.

(2) Where in proceedings instituted under this section it is proved that the defendant has acted as a member of a local authority, or as mayor of a borough, while disqualified for so acting, then—

(*a*) in proceedings in the High Court, the court shall have power—

(i) to make a declaration to that effect and to declare that the office in which the defendant has acted is vacant;

(ii) to grant an injunction restraining the defendant from so acting;

(iii) to order that the defendant shall forfeit to His Majesty such sum as the court think fit, not exceeding fifty pounds for each occasion on which he so acted while disqualified;

PART II. —*cont.*

(*b*) in proceedings in a court of summary jurisdiction, the court shall, subject to the provisions of this section, have power on conviction to impose on the defendant a fine not exceeding fifty pounds for each occasion on which he so acted while disqualified.

(3) Where proceedings are instituted under this section in a court of summary jurisdiction, then—

(*a*) if the court is satisfied that the matter in question would be more properly dealt with in the High Court, the court shall order the discontinuance of proceedings in the court of summary jurisdiction;

(*b*) if, on application made to the High Court by the defendant within fourteen days after service of the summons upon him, the High Court is satisfied as aforesaid, the High Court may make an order, which shall not be subject to any appeal, requiring the court of summary jurisdiction to order the discontinuance of proceedings in the court of summary jurisdiction.

(4) Where in proceedings instituted under this section in the High Court it is proved that the defendant claims to act as a member of a local authority, or as mayor of a borough, and is disqualified for so acting, the court shall have power to make a declaration to that effect and to declare that the office in which the defendant claims to be entitled to act is vacant, and to grant an injunction restraining him from so acting.

(5) No proceedings shall be instituted under this section by any person other than a local government elector for the area of the local authority concerned.

9 Anne, c. 25.

(6) Sections four and five of the Municipal Offices Act, 1710, are hereby repealed, and, except as provided by this section, no proceedings, whether by way of an information in the nature of a quo warranto or otherwise, shall be instituted against a person on the ground that at any time after the commencement of this Act he has, while disqualified for acting as a member of a local authority or as mayor of a borough, so acted or claimed to be entitled so to act.

(7) For the purposes of this section a person shall be deemed to be disqualified for acting as a member of a local authority, or as mayor of a borough,— PART II. —*cont.*

(*a*) if he is not qualified to be, or is disqualified for being, a member of the authority, or for holding that office; or

(*b*) if by reason of failure to make and deliver the declaration of acceptance of office within the period required, resignation, failure to attend meetings of the local authority, or in the case of a mayor absence from the borough, as the case may be, he has ceased to be a member of the authority, or to hold that office.

(8) This section applies to a person acting, or claiming to be entitled to act, as an elective auditor of a borough as it applies to a person acting or claiming to be entitled to act as a member of a local authority.

PART III.

COMMITTEES AND JOINT COMMITTEES.

General Power of Local Authorities to Appoint Committees.

85.—(1) A local authority may appoint a committee for any such general or special purpose as in the opinion of the local authority would be better regulated and managed by means of a committee, and may delegate to a committee so appointed, with or without restrictions or conditions, as they think fit, any functions exercisable by the local authority either with respect to the whole or a part of the area of the local authority, except the power of levying, or issuing a precept for, a rate, or of borrowing money. Appointment of committees.

(2) The number of members of a committee appointed under this section, their term of office, and the area, if any, within which the committee is to exercise its authority, shall be fixed by the local authority.

(3) A committee appointed under this section (other than a committee for regulating and controlling the finance of the local authority or of their area) may include persons who are not members of the local authority:

PART III. —*cont.*

Provided that at least two-thirds of the members of every committee shall be members of the local authority.

(4) Every member of a committee appointed under this section who at the time of his appointment was a member of the local authority by whom he was appointed shall, upon ceasing to be a member of the authority, also cease to be a member of the committee:

Provided that for the purposes of this section a member of a local authority shall not be deemed to have ceased by reason of retirement to be a member of the authority, if he has been re-elected a member thereof not later than the day of his retirement.

(5) Nothing in this section shall authorise the appointment of a committee for any purpose for which the local authority are authorised or required to appoint a committee by any other enactment (including any enactment in this Act) for the time being in force.

Finance Committees of County Councils, Parochial Committees, &c.

Finance committees of county councils.

86.—(1) A county council shall appoint a finance committee consisting of such number of members of the council as they think fit for regulating and controlling the finance of the county, and shall fix the term of office of the members of the committee.

(2) Subject to the provisions of any enactment relating to the standing joint committee or to any other statutory committee, no costs, debt or liability exceeding fifty pounds shall be incurred by a county council except upon a resolution of the council passed on an estimate submitted by the finance committee.

Parochial committees.

87.—(1) A rural district council may, at a meeting specially convened for the purpose, appoint for any one or more contributory places within their district a parochial committee consisting either wholly of members of the district council or partly of such members and partly of local government electors for such contributory place or places, as the council may determine:

Provided that, where a parochial committee is appointed consisting partly of members of the district council and partly of other persons, those other persons

shall, as respects any contributory place which consists of a parish having a separate parish council, be, or be selected from, the members of the parish council. PART III. —*cont.*

(2) A rural district council may delegate to a parochial committee, with or without restrictions or conditions, as they think fit, any functions exercisable by them within the contributory place or places for which the committee is formed, except the power of levying a rate or borrowing money.

(3) If a rural district council refuse to appoint a parochial committee for a contributory place after receiving a request to that effect from the parish council or parish meeting of a parish which is wholly or in part comprised in the contributory place, the parish council or parish meeting may petition the Minister and the Minister may by order direct the rural district council to appoint a parochial committee for that contributory place.

Delegation of powers to parish council.

88.—(1) A rural district council may delegate to a parish council any functions which, under the preceding section, may be delegated to a parochial committee, and thereupon that section shall apply as if the parish council were a parochial committee.

(2) Where functions are delegated to a parish council under this section, the parish council, in the discharge of those functions, shall act as agents for the rural district council.

Committees for parts of rural parishes.

89. Where a parish council have any functions which are to be discharged in a part only of the parish, or in relation to a recreation ground, building or property held for the benefit of a part only of the parish, and that part of the parish has a defined boundary, the council shall, if required by a parish meeting held for that part of the parish, appoint annually a committee, consisting partly of members of the council and partly of other persons representing the said part of the parish, to discharge such functions.

Committees of parish meetings.

90.—(1) In a rural parish not having a separate parish council the parish meeting may, subject to any provisions made by a grouping order, appoint a committee from amongst the local government electors for the parish for any purpose which, in the opinion of the parish meeting,

PART III. —*cont.*

would be better regulated and managed by means of such a committee.

(2) All acts of a committee appointed under this section shall be submitted to the parish meeting for approval.

Joint Committees.

Appointment of joint committees.

91.—(1) A local authority may concur with any one or more other local authorities in appointing from amongst their respective members a joint committee of those authorities for any purpose in which they are jointly interested, and may delegate to the committee, with or without restrictions or conditions, as they think fit, any functions of the local authority relating to the purpose for which the joint committee is formed, except the power of levying, or issuing a precept for, a rate, or of borrowing money:

Provided that, where a local authority concur in appointing a joint committee for the discharge of any functions which under any enactment the authority are authorised or required to discharge through a committee appointed under that enactment, and that enactment contains any special provisions with respect to the constitution and functions of that committee (including any provisions with respect to the appointment of persons who are not members of the local authority), those provisions shall apply to the constitution and functions of the joint committee with such modifications, if any, as the case may require.

(2) Subject to the provisions of this section, the number of members of a joint committee appointed under this section, the term of office of the members thereof, and the area, if any, within which the joint committee is to exercise its authority, shall be fixed by the appointing authorities.

(3) Every member of a joint committee appointed under this section who at the time of his appointment was a member of the local authority by whom he was appointed, shall, upon ceasing to be a member of that authority, also cease to be a member of the joint committee:

Provided that for the purposes of this subsection a member of a local authority shall not be deemed to have ceased by reason of retirement to be a member of the

authority, if he has been re-elected a member thereof not later than the day of his retirement. PART III. —*cont.*

(4) Nothing in this section shall authorise the appointment of a joint committee for any purpose for which the appointing local authorities are authorised or required to appoint a joint committee by any other enactment for the time being in force.

Joint committees for parts of parishes.

92. Where a parish council can be required under this Part of this Act to appoint a committee consisting partly of members of the council and partly of other persons, that requirement may also be made in the case of a joint committee, and shall be duly complied with by the parish councils concerned at the time of the appointment of such committee.

Expenses and accounts of joint committees.

93.—(1) The expenses incurred by a joint committee appointed under this Part of this Act shall be defrayed by the local authorities by whom the committee is appointed in such proportions as they may agree upon, or in case of disagreement as may be determined—

(*a*) in any case in which a county council or the council of a county borough are an appointing authority, and in any case in which the appointing authorities include the councils of county districts situate in different counties, by the Minister; and

(*b*) in any other case, by the county council.

(2) The accounts of a joint committee appointed under this Part of this Act shall be made up yearly to the thirty-first day of March, and where the appointing authorities consist only of the councils of boroughs, and the accounts of the joint committee are not subject to audit by a district auditor under the provisions of Part X of this Act, they shall be audited by the auditor or auditors of the accounts of such one of the appointing authorities as may be agreed upon.

General Provisions relating to Committees and Joint Committees.

Disqualification for membership of committees and

94. A person who is disqualified under Part II of this Act for being elected or being a member of a local authority shall be disqualified for being a member of a committee or sub-committee of that authority, or for

PART III. —*cont.* joint committees.

being a representative of that authority on a joint committee appointed by agreement between the authority and other local authorities, whether the committee, sub-committee or joint committee are appointed under this Part of this Act or under any other enactment, and the provisions of section eighty-four of this Act shall apply as respects any such person with the substitution therein, for references to membership of a local authority, of references to membership of the committee, or sub-committee, or joint committee:

Provided that a person shall not be disqualified for being a member of an education committee, or of a committee appointed for the care of the mentally defective, or of a committee appointed under section fifteen of the Public Libraries Act, 1892, by reason only of his being a teacher or holding any other office in a school or college which is aided, provided or maintained by the local authority appointing the committee.

55 & 56 Vict c. 53.

Disability for voting on account of interest in contracts, &c.

95. Section seventy-six of this Act shall apply in respect of members of a committee or sub-committee of a local authority or of any joint committee appointed by agreement between local authorities, whether the committee, sub-committee or joint committee are appointed under this Part of this Act or under any other enactment, as that section applies in respect of members of local authorities, subject to the following modifications:—

(*a*) as respects members of a committee or sub-committee, references to meetings of the committee or sub-committee shall be substituted for references to meetings of the local authority, and the right of persons who are members of the committee or sub-committee but not members of the local authority to inspect the book to be kept under subsection (5) of the said section shall be limited to an inspection of the entries in the book relating to members of the committee or sub-committee; and

(*b*) as respects members of any such joint committee as aforesaid, references to meetings of the joint committee shall be substituted for references to meetings of the local authority, and references to the clerk to the joint committee for references to the clerk of the authority.

PART III. —*cont.* Standing orders, &c.

96.—(1) A local authority appointing a committee, and local authorities who concur in appointing a joint committee, either under this Part of this Act or under any other enactment, may make, vary and revoke standing orders respecting the quorum, proceedings and place of meeting of the committee or joint committee, but subject to any such standing orders the quorum, proceedings and place of meeting shall be such as the committee or joint committee may determine.

(2) The person presiding at a meeting of a committee or joint committee appointed either under this Part of this Act or under any other enactment shall have a second or a casting vote.

Application to London of provisions relating to joint committees.

97. The provisions of this Part of this Act relating to joint committees shall apply to the London County Council and to any metropolitan borough council as if that council were for the purposes of those provisions a local authority within the meaning of this Act, subject to the following modifications:—

(*a*) a reference to disqualification under Part II of this Act shall be construed as a reference to disqualification under the provisions of any enactment for the time being in force relating to disqualification for membership of the council in question; and

(*b*) any dispute as to the proportion in which the expenses of a joint committee of which one or more of the constituent authorities is a metropolitan borough council shall be defrayed shall be determined by the Minister.

PART IV.

OFFICERS.

County Officers.

Clerk of county council.

98. Every county council shall appoint a fit person to be clerk of the county council, but before appointing a person to fill that office the council shall ascertain whether he would be willing to accept the office of clerk of the peace of the county, and shall have regard to his fitness to perform the duties of that office, and shall for that purpose consult the chairman, or, in his absence, the deputy chairman, of quarter sessions for the county.

PART IV. —*cont.*

Salary of clerk of county council.

99.—(1) Every county council shall pay to the clerk of the council such reasonable salary as may be determined by the council, subject to the approval of the Minister.

(2) The salary paid to the clerk of a county council shall be deemed to be remuneration for all business which he may, by reason of his office as clerk of the county council, be called on to perform, and all fees and costs payable to the clerk of a county council, except such fees and costs as are expressly excluded when his salary is determined, shall, in accordance with such directions as may be given by the council, be accounted for and paid to the county fund.

(3) In this section the expression "fees and costs" includes such sums as are payable to the clerk of a county council for his personal remuneration under section fifteen of the Representation of the People Act, 1918, as registration expenses, or under section twenty-nine of that Act, but save as aforesaid does not include sums payable to the clerk of a county council in respect of the registration of electors or as charges or fees in respect of services and expenses in connection with the conduct of parliamentary elections.

7 & 8 Geo. 5. c. 64.

Tenure of office of clerk of county council.

100.—(1) The clerk of a county council shall, subject to the provisions of this section, hold office during the pleasure of the council, so, however, that he shall not be dismissed from his office without the consent of the Minister.

(2) If a person holding office both as clerk of the county council and as clerk of the peace of the county voluntarily resigns the office of clerk of the peace, he shall be deemed thereby to vacate the office of clerk of the county council, but shall be eligible for reappointment to that office.

(3) The office of clerk of a county council shall be vacated—

(*a*) upon the holder of the office becoming incapable, by reason of permanent ill-health or infirmity of mind or body, of discharging with efficiency the duties of that office, or, if he holds office both as clerk of the county council and as clerk of the peace of the county, of either office; or

(*b*) upon the holder of the office attaining the age of sixty-five years, PART IV. —*cont.*

whichever event first occurs:

Provided that the office of clerk of a county council shall not, by reason of the foregoing provisions of this section, be vacated upon the holder of the office attaining the age of sixty-five years—

(i) in the case of a clerk of a county council who is also clerk of the peace of the county, if and so long as the period of his tenure of each of those offices is, with his consent, extended by resolutions passed for the purpose by the authorities having power to fill vacancies in those offices;

(ii) in the case of a clerk of a county council who is not also the holder of the office of clerk of the peace of the county, if and so long as the period of his tenure of the office is, with his consent, extended by a resolution passed for the purpose by the county council;

but no such resolution shall extend the tenure of office of a clerk of a county council for more than one year at a time.

(4) If any dispute arises as to whether the clerk of a county council has become incapable by reason of permanent ill-health or infirmity of mind or body of discharging with efficiency the duties of his office or, where he is also clerk of the peace of the county, of either of those offices, the dispute shall be referred to the Minister, and the decision of the Minister shall be final.

Duties, &c. of clerk of county council.

101. The clerk of a county council, when acting in relation to any business of the county council, and when acting under any enactment (including any enactment in this Act) or statutory order relating to the deposit of plans or documents, shall act under the direction of the council, and all enactments and statutory orders relating to such business or to the deposit of plans or documents, other than those relating to judicial business, shall be construed as if the clerk of the county council were therein substituted for the clerk of the peace.

County treasurer.

102.—(1) Every county council shall appoint a fit person to be the county treasurer, and may pay to the person so appointed such reasonable remuneration as they may determine.

PART IV. —*cont.*

(2) The county treasurer shall hold office during the pleasure of the county council.

(3) A vacancy in the office of county treasurer shall be filled within four months after its occurrence.

(4) The offices of clerk of the county council and county treasurer shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

County medical officer of health.

103.—(1) Every county council shall appoint one or more fit persons to be county medical officer or officers of health, and may pay to every person so appointed such reasonable salary as they may determine.

(2) A person shall not be appointed a county medical officer of health, unless he is a duly qualified medical practitioner and is registered in the medical register as the holder of a diploma in sanitary science, public health, or state medicine.

(3) A county medical officer of health shall not be appointed for a limited period only but shall hold office during the pleasure of the county council, so, however, that he shall not be dismissed from his office without the consent of the Minister.

(4) A county medical officer of health shall perform such duties as may be prescribed, and such other duties as may be assigned to him by the county council.

(5) A county medical officer of health shall, for the purposes of his duties, have the same powers of entry on premises as are conferred on a medical officer of health of a county district.

(6) A county medical officer of health shall not engage in private practice, and shall not hold any other public appointment without the consent of the Minister.

(7) Regulations made under this section shall be laid before Parliament as soon as may be after they are made.

County surveyor.

104.—(1) Every county council shall appoint a fit person to be county surveyor, and may pay to the person so appointed such reasonable remuneration as they may determine.

(2) A county surveyor shall hold office during the pleasure of the county council.

(3) A county surveyor shall perform such duties as may be determined by the county council. PART IV. —*cont.*

Appointment of staff.

105.—(1) Every county council shall appoint such other officers as the council think necessary for the efficient discharge of the functions of the council.

(2) A county council may pay to an officer appointed under this section such reasonable remuneration as they may determine, and every such officer shall hold office during the pleasure of the council.

(3) A county council may assign officers to assist the clerk of the county council in carrying out any of his duties in relation to the registration of electors and the conduct of parliamentary elections upon such terms as may be agreed between the council and the clerk.

Municipal Officers.

Town clerk, borough treasurer and other officers.

106.—(1) The council of every borough shall appoint fit persons to be town clerk, treasurer, surveyor, medical officer of health and sanitary inspector or inspectors, and shall also appoint such other officers as the council think necessary for the efficient discharge of the functions of the council.

(2) Subject, as respects the offices of medical officer of health and sanitary inspector, to the provisions of this Part of this Act, the council may pay to an officer appointed under this section such reasonable remuneration as they may determine, and, subject as aforesaid, every such officer shall hold office during the pleasure of the council.

(3) A vacancy in the office of town clerk or of treasurer shall be filled within twenty-one days after its occurrence.

(4) A vacancy in the office of medical officer of health or sanitary inspector shall be filled within six months, or such longer period as the Minister may in any particular case permit, after its occurrence.

(5) The offices of town clerk and treasurer shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(6) The council of a borough may assign officers to assist the town clerk in carrying out any of his duties

PART IV. —*cont.*

in relation to the registration of electors and the conduct of parliamentary elections upon such terms as may be agreed between the council and the town clerk.

Officers of Urban and Rural District Councils.

Officers of urban and rural district councils.

107.—(1) Every district council shall appoint fit persons to be clerk of the council, treasurer, surveyor, medical officer of health and sanitary inspector or inspectors, and shall also appoint such other officers as the council think necessary for the efficient discharge of the functions of the council:

Provided that a rural district council need not appoint a surveyor and may, if they think fit, appoint more than one medical officer of health.

(2) Subject, as respects the offices of medical officer of health and sanitary inspector, to the provisions of this Part of this Act, the council may pay to an officer appointed under this section such reasonable remuneration as they may determine, and, subject as aforesaid, every such officer shall hold office during the pleasure of the council.

(3) A vacancy in the office of medical officer of health or sanitary inspector shall be filled within six months, or such longer period as the Minister may in any particular case permit, after its occurrence.

(4) The offices of clerk of the council and treasurer shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

Borough and District Medical Officers of Health and Sanitary Inspectors.

Qualifications, duties, &c. of medical officers of health and sanitary inspectors.

108.—(1) The Minister may by regulations prescribe—

(*a*) the qualifications to be held and the duties to be performed by medical officers of health of boroughs and urban and rural districts;

(*b*) the mode of appointment and terms as to salary and tenure of office of medical officers of health and sanitary inspectors of boroughs and urban and rural districts, and the qualifications and duties of such sanitary inspectors.

PART IV. —*cont.*

(2) Compliance with the regulations made under paragraph (*a*) of the preceding subsection shall be obligatory on the council of every borough and of every urban and rural district; compliance with the regulations made under paragraph (*b*) thereof shall not be obligatory on any such council, but compliance therewith shall be a condition of the right of the council of any county district to receive from the county council any such payment as is mentioned in the next succeeding section of this Act.

(3) A person shall not be appointed a medical officer of health of a borough or urban or rural district unless, in addition to holding the qualifications prescribed under this section—

(*a*) he is a duly qualified medical practitioner; and,

(*b*) in the case of a borough or urban or rural district having a population of fifty thousand or more, he is also registered in the medical register as the holder of a diploma in sanitary science, public health or state medicine.

(4) A medical officer of health of a borough or urban or rural district shall perform such duties as may be prescribed under this section, and may exercise any of the powers with which a sanitary inspector is invested.

(5) Regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Payments by county council towards salary of medical officers of health and sanitary inspectors of county districts.

109. Where in the case of a medical officer of health or sanitary inspector of a county district the regulations made under subsection (1) of the last preceding section are complied with, the council of the county in which the district, or any part thereof, is situate shall, during the tenure of office of that officer, pay to the council by whom he is paid a sum equal to one-half of his salary:

Provided that—

(i) if the Minister certifies to the county council—

(*a*) that the medical officer of health has failed to send to the Minister such reports and returns as are for the time being required by the regulations made under the last preceding section to be so sent; or

PART IV. —*cont.*

(*b*) that the medical officer of health has not given to the county medical officer of health such information as he is required to give under section one hundred and thirteen of this Act; or

(*c*) that the provisions of the next succeeding section of this Act relating to a medical officer of health or sanitary inspector have not been complied with;

the said sum equal to one-half of the salary of the medical officer of health or, if the non-compliance relates to the sanitary inspector, of the sanitary inspector, shall be forfeited to the Crown and shall be paid to the Exchequer and not to the council by whom the officer is paid; and

(ii) where a county district is not wholly situate in one county, such proportionate part only of the sum otherwise payable as may be certified by the Minister shall be paid by the council of each county in which a part of the district is situate.

Tenure of office of medical officer of health and senior sanitary inspector.

110.—(1) The following officers, that is to say—

(*a*) a medical officer of health of a county borough or county district to whom this section applies, and who is restricted by the terms of his appointment from engaging in private practice as a medical practitioner; and

(*b*) a sanitary inspector of a county borough or county district to whom this section applies, and who is required by the terms of his appointment to devote the whole of his time to the duties of his office, or to the duties of that office and of any other office or offices held by him under a local authority or a public body,

shall not be appointed for a limited time only, and shall not be dismissed except by the council of the borough or district with the consent of the Minister, or by the Minister.

PART IV. —*cont.*

(2) This section applies—

(*a*) to a medical officer of health or a sanitary inspector of a county borough to the council of which before it was constituted a county borough there was paid, either out of moneys voted by Parliament or by the county council, a portion of the salary of the medical officer of health, or, as the case may be, of the sanitary inspector, of the borough; and

(*b*) to a medical officer of health or a sanitary inspector of a county district, in respect of whose salary a payment is made by the county council under the last foregoing section:

Provided that, where more than one sanitary inspector is appointed for such a borough or district as aforesaid, the foregoing provisions of this section shall apply only to such one of the sanitary inspectors of the borough or district as the council may determine to be the senior sanitary inspector.

Arrangements for securing that medical officers of health shall not engage in private practice. 19 & 20 Geo. 5. c. 17.

111.—(1) Where as respects any county such arrangements as are mentioned in section fifty-eight of the Local Government Act, 1929, have not been formulated before the commencement of this Act, the county council shall, after consultation with the councils of the county districts situate wholly or in part within the county, formulate arrangements for securing, whether by means of a combination of districts or otherwise, that every medical officer of health subsequently appointed for a county district shall be restricted by the terms of his employment from engaging in private practice as a medical practitioner.

(2) The county council shall, as soon as may be, send a copy of the instrument embodying the arrangements to the Minister and to the council of every such district, and every such council shall be at liberty to make representations thereon to the Minister.

(3) If a county council within six months after being required to do so by the Minister fail to formulate such arrangements as aforesaid, the Minister, after consulting the county council and the councils of all such districts, may formulate any such arrangements as the county council might have formulated.

PART IV. —*cont.*

(4) Where such arrangements as aforesaid have been formulated either under section fifty-eight of the Local Government Act, 1929, or under this section, then, on a vacancy occurring in the office of medical officer of health for any such district, it shall be a term of the appointment of a person to fill the vacancy that he shall not engage in private practice as a medical practitioner:

Provided that, if upon application made to him by the council of that county district in connection with any such proposed appointment, the Minister, after considering the arrangements formulated and any representations which may be made to him by the county council or by the councils of other county districts concerned, is satisfied that such a term cannot conveniently form part of the terms of the proposed appointment, he may dispense with the foregoing requirement as respects that appointment on such conditions as he may think fit.

(5) A county council may, after consultation with the councils of county districts situate wholly or in part within the county, vary any such arrangements as aforesaid and shall, as soon as may be, send a copy of the instrument embodying the variation to the Minister and to the council of every such district, and every such council shall be at liberty to make representations thereon to the Minister.

Union of districts for appointment of medical officer of health.

112.—(1) Subject to the provisions of this section, the Minister may, in any case in which upon representations being made to him he is satisfied that the appointment of a medical officer of health for two or more districts would diminish expense, or otherwise be for the advantage of the districts, by order unite the districts for the purpose of appointing a medical officer of health, and the order may contain provisions with respect to—

(*a*) the mode of appointment and removal of the officer by representatives of the councils of the districts; and

(*b*) the meetings of the representatives; and

(*c*) the proportion in which the expenses of the appointment and of the salary and expenses of the officer are to be borne by the councils of the districts; and

(*d*) any other matters (including the necessary expenses of the representatives) which, in the opinion of the Minister, require regulation for the purposes of this section: PART IV. —*cont.*

Provided that no borough or urban district having a population of twenty thousand or more, and no borough having a separate court of quarter sessions, shall be included in any union of districts formed under this section without the consent of the council of the borough or district.

(2) Whilst an order made under this section is in force, no medical officer of health shall be appointed for any of the districts included in the union, except as an assistant to the officer appointed for the union.

(3) Not less than twenty-eight days' notice that it is proposed to make an order under this section shall be given by the Minister to the council of every district proposed to be included in the union, and, if within twenty-one days after such notice has been given to any such council, they give notice to the Minister that they object to the proposal, any order made by the Minister including that district in a union shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament.

(4) An order made under this section may be altered or revoked by an order made in like manner and subject to the like provisions as the original order.

(5) In this section the expression "district" means a county borough or county district.

Relations between medical officers of health of county and county districts.

113.—(1) The medical officer of health of a county district shall give to the county medical officer of health any information which it is in his power to give and which the county medical officer of health may reasonably require from him for the purpose of his duties prescribed by the Minister.

(2) If any dispute or difference arises between the medical officer of health of a county district and the county medical officer of health under this section, it shall be referred to the Minister, whose decision shall be final.

PART IV. —*cont.*

Parish Officers.

Clerk and treasurer of parish council.

114.—(1) A parish council may appoint one of their number to be clerk of the council without remuneration.

(2) If no member of the council is so appointed, the council may appoint some other fit person to be their clerk with such reasonable remuneration as they may determine.

(3) Where a parish council act as a parochial committee by delegation from the rural district council, they shall be entitled whilst so acting to the services of the clerk of the rural district council, unless the district council otherwise direct.

(4) A parish council may appoint one of their own number or some other fit person to be treasurer, without remuneration.

General.

Appointment of standing deputies.

115.—(1) A local authority who under this Part of this Act appoint a clerk, treasurer, surveyor, medical officer of health, or sanitary inspector, shall have power to appoint a deputy of that officer for the purpose of acting in the place of the officer whenever the office is vacant or the holder thereof is for any reason unable to act, and any person appointed as a deputy under this section shall, when acting as such and subject to the terms of his appointment, have all the functions of the holder of the office:

Provided that—

(i) a person shall not be appointed a deputy medical officer of health without the consent of the Minister and a person to be so appointed must be a duly qualified medical practitioner;

(ii) a person shall not be appointed a deputy sanitary inspector without the consent of the Minister.

(2) A local authority may pay to a person appointed as a deputy under this section, other than a deputy clerk of a parish council who is a member of the council, or a deputy treasurer of a parish council, such reasonable remuneration as they may determine.

(3) A person appointed as a deputy under this section shall hold office during the pleasure of the local authority. PART IV. —*cont.*

Appointment of temporary deputies.

116.—(1) If the office of clerk of the authority, treasurer, surveyor, medical officer of health, or sanitary inspector, is vacant, or the holder of the office is for any reason unable to act, and no deputy has been appointed under the provisions of the last preceding section, or the deputy so appointed is unable to act, the local authority may appoint a person to act temporarily in that office, and any person so appointed shall, subject to the terms of his appointment, have all the functions of the holder of the office:

Provided that—

(i) a person shall not be appointed to act in place of a medical officer of health without the consent of the Minister and a person to be so appointed must be a duly qualified medical practitioner;

(ii) a person shall not be appointed to act in place of a sanitary inspector without the consent of the Minister.

(2) The local authority may pay to a person appointed under this section, other than a member of a parish council who is appointed to act for the clerk of the council or a person appointed to act for the treasurer of a parish council, such reasonable remuneration as they may determine.

Payments by county council towards remuneration of person acting as medical officer of health or sanitary inspector.

117. Where a vacancy occurs in the office of a medical officer of health or of a sanitary inspector of a county district in respect of whose salary a payment is made by the county council under this Part of this Act, the county council shall, during any period in which a person appointed under either of the two last preceding sections to act as medical officer of health or sanitary inspector of the district so acts, pay to the council of the county district a sum equal to one-half of the salary of that person:

Provided that—

(i) if the Minister certifies to the county council that the person so appointed to act as medical officer of health has failed to send to the

PART IV. —*cont.*

Minister such reports and returns as are for the time being required by the regulations made under this Part of this Act respecting the duties of medical officers of health to be so sent, or that he has failed to give to the county medical officer of health such information as he is required to give under section one hundred and thirteen of this Act, the said sum equal to one-half of the salary of that person shall be forfeited to the Crown, and shall be paid to the Exchequer and not to the council of the county district; and

(ii) where a county district is not wholly situate in one county, such proportionate part only of the sum otherwise payable as may be certified by the Minister shall be paid by the council of each county in which a part of the district is situate.

Saving for other enactments. 20 & 21 Geo. 5. c. 17. 11 & 12 Geo. 5. c. 51.

118. Nothing in the foregoing provisions of this Part of this Act shall affect the appointment or tenure of office of officers appointed under the Poor Law Act, 1930, or the Education Act, 1921, or of registrars, inspectors, analysts or other specially designated officers appointed under any enactment other than this Act, and no specially designated officer who could be appointed under any such enactment shall be appointed under this Act.

Security to be given by officers.

119.—(1) A local authority, other than a parish council, shall, in the case of an officer employed by them, whether under this or any other enactment, who by reason of his office or employment is likely to be entrusted with the custody or control of money, and may in the case of any other officer employed by them, either require him to give, or themselves take, such security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him, as the local authority think sufficient.

(2) A local authority, other than a parish council, may, in the case of a person not employed by them but who is likely to be entrusted with the custody or control of money or property belonging to the local authority, take such security as they think sufficient for

the person duly accounting for all such money or property. PART IV. —*cont.*

(3) In the case of the treasurer of a parish council, the parish council shall either require the officer to give, or may themselves take, such security for the faithful execution of his office as may be directed by the county council.

(4) A local authority shall, in the case of persons not employed by them, and may in any other case, defray the cost of any security given or taken under this section, and every such security shall be produced to the auditor or auditors at the audit of the accounts of the local authority.

Accountability of officers.

120.—(1) Every officer employed by a local authority, whether under this Act or any other enactment, shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner, as the local authority direct, make out and deliver to the authority, or as they direct, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.

(2) Every such officer shall pay all money due from him to the treasurer of the county, borough, district or parish, as the case may be, or otherwise as the local authority may direct.

(3) If any such officer—

(*a*) refuses or wilfully neglects to make any payment which he is required by this section to make; or

(*b*) after three days' notice in writing, signed by the clerk of the authority or by three members thereof, and given or left at his usual or last known place of residence, refuses or wilfully neglects to make out or deliver to the authority, or as they direct, any account or list which he is required by this section to make out and

PART IV. —*cont.*

deliver, or any voucher or other document or record relating thereto, or to give satisfaction respecting it to the authority or as they direct;

a court of summary jurisdiction having jurisdiction where the officer is or resides may, on complaint, by order require him to make such payment or delivery or to give such satisfaction.

(4) Nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

Notice of termination of and retirement from appointments held during pleasure.

121.—(1) Notwithstanding any provision in this Act or any other enactment that a person holding any office shall hold the office during the pleasure of a local authority, there may be included in the terms on which he holds the office a provision that the appointment shall not be terminated by either party without giving to the other party such reasonable notice as may be agreed, and where, at the commencement of this Act, an officer of a local authority holds office upon terms which purport to include such a provision, that provision shall, as from the commencement of this Act, be deemed to be valid.

(2) A provision in this Act or any other enactment that a person holding any office shall hold the office during the pleasure of a local authority shall not affect any right or obligation of the officer to retire on attaining any specified age or on the happening of any specified event in pursuance of any enactment or scheme relating to superannuation allowances which is applicable to the officer.

Members of local authorities not to be appointed as officers.

122. A person shall, so long as he is, and for twelve months after he ceases to be, a member of a local authority, be disqualified for being appointed by that authority to any paid office, other than to the office of chairman, mayor or sheriff.

Disclosure by officers of interest in contracts.

123.—(1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority, that a contract in which he has any pecuniary interest, whether direct or indirect (not being a

contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall, as soon as practicable, give notice in writing to the authority of the fact that he is interested therein. PART IV. —*cont.*

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of subsection (2) or subsection (3) of section seventy-six of this Act had he been a member of the authority.

(2) An officer of a local authority shall not, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his proper remuneration.

(3) If any person fails to comply with the provisions of subsection (1) or contravenes any of the provisions of subsection (2) of this section, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

(4) References in this section to a local authority shall include a reference to a joint committee appointed under Part III of this Act.

Saving for existing officers, &c.

124.—(1) Subject to the provisions of section one hundred and twenty-one of this Act, nothing in this Part of this Act shall affect the salary or tenure of office of any officer of a local authority holding office at the commencement of this Act.

(2) Nothing in this Part of this Act requiring vacancies to be filled within a specified period shall be construed as preventing a local authority deciding not to make an appointment to any office in respect of which the authority have a discretion whether or not an appointment is to be made.

(3) Nothing in this Part of this Act shall affect the terms of any agreement made between a local authority and the Minister of Transport under subsection (2) of section seventeen of the Ministry of Transport Act, 1919, with respect to the appointment, retention or dismissal of any engineer or surveyor of the local authority responsible for the maintenance of roads. 9 & 10 Geo. 5. c. 50.

PART V.

OFFICES AND BUILDINGS.

Provision of offices, &c. by local authorities other than parish councils.

125.—(1) A local authority, other than a parish council, may acquire or provide and furnish halls, offices and other buildings, whether within or without the area of the local authority, to be used for the purpose of transacting the business of the local authority and for public meetings and assemblies.

(2) Any such local authority may be authorised to purchase land compulsorily for the purpose of providing any such halls, offices or buildings.

Use by rural district council of former offices, &c. of boards of guardians.

126.—(1) Where immediately before the commencement of this Act a rural district council, by virtue of the provisions of subsection (3) of section fifty-nine of the Local Government Act, 1894, used for the purpose of their meetings and proceedings any board room and offices belonging to a county council which, before the first day of April, nineteen hundred and thirty, belonged to a board of guardians, the rural district council shall continue to be entitled to use the said board room and offices at all reasonable hours:

Provided that the county council, on giving not less than three months' notice to the rural district council, may terminate the use of the premises by the district council, but in such case the county council shall, if the district council so require, provide other suitable accommodation for the purposes aforesaid.

(2) If any difference arises between a county council and a district council under this section, the difference may, on the application of either party, be determined by the Minister.

Provision of offices, &c. by parish council.

127. A parish council may—

(*a*) acquire or provide and furnish buildings to be used for the purpose of transacting the business of the parish council or of the parish meeting or any other parish business, and for public meetings and assemblies; or

(*b*) combine with any other parish council for the purpose of acquiring or providing and furnishing any such buildings; or

PART V. —*cont.*

(*c*) contribute towards the expense incurred by any other parish council or by any other person in acquiring or providing and furnishing a building suitable for use for any of the aforesaid purposes.

Use of schoolroom, &c. in rural parish.

128.—(1) If in a rural parish there is no suitable public room vested in the parish council or in the representative body of the parish, as the case may be, which can be used free of charge, a suitable room in the schoolhouse of a public elementary school, or a suitable room the expense of maintaining which is payable out of any rate, may be used, free of charge, at all reasonable times and after reasonable notice, for any of the following purposes, that is to say, for the purpose of—

(*a*) the parish meeting or any meetings of the parish council; or

(*b*) an inquiry held in pursuance of a direction given by the Minister or by any other Government department or by a local authority; or

(*c*) meetings convened by the chairman of the parish meeting or by the parish council; or

(*d*) the administration of public funds within or for the purposes of the parish where such funds are administered by any committee or officer appointed either by the parish meeting or parish council or by a county or district council:

Provided that nothing in this subsection shall—

(i) authorise the use of a room used as part of a private dwelling-house; or

(ii) authorise any interference with the hours during which a room in a schoolhouse is used for educational purposes; or

(iii) authorise any interference with the hours during which a room used for the purposes of the administration of justice, or for the purposes of the police, is used for those purposes.

(2) If, by reason of the use of a room for any of the purposes mentioned in the last foregoing subsection, any expense is incurred by the persons having control over the room, or any damage is done to the room or to the

PART V. —*cont.*

building of which the room is part or to its appurtenances, or to the furniture of the room or the apparatus for instruction, the expense or the cost of making good the damage shall be defrayed, in the case of an inquiry as part of the expenses of the inquiry, and in any other case as expenses of the parish meeting or parish council.

(3) If any question arises under this section as to what is reasonable or suitable, it may be determined—

(*a*) in the case of a room in a schoolhouse, by the Board of Education;

(*b*) in the case of a room used for the purposes of the administration of justice or for the purposes of the police, by the Secretary of State;

(*c*) in any other case, by the Minister.

PART VI.

ALTERATION OF AREAS.

Creation of Municipal Boroughs.

Power of His Majesty on creation of new municipal borough.

129.—(1) If, on a petition presented to His Majesty by the council of an urban or rural district praying for the grant of a charter of incorporation, His Majesty, by the advice of His Privy Council, thinks fit by charter to create the district or any part thereof with or without any adjoining area a borough, and to incorporate the inhabitants thereof, it shall be lawful for His Majesty by the charter to extend to that borough and the inhabitants thereof so incorporated the provisions of this Act relating to boroughs.

(2) A petition for a charter of incorporation shall not be presented except upon a resolution passed by a majority of the whole number of members of the council of the district at a meeting specially convened for that purpose, and confirmed by a like majority at a second meeting of the council specially convened for that purpose not earlier than one month after the passing of the resolution.

Reference to Committee of Council, and notice of petition for charter.

130.—(1) Every such petition, and every petition for the amendment under this Part of this Act of a charter of incorporation, whether the charter was granted before or after the commencement of this Act,

shall stand referred to a Committee of the Privy Council (in this Part of this Act referred to as "the Committee of Council"). PART VI. —*cont.*

(2) The council by whom the petition is presented (in this Part of this Act referred to as "the promoters") shall, upon presenting the petition, give notice of the petition to the Minister and to the council of the county in which the district or, in the case of a petition for an amending charter, the borough is situate, and the Minister may, if so requested by the Committee of Council, direct a local inquiry to be held in the area to which the petition relates.

(3) One month at least before the petition is taken into consideration by the Committee of Council, the Committee shall cause notice of the petition and of the time when it will be so taken into consideration to be published in the London Gazette and otherwise in such manner as they think fit for the purpose of making the petition known to all persons interested.

(4) The Committee of Council shall take into consideration with the petition any representations thereon made by the Minister or the county council.

Power by charter to settle wards, &c.

131.—(1) Where a borough is created it shall be lawful for His Majesty, by the charter, to do all or any of the following things—

(*a*) to fix the number of councillors of the borough, the number and boundaries of the wards (if any), and the number of councillors for each ward; and

(*b*) to fix the dates on which the first aldermen and councillors shall retire from office; and

(*c*) to fix such dates, times and places, and nominate such persons to perform such duties, and make such other temporary modifications of any enactment in this or any other public general Act applying to boroughs, as may appear to His Majesty to be necessary or proper for making the enactment applicable to the first constitution of the borough.

(2) The dates, times and places fixed by the charter, and the persons nominated therein to perform any duties, shall, as regards the borough named in the

PART VI. —*cont.*

charter, be respectively substituted in any enactment (including any enactment in this Act) applied by the charter for the dates, times, places, officers, and persons therein mentioned, and the persons so nominated shall have the like functions, and be subject to the like penalties, as the officers and persons mentioned in the enactment.

(3) Subject to the provisions of the charter and of any scheme made under this Part of this Act, all public general Acts applying to boroughs shall, on the charter coming into effect, apply to the borough created by the charter, and, where the first mayor, aldermen and councillors or any of them are named in the charter, shall apply as if they were elected under this Act, and, where they are not so named, shall apply to their first election.

Scheme of adjustment of rights of existing authorities and officers.

132.—(1) Where a petition for a charter is referred to the Committee of Council, the Committee may require the promoters to submit, or may themselves prepare, a draft scheme making provision for the transfer or adjustment of the whole or part of the functions, franchises, property, income, debts, liabilities and expenses of any public body whose district is comprised either wholly or in part within the area proposed to be included in the borough and also of any officer of that body.

(2) As soon as the draft scheme has been submitted or prepared, the Committee of Council shall cause to be published in the London Gazette and in one or more local newspapers circulating in the area to which the draft scheme relates a notice stating that the draft scheme has been submitted or prepared, naming a place within the area where a copy of the draft scheme may be inspected, and stating that representations with respect to the scheme may be made to the Committee of Council within one month after the publication of the notice.

(3) As soon as may be after the expiration of the said period of one month and after consideration of any representations which may have been made within that period, the Committee of Council may settle the scheme, with or without modifications, and shall cause to be published in the London Gazette and in one or more local newspapers circulating in the area to which the scheme relates a further notice stating that the

scheme has been settled and naming a place within the area where the scheme may be inspected. PART VI. —*cont.*

(4) If within one month after the publication in the London Gazette of the notice under the last preceding subsection a petition against the scheme is presented to the Committee of Council by any public body affected thereby, or by not less than one-twentieth of the local government electors for the area to which the scheme relates, and is not withdrawn, the scheme shall not take effect unless and until it is confirmed by Parliament.

(5) If within the said period of one month no petition is presented under this section, or if all petitions so presented are withdrawn, the scheme shall be treated as unopposed and the Committee of Council may submit it for confirmation either to Parliament or to His Majesty in Council, and in the latter case it shall be lawful for His Majesty to confirm the scheme by Order in Council.

Supplemental provisions as to scheme.

133.—(1) A draft scheme shall, before being settled by the Committee of Council, be referred by the Committee for consideration to the Secretary of State and to the Minister, and if and as far as it is intended to affect any harbour authority to the Minister of Transport, and if and as far as it is intended to affect any local education authority to the Board of Education.

(2) If the Committee of Council are satisfied that a public body or other persons have properly opposed a scheme, and that for special reasons it is right that the reasonable costs incurred by the public body or other persons in such opposition should be paid by the promoters, the Committee of Council may order those costs to be so paid, and they shall be paid as expenses incurred by the promoters.

Procedure on confirmation of schemes.

134. Where the Committee of Council submit a scheme for confirmation to Parliament, the following provisions shall have effect—

(*a*) the Committee of Council may introduce a Bill for the confirmation of the scheme;

(*b*) before the Bill is introduced into Parliament, the Committee of Council may alter the scheme in such manner as may seem proper;

(*c*) if while the Bill confirming the scheme is pending in either House of Parliament a petition is

PART VI. —*cont.*

presented against the scheme, the petitioner shall be allowed to appear before the Select Committee to which the Bill is referred, and oppose the Bill, as in the case of a private Bill.

Power to amend scheme.

135.—(1) Where a scheme has been confirmed under this Part of this Act, or under any enactment repealed by this or any former Act, and the council of the borough, or not less than one-twentieth of the local government electors for the borough, or a public body affected by the scheme, petition His Majesty for an amending scheme, the petition shall stand referred to a Committee of the Privy Council, and the procedure for dealing with the petition shall be the same, as near as may be, as if it were a petition for the grant of a charter creating a borough, and this Part of this Act shall apply accordingly.

(2) The Committee, if they think fit to submit the amending scheme for confirmation, shall submit it to Parliament, or if the amending scheme is unopposed they may submit it to His Majesty in Council; and in the latter case it shall be lawful for His Majesty to confirm the amending scheme by Order in Council notwithstanding that the original scheme may have been confirmed by Parliament.

Provision as to police force in new borough.

136. Nothing in this or any other public general Act or in any scheme made under this Part of this Act shall authorise the establishment in a borough of a new separate police force not consolidated with the county police force, unless the population of the area which is created a borough, according to the census last published before the date of the petition for the charter, was twenty thousand or upwards.

Validity of charters and schemes.

137.—(1) A charter creating a borough which purports to be granted in pursuance of the royal prerogative and in pursuance of or in accordance with this Part of this Act shall after acceptance be deemed to be valid and within the powers of this Act and His Majesty's prerogative and the validity thereof shall not be questioned in any legal proceeding whatever.

(2) Every such charter shall be laid before Parliament as soon as may be after it is granted.

(3) A scheme made under this Part of this Act shall, when confirmed by Order in Council, come into operation on such date as may be specified in the Order in Council, and the confirmation of the scheme shall be conclusive evidence that the requirements of this Part of this Act have been complied with and that the scheme has been duly made and is within the powers of this Act. PART VI. —*cont.*

138. All expenses relating to elections, acts and proceedings under a charter of incorporation, shall be paid by the council of the borough. Expenses of charter, &c.

Creation of County Boroughs.

139. The council of a borough shall not promote a Bill for the purpose of constituting the borough a county borough, unless the population of the borough is seventy-five thousand or upwards. Restriction on promotion of Bills for creation of county boroughs.

Alteration of Boundaries, Districts, Parishes, &c.

140.—(1) Whenever proposals are made to the Minister by a county council for the purpose of effecting any of the following changes, namely— Alteration of boundaries of counties, boroughs, &c.

(*a*) the alteration or definition of the boundaries of the county; or

(*b*) the union of the county with any other county or with any county borough; or

(*c*) the division of the county; or

(*d*) the alteration of any area of local government partly situate in the county;

or whenever proposals are made to the Minister by the council of a borough for the purpose of effecting any of the following changes, namely—

(i) the alteration or definition of the boundaries of the borough; or

(ii) the union of the borough with any other borough, or the inclusion in the borough of an urban or rural district; or

(iii) in the case of a county borough, the union of the borough with a county,

the Minister shall, unless for special reasons he thinks that the proposals ought not to be entertained, cause a

PART VI. —*cont.*

local inquiry to be held, and may make an order for giving effect to the proposals or for such other alteration as he may deem expedient, or may refuse to make the order:

Provided that, except in the case of an order made for giving effect to a proposal under paragraph (*d*) of this subsection, the order shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament.

(2) A proposal by a county council under subsection (1) of this section may include provisions for the alteration of the boundaries of a borough, and a proposal by a borough council thereunder may include provisions for the alteration of the boundaries of a county, where such alteration is consequent on or incidental to the principal object of the proposal.

(3) Where proposals are made under this section to the Minister by the council of a county borough for a purpose involving the extension of the area of the borough, the Minister shall satisfy himself that the council of the county borough have sent to the councils of the counties and county districts affected notice of the proposals, together with a draft of the order which they desire to have made to give effect thereto, and shall not entertain the proposals if any notice of objection to procedure by provisional order has been sent to him by any such council within four weeks after the receipt of the notice from the council of the county borough, and has not been withdrawn.

(4) Where in consequence of any such notice of objection or on any other ground the Minister declines to entertain proposals involving the extension of the area of a county borough, the application for the provisional order shall be deemed to be a petition for leave to bring in a private Bill, and the notices published and served and the deposits made for the purposes of the proposed provisional order shall, so far as they comply with the requirements of the standing orders of the House of Lords and of the House of Commons respectively in the case of a private Bill, be held to have been published and served and made for a private Bill applying for similar powers.

In any such case the council of the county borough shall forthwith inform all persons who have objected

to the provisional order and other interested persons of their intention to proceed by way of private Bill. PART VI. —*cont.*

(5) Where a provisional order under this section uniting boroughs is confirmed, it shall be lawful for His Majesty to grant a commission of the peace and a court of quarter sessions to the combined borough in like manner as to any other borough.

Alteration of urban or rural districts and parishes, &c.

141.—(1) Where a county council consider, either on the receipt of proposals from a local authority or otherwise, that a prima facie case exists for any of the following changes; namely—

(*a*) an alteration or definition of the boundaries of an urban or rural district or of a parish; or

(*b*) the division of an urban or rural district or of a parish; or

(*c*) the transfer of any part of an urban or rural district to another such district, whether urban or rural, or the transfer of any part of a parish to another parish; or

(*d*) the union of an urban or rural district with any other such district, whether urban or rural, or the union of a parish with another parish; or

(*e*) the conversion of a rural district or any part of a rural district into an urban district, or of an urban district or any part of an urban district into a rural district; or

(*f*) the formation of a new urban or rural district or parish;

the county council shall cause a local inquiry to be held.

(2) The county council shall cause such notice as may be prescribed of the local inquiry and of the matters to be considered thereat to be given both in the locality and to the local authorities appearing to the county council to be concerned, and to the Minister and to such other Government departments as may be prescribed, and any local authority or person appearing to the county council to be concerned shall be entitled to appear at the local inquiry.

(3) If the county council are satisfied, after holding the local inquiry, that any such change as aforesaid is desirable, they may make an order giving effect to the

PART VI. —*cont.*

change and shall submit the order to the Minister for confirmation:

Provided that, before making an order giving effect to a change not considered at the local inquiry, the county council shall cause such notice as may be prescribed of the proposed change to be given both in the locality and to all local authorities appearing to the county council to be concerned, and those authorities shall be given an opportunity of making representations thereon.

(4) The county council shall send copies of the order to the Minister and to any other Government department to which notice of the local inquiry was required to be sent, and shall publish in one or more local newspapers circulating in the locality affected a notice stating that the order has been made, that a copy thereof is open to inspection at a specified place in the locality, and that petitions with respect thereto may be made to the Minister within six weeks after the publication of the notice.

(5) If within six weeks after publication of the notice referred to in the last preceding subsection any local authority, or any number of local government electors for a county district or for any ward of a county district or for any parish affected by the order, not being less than one hundred or one-third of the total number of those electors, whichever is the less, petition the Minister to disallow or modify the order, and the petition is not withdrawn, or if either the county council or any local authority by whom the proposals were originally made, on being informed by the Minister that he intends to refuse to confirm the order, request him to hold a local inquiry, the Minister shall, before taking further action, cause a local inquiry to be held.

(6) If proposals under subsection (1) of this section have been made by a local authority, and the county council refuses or neglects to hold a local inquiry or to make an order under this section, the authority who made the proposals may apply to the Minister, and the Minister may, after giving the county council and all local authorities and persons appearing to him to be concerned an opportunity of making representations, make any such order as the county council might have made.

PART VI. —*cont.*

(7) This section, so far as it relates to the alteration, division, transfer or union of parishes, or of any parts thereof, shall apply to county boroughs with the substitution of the council of the county borough for the county council.

(8) Where a rural district is not wholly situate in one county, a joint committee appointed by the councils of the counties concerned shall, subject to the terms of delegation, have power to make orders under this section.

(9) In this section the expression "local authority" includes the parish meeting of a rural parish not having a separate parish council.

Confirmation of order by Minister.

142.—(1) Subject as aforesaid, the Minister may confirm an order made under the last preceding section with or without modifications, or may refuse to confirm the order, whether or not a petition against it has been presented to him, but before making any modification in an order the Minister shall give notice of the proposed modification to all local authorities concerned, and those authorities shall be given an opportunity of making representations thereon, and if in any case in which the Minister has not already caused a local inquiry to be held the county council or any local authority by whom the proposals were originally made request the Minister to hold a local inquiry, the Minister shall cause a local inquiry to be held.

(2) In this section the expression "local authority" includes the parish meeting of a rural parish not having a separate parish council.

Adjustment of boundaries of counties and county boroughs.

143.—(1) If at any time after the commencement of this Act a county district or parish is not wholly situate within one county, or a part of a county is wholly detached from the remainder of the county, the county councils concerned shall take the case into consideration, and if as a result of such consideration a joint representation is made to the Minister by those councils, the Minister may, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order make such alteration of the counties as may be necessary to secure that the whole of the county district or parish shall be within a single

PART VI. —*cont.*

county, or to provide that such detached part of a county shall be included in or divided amongst the county or counties surrounding it.

(2) The Minister may, on a joint representation being made by a county council and the council of a county borough, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order, alter or define the boundary between the county and the county borough.

Accretions from the sea, &c.

144. Every accretion from the sea, whether natural or artificial, and any part of the sea-shore to the low-water mark, which does not at the commencement of this Act form part of a parish, shall for all purposes of local government be annexed to, and incorporated with, the parish or parishes which such accretion or part of the sea-shore adjoins, in proportion to the extent of the common boundary, and every such accretion or part of the sea-shore annexed to and incorporated with a parish under this section shall be annexed to and incorporated with the county district and county, or the county borough, as the case may be, in which that parish is situate.

Alteration of local boundaries consequent on alteration of water-course. 20 & 21 Geo. 5. c. 44.

145.—(1) Where, in the exercise of any powers conferred by the Land Drainage Act, 1930, a watercourse forming a boundary line between two or more areas of local government is straightened, widened or otherwise altered so as to affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Minister, and the Minister, if satisfied that a new boundary line may conveniently be adopted; shall, by notice published in such manner as he thinks fit, declare that the watercourse as altered shall be substituted either wholly or in part for the former boundary line, and thereupon the limits of the areas of which the watercourse, when unaltered, was the boundary shall be deemed to be varied accordingly.

(2) If in any such case the Minister is of opinion that a new boundary cannot conveniently be adopted, either wholly or in part, he shall require the drainage board or other persons aforesaid to set out a boundary either on the line of the watercourse as it existed before

its alteration, or on a new line in lieu thereof, in such manner as he thinks fit. PART VI. —*cont.*

(3) Where the Minister incurs any expenses in or in connection with the exercise of the powers conferred on him by this section, he may make such orders as he thinks fit with respect to the parties by whom or the funds or rates out of which those expenses or any part thereof are to be borne, and any sum payable to the Minister by virtue of any such order may be recovered as a debt due to the Crown.

Review of Areas by County Councils.

Review of county districts by county councils.

146.—(1) At any time after the expiration of ten years from the completion by a county council of the first review of their county under section forty-six of the Local Government Act, 1929, the county council may, whenever they think it desirable, and shall, if so required by the Minister, within such time as the Minister may allow, after conferences with representatives of the councils of the several county districts wholly or in part situate within the county, review the circumstances of all such county districts and consider whether it is desirable to effect any of the following changes :—

(*a*) any alteration or definition of the boundaries of an urban or rural district or of a parish;

(*b*) the division of an urban or rural district or parish;

(*c*) the transfer of any part of an urban or rural district to another such district, whether urban or rural, or the transfer of any part of a parish to another parish;

(*d*) the transfer of a part of a non-county borough to an urban or rural district, or of the whole or part of an urban or rural district to a non-county borough;

(*e*) the union of an urban or rural district with another such district, whether urban or rural, or the union of any parish with another parish;

(*f*) the conversion of any rural district or any part of a rural district into an urban district, or of

PART VI. —*cont.*

any urban district or any part of an urban district into a rural district;

(*g*) the formation of any new urban or rural district or parish;

and shall forthwith after the review is completed as respects the whole or any part of the county send to the Minister a report of the review, together with proposals as to the changes, if any, which they consider desirable:

Provided that, before making any such proposals the county council shall consult with the councils of the county boroughs adjoining the county, and the Minister shall give those councils an opportunity of laying before him their views on the proposals made by the county council.

(2) The proposals may, if the council of the county borough concerned agree, include proposals for an alteration of boundaries between a county borough and the county and any county district therein.

(3) As soon as any such proposals are made to the Minister, the council making the proposals shall send copies thereof to the councils of the several county districts appearing to the county council to be concerned, and shall publish in one or more local newspapers circulating in those county districts a notice stating that proposals have been made and that a copy thereof is open to inspection at a specified place within the county, and that representations with respect thereto may be made to the Minister within six weeks after the publication of the notice.

(4) The Minister shall consider the proposals and any representations with respect to the proposals, or any of them, which may have been made by any local authorities or parish meetings or local government electors affected thereby, and either may make an order giving effect to the proposals, or any of them, with or without modifications, or may refuse to make such an order:

Provided that, if an objection with respect to any proposal is made by a local authority affected thereby, and is not withdrawn, the Minister shall not make an order giving effect to the proposal without first holding a local inquiry into the objection.

(5) If either on representations made by the council of a county district or otherwise it appears to the

PART VI. —*cont.*

Minister, after consultation with such authorities as appear to him to be concerned, that there is a prima facie case for making any such change as aforesaid, and that the county council have failed to make a proposal for the purpose within the time allowed, the Minister shall publish in one or more local newspapers circulating in the county districts affected a notice stating—

(*a*) that he proposes to make the change; and

(*b*) that a copy of his proposals is open to inspection at a specified place within the county; and

(*c*) that representations with respect thereto may be made to him within six weeks after the publication of the notice;

and the Minister, after considering any representations duly made, and, if any objections are made by a local authority and are not withdrawn, after holding a local inquiry with respect to the proposals to which the objections relate, may make an order effecting the change or such modified change as appears to him to be expedient.

(6) If within four weeks after the making by the Minister of an order under this section objection thereto is made by the council of a borough to which the order relates and is not withdrawn, the order of the Minister shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

(7) An order made under this section, other than an order which is provisional only, shall be laid before Parliament as soon as may be after it is made.

(8) The interval between any two reviews under this section shall in no case be less than ten years.

Change of Name of District or Parish.

Power to change name of district or parish.

147.—(1) The council of an urban or rural district may, with the consent of the county council, change the name of the district.

(2) The council of a county borough may change the name of any urban parish situate in the county borough.

(3) In the case of an urban parish not so situate, the county council may, at the request of the council of the borough or urban district in which the parish is situate, change the name of that parish.

PART VI. —*cont.*

(4) In the case of a rural parish, the county council may, at the request of the parish council or of the parish meeting of the parish, change the name of that parish.

(5) Every change of name made in pursuance of this section shall be published in such manner as the council of the county or county borough, as the case may be, may direct, and shall be notified to the Secretary of State, the Minister, and to the Minister of Agriculture and Fisheries.

(6) A change of name made under this section shall not affect any rights or obligations of any parish, district, council, authority, or person, or render defective any legal proceedings, and any legal proceedings may be commenced or continued as if there had been no change of name.

Supplemental Provisions.

Supplemental provisions as to alterations of areas.

148.—(1) A scheme or order made under this Part of this Act may contain such incidental, consequential or supplemental provisions with respect to administrative and judicial arrangements as may appear to be necessary or proper for the purposes of the scheme or order and for giving full effect thereto, and without prejudice to the generality of the foregoing provision may provide for all or any of the following matters, that is to say, the scheme or order—

(*a*) may provide for the abolition or establishment, or the restriction or extension of the jurisdiction, of any public body in or over any part of the area affected by the scheme or order;

(*b*) may provide for the name of any altered area;

(*c*) may provide for the adjustment or alteration of the boundaries of any area affected by the scheme or order, or of any parishes or districts wholly or in part situate within any such area, or for the union of any such parishes or parts thereof, and for the constitution and election of the public bodies in any such area;

(*d*) may deal with the functions or area of jurisdiction of any public body, court of quarter sessions, justices of the peace, stipendiary magistrate, coroner, sheriff, lieutenant, custos rotulorum, clerk of the peace, and other officers (including

police officers) within the area affected by the scheme or order, and with the costs and expenses of any such public bodies, sessions, persons, or officers as aforesaid; PART VI. —*cont.*

(*e*) may determine the status of any area affected by the scheme or order as a component part of any larger area, and may extend to any altered area the provisions of any local Act or statutory order which were previously in force in a portion of the area, or exclude from the application of any local Act or statutory order any part of the altered area to which it previously applied, so, however, that such extension or exclusion shall not, without their consent, affect the powers or duties of any statutory undertakers;

(*f*) may make temporary provision for meeting the debts and liabilities of the various public bodies affected by the scheme or order, for the management of their property, and for regulating the duties, position, and remuneration of officers affected by the scheme or order;

(*g*) may provide for the transfer of any writs, process, records, and documents relating to or to be executed in any part of the area affected by the scheme or order, and for determining questions arising from such transfer;

(*h*) may provide for the adjustment of any property, debts, and liabilities affected by the scheme or order and for the continuance in office of any public body for the purposes of such adjustment:

Provided that a scheme or order which provides for the extension of any provision relating to a gas or electricity undertaking and contained in a local Act or statutory order, or for the exclusion of any part of an area from the application of any such provision, shall not be made or confirmed by the Committee of Council or the Minister except with the consent of the Board of Trade or the Minister of Transport, as the case may require.

(2) An order made under this Part of this Act may, as respects any area affected by the order, contain

PART VI. —*cont.*

such incidental, consequential or supplemental provisions as may be necessary for—

(*a*) the division or redivision of the area into electoral divisions or wards, the constitution of new electoral divisions or wards, and the alteration of the boundaries of electoral divisions or wards; and

(*b*) the total number of councillors and aldermen (if any), the apportionment of councillors amongst electoral divisions or wards or parishes, the assignment of existing councillors to altered electoral divisions or wards or parishes, and the first election of councillors for any new or altered area, electoral division, ward or parish and for the first election of aldermen (if any).

(3) An order made under this Part of this Act uniting boroughs may contain such provisions as may appear to be necessary or proper for regulating all matters incidental to the grant of a commission of the peace and a court of quarter sessions, and to the changes caused by the union of the boroughs in matters connected with the commission or court or otherwise with the administration of justice.

Miscellaneous provisions relating to orders.

149.—(1) An order may be made for amending any order previously made in pursuance of this Part of this Act, or of any corresponding enactment repealed by this Act, and may be made by the same authority and after the same procedure and subject to compliance with the like conditions as the original order.

(2) An order made under this Part of this Act may amend any local Act or statutory order:

Provided that an order which provides for the amendment of any provision relating to a gas or electricity undertaking and contained in a local Act or statutory order shall not be made or confirmed by the Minister except with the consent of the Board of Trade or the Minister of Transport, as the case may require.

Transfer and compensation of officers.

150.—(1) A scheme or order made under this Part of this Act may contain provisions as to the transfer of existing officers affected by the scheme or order, and shall contain provisions for—

(*a*) the protection of the interests of any such existing officers; and

(*b*) the payment, by such local authority as may be determined by or under the scheme or order, of compensation to any existing officer who by virtue of the scheme or order, or of anything done in pursuance of or in consequence of its provisions, suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, and for whose compensation for that loss no other provision is made by any enactment or statutory order for the time being in force. PART VI. —*cont.*

(2) An existing officer who, at any time within five years after the date on which the scheme or order comes into operation, relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before that date shall be deemed for the purposes of the scheme or order to have had his office determined in consequence of the scheme or order, and, unless the contrary is shown, to have suffered direct pecuniary loss in consequence of the scheme or order by reason of such determination.

(3) An existing officer whose appointment is determined or whose emoluments are reduced within five years after the date on which the scheme or order comes into operation, because his services are not required or his duties are diminished (no misconduct being established), shall be deemed, unless the contrary is shown, to have suffered direct pecuniary loss in consequence of the scheme or order.

(4) A scheme or order made under this Part of this Act and providing for the payment of compensation to existing officers shall incorporate the provisions set out in the Fourth Schedule to this Act.

(5) For the purposes of this section—

(*a*) the expression "office" means any place, situation or employment and includes the office of superintendent registrar, registrar of births and deaths, registrar of marriages, and the office of teacher in a public elementary school maintained but not provided by a local education authority, and the expression "officer" has a corresponding meaning; and

PART VI. —*cont.*

(*b*) the expression "existing officer" means an officer who holds office on the date on which the scheme or order is made, or on such other date or dates as may be specified in the scheme or order.

(6) The payment of a lump sum by a local authority by way of compensation to an existing officer under a scheme or order made under this Part of this Act shall be a purpose for which the local authority may borrow.

Financial adjustments.

151.—(1) Any public bodies affected by any alteration of areas or authorities made by an order under this Part of this Act may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities and expenses (so far as affected by the alteration) of, and any financial relations between, the parties to the agreement.

(2) The agreement may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any functions, and for payment by either party to the agreement in respect of property, debts, functions, and liabilities so transferred or retained, or of such joint user, and in respect of the remuneration or compensation payable to any officer or person, and that either by way of a capital sum or of a terminable annuity for a period not exceeding that allowed by the Minister.

(3) In default of an agreement as to any matter requiring adjustment, such adjustment shall be referred to the arbitration of a single arbitrator agreed upon by the parties, or in default of agreement appointed by the Minister, and the award of the arbitrator may provide for any matter for which an agreement might have provided.

(4) Any sum required to be paid by a public body for the purpose of an adjustment under this section, may be paid out of such fund or rate as may be specified in the agreement or award, or if no fund or rate is so specified, either out of the fund or rate from which the general expenses of the public body are defrayed, or out of such other fund or rate as the public body, with the approval of the Minister, may direct.

PART VI. —*cont.*

(5) For the purpose of paying any capital sum required to be paid by a public body for the purposes of an adjustment under this section—

(*a*) a local authority may borrow without the consent of any sanctioning authority, but so that the sum borrowed shall be repaid within such period as the authority, with the consent of the Minister, may determine;

(*b*) any other public body having power under any enactment or statutory order to borrow may borrow under that enactment; and

(*c*) a public body having no power under any enactment or statutory order to borrow may be empowered by the order to borrow in such manner and in accordance with such conditions as may be therein provided and may borrow accordingly.

(6) Capital money received by a public body in respect of an adjustment under this section shall be applied in such manner as the Minister may approve towards the discharge of any debt of the public body or otherwise for any purpose for which capital money may be applied.

Special provisions as to adjustments.

152.—(1) On an adjustment under the last preceding section the following provisions shall have effect:—

(*a*) Any adjustment of the proceeds of local taxation licences or of the grants payable under Part VI of the Local Government Act, 1929, shall be carried out in accordance with the regulations made under paragraph (*b*) of subsection (1) of section one hundred and eight of that Act, and for this purpose regulations made under the said paragraph may extend to the proceeds of such licences:

(*b*) Provision shall, unless otherwise agreed, be made for the payment to a local authority of such sum as seems equitable, in accordance with the rules contained in the Fifth Schedule to this Act, in respect of any increase of burden which, as a consequence of any alteration of boundaries

PART VI. —*cont.*

or other change in relation to which the adjustment takes place, will properly be thrown on the ratepayers of the area of that local authority in meeting the cost incurred by that local authority in the discharge of any of their functions.

(2) This section shall also extend to an adjustment made under section thirty-two or section sixty-two of the Local Government Act, 1888, whether as originally enacted or as applied in England or Wales by any other enactment or statutory order, and consequent on an alteration of boundaries or other change effected after the thirty-first day of March, nineteen hundred and thirty.

51 & 52 Vict. c. 41.

Intersection of local government areas.

153. In every alteration of boundaries effected under this Part of this Act, care shall be taken that, so far as practicable, the boundaries of an area of local government shall not intersect the boundaries of any other area of local government.

Saving for parliamentary areas.

154. An alteration of areas or authorities made under this Part of this Act shall not affect the limits of any parliamentary county or parliamentary borough or any division of any such county or borough.

Saving for royal prerogative.

155. The enabling provisions of this Part of this Act shall be deemed to be in addition to, and not in derogation of, the powers exercisable by His Majesty by virtue of his royal prerogative.

PART VII.

ACQUISITION OF, AND DEALINGS IN, LAND.

Provisions applicable to local authorities other than parish councils.

156. The provisions contained in the ten sections of this Act next following shall apply to all local authorities other than parish councils.

Acquisition of Land by Agreement by Local Authorities other than Parish Councils.

Power of local authorities to acquire land by agreement.

157.—(1) A local authority may, for the purpose of any of their functions under this or any other public general Act, by agreement acquire, whether by way of purchase, lease, or exchange, any land, whether situate within or without the area of the local authority.

(2) In the case of a county council the reference in this section to the functions of a local authority shall

be construed as including any such functions as are exercised through the standing joint committee. PART VII. —*cont.*

Acquisition of land in advance of requirements.

158.—(1) A local authority may, with the consent of and subject to any conditions imposed by the appropriate Minister, acquire by agreement, whether by way of purchase, lease, or exchange, any land, whether situate within or without the area of the local authority, for any purpose for which the local authority are authorised by this or any other public general Act to acquire land, notwithstanding that the land is not immediately required for that purpose.

(2) Any land acquired under this section may, until it is required for the purpose for which it was acquired, be held and used for the purpose of any of the functions of the local authority.

(3) In this section the expression "appropriate Minister" means, in relation to land to be acquired for any purpose, the Minister, Board, Commissioners, or other department concerned with that purpose.

Compulsory Acquisition of Land by Local Authorities other than Parish Councils.

Power of local authorities to purchase land compulsorily.

159.—(1) A county council may be authorised to purchase compulsorily any land, whether situate within or without the county, for the purpose of any of their functions under this or any other public general Act, including any such functions as are exercised through the standing joint committee.

(2) The council of a borough or urban or rural district may be authorised to purchase compulsorily any land, whether situate within or without the area of the local authority, for any of the purposes of the Public Health Acts, 1875 to 1932.

Compulsory purchase of land by means of a provisional order.

160.—(1) The following provisions of this section shall have effect with respect to the compulsory purchase of land by a local authority in cases where power to authorise the local authority to purchase land compulsorily is conferred—

(*a*) by this Act; or

(*b*) by any enactment or statutory order in force immediately before the commencement of this

PART VII. —*cont.*

38 & 39 Vict. c. 55.

Act and incorporating or applying section one hundred and seventy-six of the Public Health Act, 1875; or

(*c*) by any enactment passed or statutory order made after the commencement of this Act empowering the Minister to authorise the local authority to purchase land compulsorily by means of a provisional order made by him and confirmed by Parliament.

(2) The local authority shall publish in one or more local newspapers circulating in the locality in which the land proposed to be purchased is situate a notice describing the land and stating the purpose for which the land is required.

(3) The local authority shall serve in the prescribed manner on every owner, lessee and occupier (except tenants for a month or any period less than a month) of the land proposed to be purchased, a notice in the prescribed form indicating in each case the particular land intended to be purchased and the purpose for which the land is required, and stating that the authority propose to request the Minister to make a provisional order empowering them to purchase the land compulsorily, and specifying the time within which and the manner in which objections can be made to the proposed order.

(4) On compliance with the foregoing provisions of this section, the local authority may request the Minister to make a provisional order empowering them to purchase the land compulsorily.

(5) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, make a provisional order authorising the local authority to purchase compulsorily the land comprised in the order, but in any other case he shall, before making the provisional order, cause a local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry:

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof, and may make a provisional order without

causing a local inquiry to be held, if satisfied that every objection duly made and not withdrawn relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed. PART VII. —*cont.*

(6) A provisional order made under this section shall incorporate such of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act, 1845, as are specified in the Sixth Schedule to this Act, subject as regards the Lands Clauses Acts to the modifications set out in that Schedule. 8 & 9 Vict. c. 20

(7) Where a provisional order has been made by the Minister, the local authority shall serve in the prescribed manner a copy of the order on the persons on whom notices with respect to the land to be purchased are required to be served under this section.

(8) In construing for the purposes of this section or any provisional order made thereunder any enactment incorporated in the order, the enactment or statutory order by virtue of which the order is made, together with the order, shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking or the company, as the case may require, and the word "land" shall have the meaning assigned to it in this Act.

Compulsory purchase of land by means of an order confirmed by the Minister.

161.—(1) The following provisions of this section shall have effect with respect to the compulsory purchase of land by a local authority in cases where the local authority are authorised by any public general Act passed after the commencement of this Act to purchase land compulsorily by means of an order made by the authority and confirmed by the Minister (in this Part of this Act referred to as "a compulsory purchase order.")

(2) A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies, and shall incorporate such of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act, 1845, as are specified in the Sixth Schedule to this Act, subject as regards the Lands Clauses Acts to the modifications set out in that Schedule.

(3) Before submitting the order to the Minister the local authority shall—

(*a*) publish in one or more local newspapers circulating in the locality in which the land comprised

PART VII. —*cont.*

in the order is situate a notice stating that the order has been made and the purpose for which the land is required, describing the land, and naming a place within the locality where a copy of the order and of the map referred to therein may be inspected; and

(*b*) serve in the prescribed manner on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land comprised in the order a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within which and the manner in which objections thereto can be made.

(4) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, confirm the order with or without modifications, but in any other case he shall, before confirming the order, cause a local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modifications:

Provided that—

(*a*) the Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a local inquiry to be held, if satisfied that every objection duly made and not withdrawn relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed;

(*b*) the order as confirmed by the Minister shall not authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase, if it had been confirmed without modification.

(5) In construing for the purposes of this section or any order made thereunder any enactment incorporated in the order, the enactment by virtue of which the order is made, together with the order, shall

PART VII. —*cont.*

be deemed to be the special Act, and the local authority to be the promoters of the undertaking or the company, as the case may require, and the word "land" shall have the meaning assigned to it in this Act.

(6) As soon as may be after the compulsory purchase order has been confirmed by the Minister, the local authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situate a notice in the prescribed form stating that the order has been confirmed, and naming a place within the locality where a copy of the order as confirmed and of the map referred to therein may be inspected, and shall serve in the prescribed manner a like notice and a copy of the order as confirmed on the persons on whom notices with respect to the land comprised in the order are required to be served under this section.

(7) A compulsory purchase order shall become operative at the date on which notice of its confirmation is published in accordance with the provisions of the last preceding subsection.

Validity of compulsory purchase orders.

162.—(1) If any person aggrieved by a compulsory purchase order (other than a compulsory purchase order which is provisional only unless and until it is confirmed by Parliament) desires to question its validity, he may, within two months after the publication of the notice of confirmation in accordance with the provisions of the last preceding section, make an application for the purpose to the High Court, and if upon any such application the court are satisfied that the order is invalid, and, where the invalidity of the order arises from a failure to comply with any provision governing the procedure for the making or confirmation thereof, are further satisfied that the interests of the applicant have been substantially prejudiced by that failure, the court may quash the order either generally or in so far as it affects any property of the applicant.

(2) Subject to the provisions of the last preceding subsection a compulsory purchase order shall not, either before or after its confirmation, be questioned by prohibition or certiorari or in any legal proceedings.

(3) Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this section.

PART VII. —*cont.*

Appropriation of Land by Local Authorities other than Parish Councils.

Power to appropriate land.

163.—(1) Any land belonging to a local authority and not required for the purposes for which it was acquired or has since been appropriated may be appropriated for any other purpose approved by the Minister for which the local authority are authorised to acquire land:

Provided that—

(i) the local authority shall not on any land so appropriated—

(*a*) create or permit any nuisance; or

(*b*) sink any well for the public supply of water, or construct any cemetery, burial ground, destructor, sewage farm, or hospital for infectious diseases, unless, after local inquiry and consideration of any objections made by persons affected, the Minister, subject to such conditions as he thinks fit, authorises the work or construction;

(ii) the appropriation of land by a local authority shall be subject to any covenant or restriction affecting the use of the land in their hands.

(2) In the case of an appropriation under this section of land acquired under any enactment (including any enactment in this Act) or statutory order incorporating the Lands Clauses Acts, any work executed on the land after the appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, be deemed to have been authorised by the enactment or statutory order under which the land was acquired.

8 & 9 Vict. c. 18.

(3) On an appropriation of land under this section such adjustment shall be made in the accounts of the local authority as the Minister may direct.

Disposal of Land by Local Authorities other than Parish Councils.

Power to let land.

164. A local authority may let any land which they may possess—

(*a*) with the consent of the Minister, for any term;

(*b*) without the consent of the Minister, for a term not exceeding seven years.

PART VII. —*cont.*

165. A local authority may, with the consent of the Minister,— Power to sell or exchange land.

(*a*) sell any land which they may possess and which is not required for the purpose for which it was acquired or is being used; or

(*b*) exchange any land which they may possess for other land, either with or without paying or receiving any money for equality of exchange.

166.—(1) Capital money received by a local authority in respect of a transaction under either of the two last preceding sections shall be applied in such manner as the Minister may approve towards the discharge of any debt of the local authority or otherwise for any purpose for which capital money may properly be applied: Application of capital money.

Provided that, where any land to which the transaction relates is parish property vested in the council of a borough or urban or rural district on behalf of a parish situate in the borough or district, any capital money received by the council in respect of the transaction shall be applied in such manner as the Minister may approve towards the discharge of any debt of the parish or otherwise for the permanent advantage of the parish.

(2) Where capital money is applied under this section for a purpose other than that for which the land which was the subject of the transaction was held, such adjustment shall be made in the accounts of the local authority as the Minister may direct.

Acquisition and Disposal of Land by Parish Councils.

167. A parish council may, for the purpose of any of their functions under this or any other public general Act, by agreement acquire, whether by way of purchase, lease, or exchange, any land whether situate within or without the parish. Power of parish council to acquire land.

168.—(1) If a parish council are unable to purchase by agreement and on reasonable terms suitable land for any purpose for which they are authorised to acquire land, they may represent the case to the council of the county in which the parish is situate, and if on any such representation the county council are satisfied that suitable land for the said purpose cannot Compulsory purchase of land on behalf of parish council.

PART VII. —*cont.*

be purchased on reasonable terms by agreement and that the circumstances are such as to justify the county council in proceeding under this section, the county council shall cause a local inquiry to be held in the parish by such one or more members, or such officer, of the council as the council may appoint for the purpose.

(2) The county council shall publish in the parish in the prescribed manner a notice of the proposed inquiry, and shall serve on the owners, lessees, and occupiers (except tenants for a month or any period less than a month), of the land proposed to be taken notice thereof in the prescribed form.

(3) After the inquiry has been completed, and all objections made by persons interested have been considered, the county council may make and submit to the Minister an order for the compulsory purchase of the land, or any part thereof, and the provisions of this Part of this Act relating to compulsory purchase orders shall apply to an order made under this section, subject to the following modifications :—

(*a*) if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, it shall be obligatory on the Minister, if he is satisfied that the proper notices have been published and served, to confirm the order with or without modification;

(*b*) the order shall be carried into effect by the county council, but the land, when acquired, shall be conveyed to the parish council, and accordingly in construing for the purposes of this section and of the order any enactment incorporated in the order the parish council in whom the land is to be vested and the county council by whom the land is to be acquired shall, as the case may require, be deemed to be the promoters of the undertaking or the company;

(*c*) it shall not be necessary for the county council to publish any notice stating that the order has been made and the purpose for which the land is required.

PART VII. —*cont.*

(4) The county council in making and the Minister in confirming an order under this section shall have regard to the extent of land held in the neighbourhood by any owner, and to the convenience of other property belonging to the same owner, and shall, so far as is practicable, avoid taking an undue or inconvenient quantity of land from any one owner.

(5) At an inquiry held under this section the person holding the inquiry shall not, unless the Minister so directs, hear counsel or expert witnesses.

(6) The person holding an inquiry under this section on behalf of a county council shall have the same powers as a person appointed by the Minister under this Act to hold an inquiry.

(7) If a county council refuse to make an order under this section, the parish council may petition the Minister, and the Minister, after holding a local inquiry, may, if he thinks proper, make the order, and this section shall apply as if the order had been made by the county council and confirmed by the Minister.

Power of parish council to let land.

169. A parish council, or in the case of a rural parish not having a separate parish council the representative body of the parish with the consent of the parish meeting, may let any land vested in them which is held for charitable purposes with such consent or approval as is required under the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899, for the sale of charity estates, and may let any other land vested in them with the consent of the Minister:

62 & 63 Vict. c. 33.

Provided that no consent or approval shall be required where the term for which the land is let does not exceed one year, and in the case of land held for charitable purposes, no consent or approval shall be required if the letting is for the purpose of allotments under the Allotments Acts, 1908 to 1931.

Power of parish council to sell or exchange land.

170.—(1) A parish council, or in the case of a rural parish not having a separate parish council the representative body of the parish, may, with the consent of the parish meeting—

(*a*) sell any land which they may possess and which is not required for the purposes for which it was acquired or is being used; or

PART VII. —*cont.*

(*b*) exchange any land which they may possess for other land, either with or without paying or receiving any money for equality of exchange:

Provided that no land held for charitable purposes shall be sold or exchanged without such consent or approval as is required under the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899, and no other land shall be sold or exchanged without the consent of the Minister.

(2) Capital money received in respect of a transaction under this section shall be applied—

(i) in the case of a sale or exchange of land held for charitable purposes, in accordance with any directions given under the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899; and

(ii) in any other case, in such manner as the Minister may approve towards the discharge of any debt of the parish council or parish meeting, or otherwise for any purpose for which capital money may be applied.

Corporate Land.

Power to acquire corporate land.

171. Where a municipal corporation have no power under their charter to acquire land, or where the power conferred by their charter is exhausted, the council of the borough may, with the approval of the Minister, by agreement acquire land as corporate land in such manner, and on such terms and conditions, as the Minister may approve.

Power to dispose of corporate land.

172.—(1) The council of a borough may let any corporate land for a term not exceeding—

(*a*) in the case of a building lease, ninety-nine years;

(*b*) in the case of a mining lease, sixty years;

(*c*) in the case of any other lease, twenty-one years.

(2) Where a municipal corporation had power immediately before the commencement of this Act to renew any lease of corporate land for any term or number of years, either certain or determinable after a death, or

at any rent, or on the payment of any fine or premium, either certain or arbitrary, or with or without any covenant for the future renewal thereof, the council of the borough may renew the lease for that term or in that manner. PART VII. —*cont.*

(3) Where the council of a borough desire to dispose of corporate land otherwise than as aforesaid, they may, with the consent of the Minister, dispose of the land either by way of sale, exchange, mortgage, charge, demise, lease or otherwise, in such manner and on such terms and subject to such conditions, including conditions as to the investment of capital money arising from the transaction, as the Minister may approve.

(4) In this section, the expression—

"Building lease" means a lease for any building purposes (that is to say, for the purposes of erecting, improving, adding to, or repairing buildings) or purposes connected therewith;

"Mining lease" means a lease for any mining purposes (that is to say, for the purposes of sinking and searching for, winning, working, getting, making merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away, and disposing of mines and minerals, in or under land, and the erection of buildings and the execution of engineering and other works suitable for these purposes) or purposes connected therewith, and includes a grant or licence for any mining purposes.

General.

Lands belonging to Duchy of Lancaster.

173. The Chancellor and Council of the Duchy of Lancaster may sell to a local authority any land belonging to His Majesty in right of the said duchy which the local authority think fit to purchase, and the land may be assured to the local authority and the proceeds of the sale shall be paid and dealt with as if the land had been sold under the authority of the Duchy of Lancaster Lands Act, 1855. 18 & 19 Vict. c. 58.

PART VII. —*cont.* Provisions as to commons and open spaces.

174.—(1) Where a compulsory purchase order made under this Part of this Act authorises the acquisition of any land forming part of a common, open space or allotment, the order shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament.

(2) This section shall not apply where the order provides for giving in exchange for such land other land, not being less in area, certified by the Minister, after consultation with the Minister of Agriculture and Fisheries, to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public:

Provided that—

(*a*) before giving any such certificate the Minister shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry; and

(*b*) the order shall provide for vesting the land given in exchange in the persons in whom the common, open space or allotment was vested, subject to the same rights, trusts and incidents as attached to the common, open space or allotment, and for discharging the part of the common, open space or allotment acquired from all rights, trusts and incidents to which it was previously subject.

(3) In this section the expression—

"Allotment" means an allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act;

"Common" includes land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green;

"Open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground.

PART VII. —*cont.*

Provisions as to land in neighbourhood of royal palaces or parks.

175.—(1) Where any land proposed to be acquired by means of a compulsory purchase order under this Part of this Act is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall communicate with the Commissioners of Works, and the Minister shall, before confirming the order or authorising the raising of any loan for the purpose of the acquisition of the land, take into consideration any recommendation received from the Commissioners of Works with reference to the proposal.

(2) Before making any regulations under this section, the Minister shall consult the Commissioners of Works.

Application of Lands Clauses Acts to purchases by agreement.

176. Where under this Part of this Act a local authority are authorised to acquire land by agreement, the Lands Clauses Acts, except the provisions relating to the acquisition of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, and in construing those Acts for the purposes of this section this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and the word "land" shall have the meaning assigned to it in this Act.

Payment of purchase or compensation money by one local authority to another.

177.—(1) Any purchase money or compensation payable in pursuance of this Part of this Act by a local authority in respect of any land acquired from another local authority which would, but for this section, be required to be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid and applied as the Minister may determine.

(2) A decision of the Minister under this section shall be final.

Application of proceeds of sale of parish property.

178. Where property representing the proceeds of sale of parish property is held at the commencement of this Act for the benefit of a parish, the property and the income thereof shall continue to be applied to the purposes to which they were applied immediately before the commencement of this Act, until the Minister otherwise directs.

PART VII. —*cont.* Savings.

179. Nothing in this Part of this Act shall—

(*a*) authorise the compulsory acquisition by means of a compulsory purchase order of land which is the site of an ancient monument or other object of archaeological interest; or

(*b*) affect the provisions of the Ancient Monuments Acts, 1913 and 1930, or empower a local authority to acquire or to dispose of, whether by sale, lease or exchange, or to appropriate, any ancient monument within the meaning of those Acts; or

(*c*) authorise the compulsory acquisition by means of a compulsory purchase order of land which is the property of a local authority, or which has been acquired by statutory undertakers for the purposes of their undertaking; or

(*d*) authorise the disposal of land by a local authority, whether by sale, lease, or exchange, in breach of any trust, covenant or agreement binding upon the authority; or

(*e*) affect any power to sell, mortgage, alienate or lease corporate land in pursuance of an agreement made on or before the fifth day of June, eighteen hundred and thirty-five, or of a resolution entered in the books of a body corporate on or before that date; or

(*f*) where under any enactment or statutory order conferring on a local authority a power to acquire land the power is expressly limited to acquisition by agreement, confer on the local authority power to acquire land compulsorily for the purposes of that enactment or statutory order; or

(*g*) affect any provisions relating to the acquisition, appropriation or disposal of land by a local authority contained in any of the enactments set out in the Seventh Schedule to this Act or in any statutory order made thereunder, or the application of any capital money arising from such disposal, or, in so far as any of those enactments or orders contains provisions relating to the acquisition, appropriation, or disposal

of land, or the application of capital money arising from land, empower a local authority to effect any transaction which might be effected under those provisions otherwise than under those provisions and in accordance therewith; or

PART VII. —*cont.*

(*h*) affect the provisions of the Unemployment (Relief Works) Act, 1920, or the Public Works Facilities Act, 1930. 10 & 11 Geo. 5. c. 57. 20 & 21 Geo. 5. c. 58.

PART VIII.

EXPENSES.

County Councils.

General and special county purposes.

180.—(1) In this Part of this Act and in every other enactment relating to the expenses of county councils, unless the context otherwise requires—

(*a*) The expression "general county purposes" means all purposes declared by this Act or any other enactment or by any statutory order to be general county purposes, and all purposes for expenditure on which the whole of the county is chargeable, and all purposes which are not made special county purposes by or under any enactment or statutory order; and

(*b*) The expression "special county purposes" means any purposes for expenditure on which part only of the county is chargeable, whether by reason of any part of the county being exempt therefrom or otherwise.

(2) All expenses incurred by a county council under any enactment passed after the commencement of this Act shall, unless the enactment otherwise provides, be deemed to be expenses for general county purposes.

(3) In determining the amount of expenses for any particular county purpose, general or special, a proper proportion of the cost of the officers and buildings and establishment of the county council may be added to the expenses directly incurred for that purpose.

County fund.

181.—(1) All receipts of a county council, whether for general or special county purposes, shall be carried to the county fund, and all liabilities falling to be discharged by the council, whether for general or special county purposes, shall be discharged out of that fund.

PART VIII. —*cont.*

(2) Separate accounts shall be kept of receipts carried to, and payments made out of, the county fund—

(*a*) for general county purposes;

(*b*) for each special county purpose, except that, where as respects any two or more special county purposes the part of the county chargeable is the same, one separate account may be kept as respects both or all of those purposes;

and the account for general county purposes shall be called the general county account, and an account for any special county purpose shall be called a special county account.

Annual budget of county councils.

182.—(1) Before the commencement of every financial year a county council shall cause to be submitted to them an estimate of the income and expenditure of the council during that financial year, whether on account of property, contributions, rates, loans, or otherwise.

(2) The council shall estimate the amounts which will be required to be raised in the first six months and in the second six months of the financial year by means of precepts.

(3) If before the expiration of the first six months of the financial year it appears to the council that the amounts estimated at the commencement of the year will be larger than is necessary or will be insufficient, the council may revise the estimate and alter the said amounts accordingly.

Power of county council to issue precepts.

183.—(1) A county council shall have power to issue precepts for the levying of rates to meet all liabilities falling to be discharged by the council, for which provision is not otherwise made.

(2) A precept issued by a county council shall be so issued as to secure that the rate is levied—

(*a*) in the case of a rate to meet liabilities in respect of expenditure for general county purposes, on the whole of the county; and

(*b*) in the case of a rate to meet liabilities in respect of expenditure for a special county purpose, on the part of the county chargeable therewith.

PART VIII. —*cont.*

(3) A precept issued by a county council may include as separate items a contribution for general county purposes and a contribution for special county purposes.

Payments to and out of county fund.

184.—(1) All payments to and out of the county fund shall be made to and by the county treasurer.

(2) All payments out of the county fund shall, unless made in pursuance of the specific requirement of any enactment, or of an order of a competent court, or of a justice of the peace acting in discharge of his judicial functions, be made in pursuance of an order of the county council signed by three members of the finance committee thereof present at the meeting of the council at which the order is made, and countersigned by the clerk of the council, and the same order may include several payments.

(3) An order for the payment of a sum out of the county fund shall not be made by a county council except in pursuance of a resolution of the council passed on the recommendation of the finance committee.

(4) All cheques for payment of moneys issued in pursuance of an order of a county council made under this section shall be countersigned by the clerk of the county council or by some other person approved by the council.

(5) Any person aggrieved by an order of a county council made under this section may appeal to the High Court, and on any such appeal the High Court may give such directions in the matter as they think proper, and the order of the High Court shall be final.

Borough Councils.

General rate fund of borough.

185.—(1) All receipts of the council of a borough, including the rents and profits of all corporate land, shall be carried to the general rate fund of the borough, and all liabilities falling to be discharged by the council shall be discharged out of that fund.

(2) An account, called the "general rate fund account," shall be kept of all receipts carried to, and payments made out of, the general rate fund:

Provided that, where any such receipts are receipts for the benefit of a part only of the borough, or any such payments are payments in respect of expenditure

PART VIII. —*cont.*

with which a part only of the borough is chargeable, a separate account shall be kept of receipts and payments in respect of that part of the borough.

(3) If the general rate fund is more than sufficient for the purposes to which it is applicable, the surplus thereof may be applied under the direction of the council for the public benefit of the inhabitants and improvement of the borough.

Power of borough council to levy rates.

186. The council of a borough shall have power to levy rates to meet all liabilities falling to be discharged by the council for which provision is not otherwise made.

Payments to and out of general rate fund of borough.

187.—(1) All payments to and out of the general rate fund of a borough shall be made to and by the treasurer.

(2) Except as otherwise expressly provided in this section, all payments out of the general rate fund shall be made in pursuance of an order of the council signed by three members thereof and countersigned by the town clerk, and the same order may include several payments:

Provided that the following payments may be made out of the general rate fund without an order of the council, that is to say, payments made—

(*a*) in pursuance of the specific requirement of any enactment;

(*b*) in pursuance of an order of a competent court or of a justice of the peace acting in discharge of his judicial functions;

(*c*) in respect of any remuneration of—

(i) the mayor;

(ii) the recorder in his capacity either of recorder or of judge of the borough civil court;

(iii) the stipendiary magistrate;

(iv) the clerk of the peace, when paid by salary;

(v) the clerk of the borough justices;

(vi) any other officer or person whose remuneration is payable by the council;

(*d*) in respect of the remuneration and allowances certified by the Treasury to be payable to the Treasury in relation to an election petition; PART VIII. —*cont.*

(*e*) in respect of the remuneration certified by the recorder to be due to an assistant recorder, assistant clerk of the peace, or additional crier.

(3) Any person aggrieved by an order of the council made under this section may appeal to the High Court, and on any such appeal the High Court may give such directions in the matter as they think proper, and the order of the High Court shall be final.

Urban District Councils.

General rate fund of urban authority.

188.—(1) All receipts of the council of an urban district shall be carried to the general rate fund of the district, and all liabilities falling to be discharged by the council shall be discharged out of that fund.

(2) An account, called the "general rate fund account," shall be kept of all receipts carried to, and payments made out of, the general rate fund:

Provided that, where any such receipts are receipts for the benefit of a part only of the district, or any such payments are payments in respect of expenditure with which a part only of the district is chargeable, a separate account shall be kept of receipts and payments in respect of that part of the district.

Power of urban district council to levy rates.

189. The council of an urban district shall have power to levy rates to meet all liabilities falling to be discharged by the council for which provision is not otherwise made.

Rural District Councils.

General and special expenses of rural authority.

190.—(1) The expenses incurred by a rural district council in the discharge of their functions shall be divided into general expenses and special expenses.

(2) All expenses incurred by a rural district council not declared by or under this Act or any other enactment or statutory order to be special expenses shall be general expenses.

PART VIII. —*cont.*

(3) The Minister may, by order, on the application of a rural district council, declare any expenses incurred by that council, whether before or after the commencement of this Act, to be special expenses separately chargeable on such contributory place or places in the district as may be specified in the order, and, if the said expenses are declared to be chargeable on more than one contributory place, the order may apportion the expenses amongst the contributory places:

Provided that, where any expenses are declared under this subsection to be special expenses separately chargeable on any part of a rural district, the Minister may nevertheless direct that those expenses shall be levied in that part of the district together with, and as an additional item of, the general rate and not by a special rate.

(4) Where any expenses of a rural district council, whether incurred before or after the commencement of this Act, are payable as special expenses, the council may determine to contribute as part of their general expenses such sums as appear to them to be reasonable in or towards defraying such expenses, and to treat the remainder, if any, as special expenses.

(5) Where any special expenses have been incurred, whether before or after the commencement of this Act, for the common benefit of any two or more contributory places, the rural district council may, subject to the apportionment, if any, contained in an order made under subsection (3) of this section, apportion the expenses in such proportions as they think just between those contributory places, and any expenses so apportioned to any contributory place shall be a separate charge on that contributory place.

General rate fund of rural authority.

191.—(1) All receipts of the council of a rural district, whether in respect of general or special expenses, shall be carried to the general rate fund of the district, and all liabilities falling to be discharged by the council, whether in respect of general or special expenses, shall be discharged out of that fund.

(2) Separate accounts shall be kept of receipts carried to, and payments made out of, the general rate fund of the district—

(*a*) in respect of general expenses;

(*b*) in respect of each class of special expenses, except that where, as respects any two or more classes of special expenses, the part of the district chargeable is the same, one separate account may be kept as respects all expenses of both or all those classes; PART VIII. —*cont.*

and the account kept in respect of general expenses shall be called the general district account and an account kept in respect of any class of special expenses shall be called a special district account.

Power of rural district council to levy rates.

192.—(1) The council of a rural district shall have power to levy rates to meet all liabilities falling to be discharged by the council for which provision is not otherwise made.

(2) Amounts leviable by a rural district council by means of a rate shall be chargeable—

(*a*) in the case of amounts leviable to meet liabilities in respect of general expenses, on the whole of the district; and

(*b*) in the case of amounts leviable to meet liabilities in respect of special expenses, on the part of the district chargeable separately therewith.

Parish Councils and Parish Meetings.

Expenses of parish councils, &c.

193.—(1) The sums required to be raised to meet the expenses of a parish council or of a parish meeting (including the expenses of a poll consequent on a parish meeting) shall be chargeable separately on the parish.

(2) In a parish having a separate parish council the expenses of the parish meeting (including the expenses of any poll consequent on a parish meeting) shall be paid by the parish council.

(3) The sums required to be raised in any financial year to meet the expenses of a parish council (other than expenses under the adoptive Acts) shall not, without the consent of the parish meeting, exceed an amount equal to a rate of fourpence in the pound, calculated on the total rateable value as set out in the valuation list in force at the commencement of the financial year, or such higher rate as the Minister may by order as respects any

PART VIII. —*cont.*

particular parish allow, and shall in no case exceed an amount equal to a rate of eightpence in the pound, calculated as aforesaid, or such higher rate as the Minister may by order as respects any particular parish allow.

(4) A parish council shall not, without the consent of the parish meeting and the approval of the county council, incur any expense or liability which will involve a loan.

(5) In a parish not having a parish council, the sums required to be raised in any financial year to meet the expenses of the parish meeting when added to the expenses of any authority under any of the adoptive Acts shall not exceed an amount equal to a rate of eightpence in the pound, calculated as aforesaid, or such higher rate as the Minister may by order as respects any particular parish allow.

(6) For the purpose of obtaining sums necessary to meet the expenses of a parish council or of a parish meeting, the parish council, or the chairman of the parish meeting of a parish not having a separate parish council, shall issue precepts to the council of the rural district in which the parish is situate.

2 & 3 Vict. c. 84. 15 & 16 Geo. 5. c. 90.

(7) Any such precept may be enforced under and in accordance with the provisions of the Poor Rate Act, 1839, or of section thirteen of the Rating and Valuation Act, 1925.

(8) Every cheque or other order for the payment of money by a parish council shall be signed by two members of the council.

(9) Every parish council and the chairman of the parish meeting for a rural parish not having a separate parish council shall keep such accounts as may be prescribed of the receipts and payments of the council or parish meeting, as the case may be.

(10) An order made by the Minister under this section may be altered or revoked by an order made in like manner as the original order.

(11) Nothing in this section shall alter the incidence of charge of any rate levied to defray expenses incurred under any of the adoptive Acts.

General.

PART VIII. —*cont.*

194. Nothing in this Part of this Act shall— Savings for revenues from undertakings, &c.

(*a*) be deemed to require or authorise a local authority to apply or dispose of the surplus revenue arising from any undertaking carried on by them otherwise than in accordance with the provisions of any enactment or statutory order relating to the undertaking; or

(*b*) affect the operation of section one of the Roads Act, 1920, or of any Order in Council made thereunder. 10 & 11 Geo. 5. c. 72.

PART IX.

BORROWING.

Purposes for which and Mode in which Money may be Borrowed and Security for Borrowing.

195. A local authority may, with the consent of the sanctioning authority, or in the case of a parish council with the consent of the Minister and of the county council, borrow such sums as may be required for any of the following purposes, that is to say :— Purposes for which money may be borrowed.

(*a*) for acquiring any land which the local authority have power to acquire:

(*b*) for erecting any building which the local authority have power to erect:

(*c*) for the execution of any permanent work, the provision of any plant, or the doing of any other thing which the local authority have power to execute, provide, or do, if, in the opinion of the sanctioning authority or, in the case of a parish council, in the opinion of the Minister and of the county council, the cost of carrying out that purpose ought to be spread over a term of years:

(*d*) in the case of a local authority being a county council, for the purpose of lending to a parish council any money which the parish council are authorised to borrow:

PART IX. —*cont.*

(*e*) for any other purpose for which the local authority are authorised under any enactment, including any enactment in this Act, or under any statutory order, to borrow:

Provided that the consent of the sanctioning authority shall not be required to a borrowing by a county council for the purposes of paragraph (*d*) of this section.

Modes of borrowing.

196.—(1) Where a local authority are authorised to borrow money, they may, subject to the provisions of this Part of this Act, raise the money either—

(*a*) by mortgage; or

(*b*) with the consent of the Minister, by stock issued under this Part of this Act; or

(*c*) by debentures or annuity certificates issued under the Local Loans Act, 1875, as amended by any subsequent enactment:

38 & 39 Vict. c. 83.

Provided that a parish council shall not borrow otherwise than by way of mortgage.

(2) A debenture issued by a county council may be for any amount not less than five pounds.

Security for borrowing and priority of securities.

197.—(1) All moneys borrowed by a local authority, whether before or after the commencement of this Act, shall be charged indifferently on all the revenues of the authority.

(2) Subject to the provisions of this section, all securities created by a local authority, whether under this Act or under any other enactment or statutory order, shall rank equally without any priority.

(3) Nothing in this section shall—

(*a*) apply to any money borrowed by way of temporary loan or overdraft without security; or

(*b*) affect any priority existing at, or any right to priority conferred by a security created before, the commencement of this Act.

(4) The provisions of the first two paragraphs of section eight of the Local Loans Act, 1875 (that is to say, the words from the beginning of the said section to the

words "date of such loan") shall cease to have effect in relation to borrowing by a local authority. PART IX. —*cont.*

General Provisions as to Borrowing.

Period for repayment of moneys borrowed.

198.—(1) Every sum borrowed under this Part of this Act shall be repaid within such period as the local authority, with the consent of the sanctioning authority, may determine:

Provided that the period for the repayment of a sum so borrowed shall not exceed, in the case of a sum borrowed for any of the purposes specified in the second column of the Eighth Schedule to this Act, the period specified in relation thereto in the third column of that Schedule, or, in any other case, the period of sixty years.

(2) Where any sum is borrowed by a local authority for the purpose of meeting expenditure on the construction of new, or the extension or alteration of existing, works forming or to form part of an undertaking of a revenue-producing character, it shall be lawful for any annual provision required to be made by the local authority for the repayment of the sum so borrowed to be suspended for such period (not being a period longer than the period during which the expenditure remains unremunerative, or the period of five years from the commencement of the financial year next after that in which the expenditure commences to be incurred, whichever is the shorter) and subject to such conditions as the sanctioning authority may determine.

Return to Minister.

199.—(1) The clerk of a local authority shall, within one month after being requested so to do by the Minister, transmit to the Minister a return showing the provision made by the local authority for the repayment of moneys borrowed by the authority.

(2) The return shall show such particulars, shall be made up to such date and shall be in such form, as the Minister may require, shall be certified by the treasurer or other person whose duty it is to keep the accounts of the authority, and shall, if so required by the Minister, be verified by a statutory declaration made by that person.

PART IX. —*cont.*

(3) If it appears to the Minister from any return made under this section or otherwise that a local authority—

(*a*) have failed to pay any instalment or annual payment required to be paid: or

(*b*) have failed to appropriate to the discharge of any loan any sum required to be so appropriated: or

(*c*) have failed to set apart any sum required for a sinking fund: or

(*d*) have applied any portion of a sinking fund to a purpose other than those authorised;

the Minister may by order direct that such sum as is specified in the order, not exceeding the amount in respect of which default has been made, shall be paid or applied in the manner and by the date set out in the order, and the authority shall notify the Minister as soon as the order has been complied with.

(4) An order made under the last preceding subsection may be enforced, at the instance of the Minister, by mandamus.

(5) If a return required to be made under this section is not made, the person in default shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and notwithstanding the recovery of any such fine the making of the return may be enforced, at the instance of the Minister, by mandamus.

(6) The provisions of this section shall be in substitution for, and not in addition to, any requirement under any other enactment or statutory order to make a return as to the provision made by a local authority for the repayment of borrowed moneys.

Charge of service of loan to particular account.

200. Where a loan is raised to meet any expenditure of a local authority which is chargeable to a particular account, there shall be debited to that account all sums required for repayment of the principal of the loan, or for payment of interest thereon, or for making payments to any sinking fund established for the purposes thereof.

Conditions of borrowing by county council for loan to parish council.

201.—(1) In relation to borrowing by a county council for the purpose of lending to a parish council, the Minister may by order impose conditions to be observed either generally or in any particular case in addition to

the conditions to be observed in relation to borrowing for other purposes. PART IX. —*cont.*

(2) An order made under this section may be altered or revoked by an order made in like manner as the original order.

Balance of unexpended moneys.

202. The balance of any money borrowed by a local authority and not required for the purposes for which the money was borrowed may, with the consent of the Minister, and subject to any conditions which he may impose, be applied to any other purpose for which capital money may be applied:

Provided that nothing in this section shall dispense with the necessity of the consent of the Public Works Loan Commissioners in any case in which such consent is required under section nine of the Public Works Loans Act, 1881. 44 & 45 Vict. c. 38.

Lenders relieved from certain inquiries.

203. A person lending money to a local authority shall not be bound to inquire whether the borrowing of the money is or was legal or regular or whether the money raised was properly applied, and shall not be prejudiced by any illegality or irregularity in the matters aforesaid or by the misapplication or non-application of any such money.

Provisions relating to Stock.

Stock regulations

204.—(1) For the purposes of any borrowing by a local authority by means of an issue of stock under this Part of this Act, stock may be created, issued, transferred, dealt with, and redeemed in such manner as may be prescribed.

(2) Without prejudice to the generality of the above power, the regulations made under this section may provide for the discharge of any loan so raised and, in the case of consolidation of debt, for extending or varying the times within which loans may be discharged, and may provide for the consent of owners under disability and for the application of the enactments relating to stamp duties and to cheques, and for the disposal of unclaimed dividends.

(3) Before any regulations are made under this section, a draft thereof shall be laid before both Houses of Parliament, and the regulations shall not be made

PART IX. —*cont.*

unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree, but upon such approval being given the regulations may be made in the form in which they have been approved and on being so made shall be deemed to be valid and within the powers of this Act and the validity thereof shall not be questioned in any legal proceeding whatever.

Provisions relating to Mortgages.

Form of mortgage.

205. A mortgage created under this Part of this Act shall be by deed made in the prescribed form or in a form to the like effect:

Provided that in the case of a loan made by the Public Works Loan Commissioners the mortgage shall be in such form as may be prescribed under the Public Works Loans Acts, 1875 to 1882.

Transfer of mortgage.

206. The person entitled to a mortgage created by a local authority, may transfer it by deed made in the prescribed form or in a form to the like effect.

Register of mortgages.

207.—(1) The clerk of a local authority shall keep at the office of the authority a register of mortgages created by the authority under this Part of this Act (in this Part of this Act referred to as "the register").

(2) Within fourteen days after the date of a mortgage the clerk of the authority shall cause an entry to be made in the register of the number and date thereof, of the names and descriptions of the parties thereto, and of the amount borrowed, as stated in the deed.

(3) On production to the clerk of the authority of the deed of mortgage, and—

(*a*) in the case of a transfer of a mortgage, of a duly executed deed of transfer:

(*b*) in the case of a transmission of a mortgage by the death of a person solely entitled thereto or of the survivor of persons jointly entitled thereto, of probate of the will or letters of administration of the estate of the deceased:

(*c*) in the case of a transmission of a mortgage otherwise than as aforesaid, of satisfactory evidence of the transmission,

PART IX. —*cont.*

and on payment of such sum, if any, not exceeding five shillings, as the authority may determine, the clerk of the authority shall cause an entry to be made in the register of the date of the transfer or transmission, and of the name and description of the person becoming entitled thereunder to the mortgage.

(4) Any change of name or address on the part of a person entitled to a mortgage shall forthwith be notified to the clerk of the authority, who, on being satisfied thereof, shall alter the register accordingly.

(5) The Minister may make regulations for enabling entries relating to mortgages, or to transfers and transmissions of mortgages, contained in any register kept by or on behalf of a local authority under any enactment in force at the commencement of this Act to be transferred to the register kept under this section, and for applying to the mortgages to which the entries relate the provisions of this section with any necessary modifications in place of the corresponding provisions of that enactment, and for terminating the obligation of the local authority or of any officer of the local authority to make entries in the register kept under that enactment.

(6) The register shall be open at all reasonable hours to public inspection without payment.

(7) If any person,—

(*a*) having the custody of the register, refuses inspection of the register to any person; or

(*b*) being required under this section to make an entry in the register, refuses or wilfully neglects so to do,

he shall be liable, on summary conviction, to a fine not exceeding, in the case of an offence under paragraph (*a*) of this subsection, five pounds, or, in the case of an offence under paragraph (*b*) of this subsection, twenty pounds.

Title to mortgage, and rectification of register.

208.—(1) A local authority shall be entitled to treat as exclusively entitled to a mortgage, in relation to which entries have been duly made in the register, the person appearing by the latest of those entries to be entitled thereto.

(2) If the name of any person is, without sufficient cause, entered in or omitted from the register, or default

PART IX. —*cont.*

is made or unnecessary delay takes place in making any entry required to be made in the register, the High Court or, where the sum involved does not exceed five hundred pounds, the county court may, on application by the person aggrieved or by the local authority, make an order for the rectification of the register.

(3) On any proceedings under this section the court may decide any question relating to the title of any party thereto to have his name entered in or omitted from the register and generally any question which it may be necessary or expedient to decide for the purpose of the rectification of the register.

Notice of trusts.

209. No notice of any trust, expressed, implied or constructive, affecting a mortgage created by a local authority shall be entered in the register or be receivable by the authority or by any officer of the authority.

Receipts on behalf of joint holders and infants.

210.—(1) Where two or more persons are jointly entitled to a mortgage created by a local authority any one of those persons may give an effectual receipt for any interest thereon, unless notice in writing to the contrary has been given to the local authority by any other of those persons.

(2) The receipt of the guardian of an infant shall be a sufficient discharge to a local authority for any money payable to the infant in respect of a mortgage created by the local authority.

Appointment of receiver.

211.—(1) If at any time any principal money or interest due under a mortgage created by a local authority remains unpaid for a period of two months after demand in writing, the person entitled thereto may, without prejudice to any other remedy, apply to the High Court for the appointment of a receiver, and the Court may, if they think fit, appoint a receiver on such terms and with such powers as the Court think fit:

Provided that no such application shall be entertained unless the sums due to the applicant, or in the case of a joint application by two or more persons the aggregate sums due to them, amount to not less than five hundred pounds.

(2) The Court may confer upon the receiver any such powers of collecting, receiving and recovering the revenues of the local authority, and of making, collecting

and recovering rates, and of issuing and enforcing precepts, as are possessed by the local authority or their officers. PART IX. —*cont.*

Repayment of moneys borrowed on mortgage.

212.—(1) Every sum borrowed by a local authority by way of mortgage shall be paid off either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund, or partly by one of those methods and partly by another or others of them.

(2) Subject to the provisions of subsection (2) of section one hundred and ninety-eight of this Act, the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or, where the moneys are repayable by half-yearly instalments, within six months from the date of borrowing.

Sinking fund.

213.—(1) If a local authority determine to repay by means of a sinking fund any sums borrowed under this Part of this Act by way of mortgage, the sinking fund shall be formed and maintained either—

(*a*) by payment to the fund throughout the fixed period of such equal annual sums as will be sufficient to pay off within that period the moneys for the repayment of which the sinking fund is formed; or

(*b*) by payment to the fund throughout the fixed period of such equal annual sums as, with accumulations at a rate not exceeding the prescribed rate, or such other rate as the Minister may in any particular case approve, will be sufficient to pay off within that period the moneys for the repayment of which the sinking fund is formed.

In this Part of this Act a sinking fund formed under paragraph (*a*) of this subsection is referred to as "a non-accumulating sinking fund," and a sinking fund formed under paragraph (*b*) thereof as "an accumulating sinking fund."

(2) Every sum paid to a sinking fund shall, unless applied in repayment of the moneys for the repayment of which the sinking fund is formed, or in such other manner as may be authorised by any enactment, be

PART IX. —*cont.*

immediately invested in statutory securities (other than securities created by the local authority), and the local authority may from time to time vary and transpose the investments.

(3) In the case of an accumulating sinking fund, the interest received in any year from the investment of the sums set apart for the purposes of the sinking fund shall form part of the revenue for that year of the county fund or general rate fund, as the case may be, but the contribution to be made to the sinking fund out of the county fund or general rate fund, as the case may be, shall in that year be increased by a sum equal to the interest that would have accrued to the sinking fund during that year if interest had been accumulated therein at the rate per cent. per annum on which the annual payments to the sinking fund are based.

(4) A local authority may at any time apply the whole or any part of a sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund was formed:

Provided that, in the case of an accumulating sinking fund, the local authority shall pay into the fund each year and accumulate during the residue of the fixed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per cent. per annum on which the annual payments to the sinking fund are based.

(5) Any surplus of a sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such capital purpose as the local authority, with the consent of the Minister, may determine.

(6) Subsection (2) of this section shall apply to a sinking fund established by a local authority under any enactment for the repayment of moneys borrowed by way of mortgage, and subsections (3), (4) and (5) of this section shall apply to an accumulating sinking fund so established, in like manner as they respectively apply to a sinking fund or an accumulating sinking fund established under this Part of this Act.

PART IX. —*cont.*

(7) In the application of this section to a sinking fund formed by a parish council, references to the county fund or general rate fund shall be read as references to the fund out of which the expenses of the council are defrayed.

Adjustments of sinking fund.

214.—(1) If at any time it appears to the local authority that the amount in a sinking fund, together with the sums which will be payable thereto in accordance with the provisions of this Part of this Act, and, in the case of an accumulating sinking fund, with the accumulations thereon, will not be sufficient to repay within the fixed period the moneys for the repayment of which the sinking fund is formed, the local authority shall, either temporarily or permanently, make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose, and if it appears to the Minister that any such increase is necessary, the local authority shall increase the payments to such extent as the Minister may direct.

(2) If the local authority desire to accelerate the repayment of any moneys borrowed by way of mortgage, they may increase the amounts payable to the sinking fund.

(3) If the amount in a sinking fund, together with the sums which will be payable thereto in accordance with the provisions of this Part of this Act, and also, in the case of an accumulating sinking fund, together with the accumulations thereon, will in the opinion of the Minister be more than sufficient to repay within the fixed period the moneys for the repayment of which the sinking fund is formed, the local authority may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the fixed period the moneys for the repayment of which the sinking fund is formed.

(4) If at any time the amount in a sinking fund, together with the accumulations thereon in the case of an accumulating sinking fund, will in the opinion of the Minister be sufficient to repay the moneys for the repayment of which the sinking fund is formed within the fixed period, the Minister may authorise the local

PART IX. —*cont.*

authority to suspend the annual payments to the sinking fund until the Minister otherwise directs.

(5) This section shall apply to a sinking fund established by a local authority under any other enactment for the repayment of moneys borrowed by way of mortgage in like manner as it applies to a sinking fund established under this Part of this Act.

Supplementary Borrowing Powers.

Temporary loans, &c.

215.—(1) A local authority may, without the consent of any sanctioning authority, borrow by way of temporary loan or overdraft from a bank or otherwise, any sums which they may temporarily require—

(*a*) for the purpose of defraying expenses (including the payment of sums due by them to meet the expenses of other authorities) pending the receipt of revenues receivable by them in respect of the period of account in which those expenses are chargeable and taken into account in the estimates made by the local authority for that period;

(*b*) for the purpose of defraying, pending the raising of a loan which the authority have been authorised to raise, expenses intended to be defrayed by means of the loan.

(2) Where money is borrowed in pursuance of paragraph (*b*) of the preceding subsection and subsequently such a loan as is mentioned in that paragraph is raised, then for the purposes of the provisions of this Part of this Act regulating the repayment of that loan, the loan shall, to the extent of the sum borrowed under the said paragraph, be deemed to have been raised at the time when the borrowing under the said paragraph took place.

Power to re-borrow.

216.—(1) A local authority may, without the consent of any sanctioning authority, borrow for the purpose of—

(*a*) paying off any moneys previously borrowed by the local authority which are intended to be repaid forthwith; or

(*b*) replacing moneys which, during the preceding twelve months, have been temporarily applied

from other moneys of the local authority in repaying moneys previously borrowed, and which at the time of such repayment it was intended to replace by borrowed moneys: Part IX. —*cont.*

Provided that a local authority shall not have power to borrow under this section—

(*a*) for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys; or

(*b*) for the purpose of replacing any moneys previously borrowed which have been repaid—

(i) by instalments or annual payments; or

(ii) by means of a sinking fund; or

(iii) out of moneys derived from the sale of land; or

(iv) out of any capital moneys properly applicable to the purpose of the repayment, other than moneys borrowed for that purpose.

(2) Any moneys borrowed under this section shall, for the purposes of repayment, be deemed to form part of the original loan, and shall be repaid within that portion of the fixed period which remains unexpired, and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section:

Provided that the authority who sanctioned the original loan may, upon application made to them for that purpose, extend the period for repayment of the moneys borrowed under this section so as to expire on such date as they think fit, not being later than the expiration of the maximum period which might have been permitted for the repayment of the original loan.

Savings.

217. Nothing in this Part of this Act, except the provisions relating to the making of returns to the Minister, shall apply to— Savings.

(*a*) any mortgage or charge of corporate land, or the power conferred on the council of a borough

PART IX. —*cont.*

by section one hundred and seventy-two of this Act to effect such a mortgage or charge; or

(*b*) any mortgage of property effected under section two hundred and thirty-five of the Public Health Act, 1875, or the power conferred on a local authority by that section to effect such a mortgage; or

15 & 16 Geo. 5. c. 14.

(*c*) any local bonds issued under the provisions of section eighty-seven of the Housing Act, 1925, or under any enactment repealed by that Act, or the power conferred on a local authority by that section to issue such bonds.

Definitions.

Definitions.

218. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

"fixed period" means the period originally fixed as the period within which the moneys borrowed are to be repaid;

"revenues" in relation to a local authority includes the county fund or general rate fund, as the case may be, and all rates, Exchequer contributions and other revenues, whether arising from land or undertakings or from any other source, receivable by the local authority;

"sanctioning authority" means—

(*a*) in the case of moneys borrowed for the purposes of the Electricity (Supply) Acts, 1882 to 1933, or of any other enactment or statutory order relating to the supply of electricity, the Electricity Commissioners;

(*b*) in the case of moneys borrowed for the purposes of tramways or light railways, or for the purposes of Part V of the Road Traffic Act, 1930, the Minister of Transport; and

20 & 21 Geo. 5. c. 43.

(*c*) in any other case, the Minister;

"statutory securities" means any security in which trustees are for the time being authorised by law to invest trust moneys, and any mortgage,

bond, debenture, debenture stock, stock or other security created by a local authority, other than annuities, rentcharges, or securities transferable by delivery. PART IX. —*cont.*

PART X.

ACCOUNTS AND AUDIT.

Accounts subject to District Audit and Appointment and Expenses of District Auditors.

Authorities and officers whose accounts are subject to district audit.

219. The following accounts shall be subject to audit by a district auditor under this Part of this Act, that is to say,—

(*a*) the accounts of every county council, metropolitan borough council, urban district council, rural district council and parish council, and of every parish meeting for a rural parish not having a parish council;

(*b*) the accounts of any committee appointed by any such council or parish meeting;

(*c*) the accounts of any joint committee constituted under Part III of this Act or under any enactment repealed by this Act, of which one or more of the constituent authorities are a county or metropolitan borough or district or parish council or the council of a borough all of whose accounts are subject to audit by a district auditor;

(*d*) any other accounts which are made subject to audit by a district auditor by virtue of any enactment or statutory order or, in the case of the accounts of the council of a borough, by virtue of a resolution adopting the system of district audit passed by the council in accordance with the provisions of this Part of this Act:

Provided that in relation to any audit of accounts under paragraph (*d*) of this section this Part of this Act shall have effect subject to the provisions of the relevant enactment or statutory order.

PART X. —*cont.* Appointment of district auditors.

220.—(1) The Minister may, with the consent of the Treasury, appoint such number of district auditors as he thinks necessary for the performance of the duty of auditing the accounts which are for the time being by law subject to audit by district auditors, and may remove any auditor.

(2) The Minister may assign to district auditors their duties, and the districts in which they are respectively to act, and may change wholly or in part such duties or districts, and every district so assigned to a district auditor, whether originally or upon any change, shall be deemed to be an audit district, and the auditor to whom any district is assigned shall be deemed to be the district auditor for that district.

(3) The Minister may, with the consent of the Treasury, appoint, either temporarily or otherwise, assistant district auditors and other persons to assist district auditors in the performance of their duties, and any person so appointed shall have such of the functions of a district auditor as by the terms of his appointment the Minister may confer on him, and in the discharge of any functions so conferred shall be subject to the same obligations as the district auditor whom he is appointed to assist, and accordingly a reference in this Act to a district auditor shall, in relation to functions discharged by a person appointed under this subsection, include a reference to that person:

Provided that the powers of allowance, disallowance and surcharge shall not be conferred on any person appointed under this subsection not being an assistant district auditor.

(4) The Minister may, with the consent of the Treasury, assign to a person appointed to assist a district auditor such remuneration and such sum for his expenses as may seem fit.

Other Financial Provisions.

Liability for payment of remuneration, &c. of district auditors.

221.—(1) The remuneration and expenses of district auditors, including the remuneration and expenses of persons appointed to assist district auditors, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

PART X. —*cont.*

(2) For the purpose of contributing to the amount required for the payment of the remuneration and expenses aforesaid and the superannuation allowances of district auditors and of persons appointed to assist district auditors, there shall be charged on every authority whose accounts are subject to audit by a district auditor a stamp duty according to such scale as may be fixed from time to time by the Treasury, after consultation with the Minister and with such associations of local authorities as appear to the Minister to be concerned, and the scale so fixed shall be such as to secure that the duties levied under this section shall be sufficient to meet the costs incurred in respect of the remuneration, expenses and superannuation allowances aforesaid:

Provided that the Treasury may, on the application of any authority, and after consultation with the Minister, direct that the stamp duty charged under this section in the case of that authority, shall, instead of being an amount calculated according to the scale to be fixed under this section, be such an amount, not exceeding the amount chargeable under the scale, as the Treasury think fit having regard to the cost of the audit of the accounts of that authority.

(3) The duties charged under this Part of this Act may, if the Commissioners of Inland Revenue so direct, be denoted by adhesive stamps.

Financial statement and certificate of expenditure.

222.—(1) Where any accounts of an authority are audited by a district auditor, the authority shall prepare and submit to the district auditor at every audit a financial statement of those accounts, in duplicate, in the prescribed form and containing the prescribed particulars.

(2) The district auditor, at the conclusion of the audit, shall certify on each copy of the financial statement, in the prescribed form, the amount of the expenditure so audited and allowed, and further, that the regulations with respect to the statement have been duly complied with, and that he has ascertained by the audit the correctness of the statement.

(3) One copy of the financial statement shall have the stamp charged under this Part of this Act affixed thereon, and at the conclusion of the audit the district auditor shall cancel the stamp.

PART X. —*cont.*

(4) The district auditor shall, immediately after the conclusion of the audit, send the stamped copy of the financial statement to the Minister.

(5) If an authority fail to comply with the provisions of this section with respect to a financial statement, the authority, and, if a clerk of the authority is appointed, the clerk, or if no clerk is appointed but there is a treasurer or other officer whose duty it is to keep the accounts which ought to be comprised in the financial statement, the treasurer or other officer, shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and notwithstanding the recovery of any such fine, compliance with the provisions of this section may be enforced, at the instance of the Minister, by mandamus.

Procedure as to District Audit.

Accounts to be made up and audited yearly.

223. All accounts which are subject to audit by a district auditor shall be made up yearly to the thirty-first day of March, or to such other date as the Minister may either generally or in any special case direct, and shall be audited as soon as may be thereafter.

Deposit of accounts.

224.—(1) A copy of every account which is subject to audit by a district auditor, duly made up and balanced, and all rate books, account books, deeds, contracts, accounts, vouchers and receipts relating to the accounts, shall be deposited in the appropriate office of the authority, and shall for seven clear days before the audit be open at all reasonable hours to the inspection of all persons interested, and any such person shall be at liberty to make copies of or extracts from the deposited documents, without payment.

(2) If any officer of the authority duly appointed in that behalf neglects to make up the aforesaid accounts and books, or, except with the consent of, or in accordance with directions given by, the district auditor, alters, or allows to be altered, the aforesaid accounts and books when so made up and deposited, or having the custody of such accounts and books refuses to allow inspection thereof, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) Before each audit the authority, on receiving from the auditor the requisite appointment, shall, by advertisement in one or more local newspapers circulating in

PART X. —*cont.*

the district, give at least fourteen days' notice of the deposit of accounts required by this section, and the production of the newspaper containing such notice shall be sufficient proof of such notice in any legal proceeding:

Provided that in the case of the audit of the accounts of a parish council or of a parish meeting or of a joint committee of parish councils, the authority shall, in lieu of giving notice by advertisement, give at least fourteen days public notice of the deposit of the accounts.

Production of and declarations as to documents.

225.—(1) A district auditor may by writing under his hand require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents which he may deem necessary for the purpose of the audit, and may require any person holding or accountable for any such document to appear before him at the audit or any adjournment thereof, and may require any such person to make and sign a declaration as to the correctness of the document.

(2) If any person neglects or refuses to comply with any such requirement, he shall be liable on summary conviction to a fine not exceeding forty shillings, and if any person knowingly and wilfully makes or signs any such declaration which is untrue in any material particular, he shall be deemed to be guilty of an offence under section five of the Perjury Act, 1911.

1 & 2 Geo. 5. c. 6.

Right of objection.

226.—(1) A local government elector for the area to the accounts of which the audit relates may be present or may be represented at the audit and may make any objection to the accounts before the auditor.

(2) The district auditor shall, on the application of any person who is aggrieved by his decision on any matter with respect to which that person has made an objection, or of any person aggrieved by a disallowance or surcharge made by the auditor, state in writing the reasons for his decision.

Report to local authority.

227. Within fourteen days after the completion of the audit of the accounts of an authority the auditor shall report on the accounts audited and examined, and shall send the report to the authority, and the authority

PART X. —*cont.*

shall take the report into consideration at their next ordinary meeting or as soon as practicable thereafter:

Provided that in the case of a parish council or parish meeting or of any joint committee appointed by parish councils or parish meetings the report shall, in lieu of being sent to the authority, be sent to the Minister.

Surcharge, Appeals and Recovery of Sums surcharged.

Power and duties of auditor.

228.—(1) It shall be the duty of the district auditor at every audit held by him—

(*a*) to disallow every item of account which is contrary to law;

(*b*) to surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising the expenditure;

(*c*) to surcharge any sum which has not been duly brought into account upon the person by whom that sum ought to have been brought into account;

(*d*) to surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred:

(*e*) to certify the amount due from any person upon whom he has made a surcharge;

(*f*) to certify at the conclusion of the audit his allowance of the accounts, subject to any disallowances or surcharges which he may have made:

Provided that no expenses paid by an authority shall be disallowed by the auditor, if they have been sanctioned by the Minister.

(2) Any loss represented by a charge for interest or any loss of interest shall be deemed to be a loss within the meaning of this section, if it arises from failure through wilful neglect or wilful default to make or collect such rates or to issue such precepts as are necessary to cover the expenditure of the authority for any financial year (including any expenditure incurred in any previous year and not covered by rates previously levied or precepts previously issued), or to collect other revenues.

PART X. —*cont.*

Appeals against decisions of auditors.

229.—(1) Any person who is aggrieved by a decision of a district auditor on any matter with respect to which he made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by a district auditor may, where the disallowance or surcharge or other decision relates to an amount exceeding five hundred pounds, appeal to the High Court, and may in any other case appeal either to the High Court or to the Minister.

(2) The Court or Minister on such an appeal shall have power to confirm, vary or quash the decision of the auditor, and to remit the case to the auditor with such directions as the Court or Minister thinks fit for giving effect to the decision on appeal, and if the decision of the auditor is quashed, or is varied so as to reduce the amount of the surcharge to five hundred pounds or less, the appellant shall not be subject to the disqualification by reason of the surcharge imposed by Part II of this Act, or by the corresponding provision of any enactment relating to London.

(3) Where an appeal is made to the Minister under this section, he may at any stage of the proceedings, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the appeal, but save as aforesaid the decision of the Minister shall be final.

Applications for relief.

230.—(1) In the case of a surcharge, the person surcharged may, whether or not he appeals under the preceding section, apply to the tribunal (whether the High Court or the Minister) to whom he appeals or, if he does not appeal, to the tribunal (whether the High Court or the Minister) to whom he might have appealed, for a declaration that in relation to the subject matter of the surcharge he acted reasonably or in the belief that his action was authorised by law, and the Court or Minister, if satisfied that there is proper ground for doing so, may make a declaration to that effect.

(2) Where such a declaration is made the person surcharged, if by reason of the surcharge he is subject to the disqualification imposed by Part II of this Act, or by the corresponding provision of any enactment

PART X. —*cont.*

relating to London, shall not be subject to that disqualification, and the Court or Minister may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge, and the decision of the Court or Minister under this section shall be final.

Supplemental provisions as to appeals and applications.

231.—(1) Provision shall be made by rules of court for limiting the time within which appeals and applications may be made to the High Court under this Part of this Act, and for securing that where an application is made public notice of the hearing shall be given, and for enabling any local government elector for the area of the authority whose accounts were subject to the audit to appear at the hearing and object.

(2) Where under this Part of this Act an appeal or application is made to the Minister, the appellant or applicant shall be entitled, if he so desires, to a personal hearing by a person appointed for the purpose by the Minister.

Payment of sums certified to be due.

232. Every sum certified by a district auditor to be due from any person shall be paid by that person to the treasurer of the authority within fourteen days after it has been so certified, or, if an appeal or application with respect to that sum has been made, within fourteen days after the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof.

Recovery of sums certified to be due.

233.—(1) Any sum which is certified by a district auditor to be due and has become payable shall, on complaint made or action taken by or under the direction of the district auditor, be recoverable either summarily or otherwise as a civil debt.

(2) In any proceedings for the recovery of such a sum, a certificate signed by a district auditor shall be conclusive evidence of the facts certified, and a certificate signed by the treasurer of the authority concerned or other officer whose duty it is to keep the accounts that the sum certified to be due has not been paid to him shall be conclusive evidence of non-payment, unless it is proved that the sum certified to be due has been paid since the date of the certificate.

PART X. —*cont.*

Unless the contrary is proved, a certificate purporting to be signed by a district auditor, or by the treasurer of the authority or other officer whose duty it is to keep the accounts, shall be deemed to have been signed by such auditor, treasurer or other officer, as the case may be.

(3) Notwithstanding anything in the Summary Jurisdiction Acts, proceedings before a court of summary jurisdiction to recover sums certified by a district auditor to be due may be commenced at any time before the expiration of nine months from the date of the disallowance or surcharge, or, in the event of an appeal or application being made to the High Court or to the Minister, before the expiration of nine months from the date on which the appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof.

Expenses of district auditor.

234.—(1) Any expenses incurred by a district auditor in the defence of any allowance, disallowance or surcharge made by him shall, so far as not recovered from any other party and except as may otherwise be ordered by the Court or the Minister, as the case may be, be reimbursed to him out of the fund to which the accounts subject to the audit relate, and the Court or Minister may make such order as may seem fit in regard to the payment out of that fund of the expenses incurred by the appellant or applicant or any other party to the proceedings.

(2) Subject to the approval of the Minister, the expenses incurred by a district auditor in any legal proceedings taken by him or under his direction shall, so far as not recovered from any other source, be paid out of the fund to which the accounts subject to the audit relate, and any expenses so payable shall include reasonable compensation for loss of time incurred by the district auditor in the proceedings.

Powers of the Minister as to District Audit.

Power to regulate audit.

235.—(1) The Minister may make regulations generally with respect to the preparation and audit of accounts which are subject to audit by a district auditor, including—

(*a*) the financial transactions which are to be recorded in the accounts;

PART X. —*cont.*

(*b*) the mode of keeping the accounts of the authority and their officers, and the form of those accounts;

(*c*) the mode in which, if it is so prescribed, the accounts are to be certified by the authority or any officer of the authority;

(*d*) the publication of the time and place of holding the audit;

(*e*) the persons by whom the accounts are to be produced for audit;

(*f*) the mode of conducting the audit;

(*g*) the form of certificates to be given by district auditors;

(*h*) the deposit and inspection of the accounts as audited, and the publication of information with respect thereto;

(*i*) the making of an abstract of the accounts as audited.

(2) If any person wilfully neglects or disobeys any regulation made under this section, he shall be liable, on summary conviction, for a first offence to a fine not exceeding five pounds, and for a second or subsequent offence to a fine not exceeding twenty pounds.

(3) Regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Extra-ordinary audits.

236.—(1) The Minister may at any time direct a district auditor to hold an extraordinary audit of any accounts which are subject to audit by a district auditor.

(2) An extraordinary audit held under this section shall be deemed to be an audit for the purposes of this Part of this Act, and the provisions of this Part of this Act, other than those requiring the authority to prepare and submit a financial statement of the accounts, to deposit copies of the accounts and documents relating thereto for public inspection and to give notice thereof by advertisement, shall apply accordingly.

(3) An extraordinary audit may be held after three days' notice in writing given to the authority or persons whose accounts are to be audited.

Municipal Audit.

PART X.—*cont.*

Number and term of office of borough auditors.

237.—(1) In every borough there shall, unless and until any such alternative method of audit as hereinafter mentioned is in force at the commencement of this Act or is adopted by the council, be three borough auditors, two elected by the local government electors for the borough, called elective auditors, and one appointed by the mayor, called mayor's auditor.

(2) An elective auditor shall be a person qualified to be a councillor of the borough, but he may not be a member or officer of the council.

(3) The mayor's auditor shall be appointed from among the members of the council.

(4) The term of office of each auditor shall be one year.

(5) The appointment of the mayor's auditor shall be made on the ordinary day of election of elective auditors, and on a casual vacancy occurring the vacancy shall be filled within ten days thereof.

Time and mode of election of elective auditors.

238.—(1) The ordinary day of election of elective auditors shall be the first day of March or such other day as the council of the borough, with the approval of the Minister, may appoint.

(2) An election of elective auditors shall be held at the town hall or some one other convenient place appointed by the mayor.

(3) An elector shall not vote for more than one person to be elective auditor.

(4) Save as in this section provided, all the provisions of this Act with respect to the nomination and election of councillors of a borough not divided into wards shall apply to the nomination and election of elective auditors, and the provisions of this Act with respect to acceptance of office, resignation, filling of casual vacancies and re-election, except the provision with respect to a casual vacancy occurring within six months before the ordinary day of retirement, shall apply to elective auditors as they apply to councillors of a borough.

PART X. —*cont.*

(5) All expenses properly incurred by the mayor or town clerk in relation to the holding of an election of elective auditors shall be paid by the council of the borough.

Power of borough council to adopt district or professional audit.

239.—(1) The council of a borough may, by means of a resolution passed and confirmed in accordance with the provisions of this section, adopt either—

(*a*) the system of district audit; or

(*b*) the system of professional audit.

(2) Where the system of district audit is adopted, then as from such date, not being a date earlier than the commencement of the financial year in which the resolution was confirmed, as the Minister may direct, the provisions of sections two hundred and thirty-seven and two hundred and thirty-eight of this Act shall cease to apply in the borough, and the accounts of the council of the borough shall be subject to audit by a district auditor.

(3) Where the system of professional audit is adopted, then as from such date as may be specified in the resolution, the following provisions shall have effect—

(*a*) an auditor or auditors shall be appointed in writing under the seal of the corporation for such period and on such terms as to remuneration or otherwise as the council of the borough think fit;

(*b*) no person shall be qualified to be so appointed unless he is a member of one or more of the following bodies (namely)—

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants and Auditors;

The Society of Accountants in Edinburgh;

The Institute of Accountants and Actuaries in Glasgow;

The Society of Accountants in Aberdeen;

The London Association of Certified Accountants Limited;

The Corporation of Accountants Limited;

PART X. —*cont.*

(*c*) any auditor so appointed shall be entitled to require from any officer of the borough such books, deeds, contracts, accounts, vouchers, receipts, and other documents, and such information and explanations, as may be necessary for the performance of his duties;

(*d*) any auditor so appointed shall include in or annex to any certificate given by him with respect to the accounts audited by him such observations and recommendations (if any) as he thinks necessary or expedient to make with respect to the accounts or any matter arising thereout or in connection therewith;

(*e*) sections two hundred and thirty-seven and two hundred and thirty-eight of this Act shall cease to apply in the borough.

(4) A resolution under this section must be—

(*a*) passed by not less than two-thirds of the members of the council voting thereon at a meeting of the council specially convened for the purpose with notice of the object of the meeting, of which not less than one month's previous notice must be given to every member of the council; and

(*b*) confirmed by the council at an ordinary meeting held not less than one month after the passing of the resolution.

Audit of accounts not subject to district audit.

240. The following provisions shall have effect as respects the accounts of the council of a borough, other than such accounts as are subject to audit by a district auditor :—

(*a*) the accounts shall be made up yearly to the thirty-first day of March, or to such other date as the council, with the consent of the Minister, may determine;

(*b*) as soon as may be after the date to which the accounts are required to be made up, they shall be submitted with the necessary vouchers and papers to, and audited by, the auditor or auditors of those accounts;

(*c*) after the audit of the accounts for each financial year the treasurer of the borough shall print an abstract of the accounts for that year;

PART X. —*cont.*

(*d*) in the case of an audit by borough auditors, each of the borough auditors shall, in respect of each audit of accounts under the Public Health Acts, 1875 to 1932, be paid such reasonable remuneration, not being less than two guineas for every day in which he is employed on the audit, as the council of the borough may determine.

General.

Audit of accounts of officers.

241. Where an officer of an authority receives any money or property on behalf of the authority, or receives any money or property for which he ought to account to the authority, the accounts of the officer shall be audited by the auditor of the accounts of the authority, with the same powers, incidents and consequences as in the case of those accounts.

Examination of costs by clerk of the peace.

242.—(1) On an application made by the council of a county district to the clerk of the peace of the county in which the county district is wholly or in part situate, the clerk of the peace or his deputy shall examine any bill of costs incurred by the council in respect of legal business performed on their behalf, and the allowance of any sum on such examination shall be prima facie evidence of the reasonableness of the amount, but not of the legality of the charge.

(2) The clerk of the peace shall be allowed for every such examination such fees as may be fixed by the master of the Crown Office.

Application to London.

243. This Part of this Act shall extend to London.

PART XI.

LOCAL FINANCIAL RETURNS.

Returns of local finance to be made to Minister.

244.—(1) Subject to the provisions of this section, a return shall be made to the Minister for each year ending on the thirty-first day of March, or on such other day as may be prescribed, of the income and expenditure of every local authority, and of the parish meeting for every rural parish not having a separate parish council.

PART XI. —*cont.*

(2) Subject to the provisions of this section, a return shall be made to the Minister for each year ending on the thirty-first day of March, or on such other day as may be prescribed, of all sums levied or received in respect of the general rate or of any special rate or of any of the following rates, taxes, tolls or dues, and of the expenditure of any such sums, that is to say—

(*a*) any church rate, whether leviable under the common law or the Church Building Acts, 1881 to 1884, or any other enactment;

(*b*) any drainage rate or other rate, scot or tax in connection with land drainage, whether leviable under the Land Drainage Act, 1930, or any other enactment or statutory order, or by charter, usage or custom; 20 & 21 Geo. 5. c. 44.

(*c*) any rate leviable under the Lighting and Watching Act, 1833; 3 & 4 Will. 4. c. 90.

(*d*) any tolls or dues leviable under any enactment relating to markets, bridges or harbours;

(*e*) any other compulsory rates, taxes, tolls or dues:

Provided that nothing in this subsection shall extend to—

(i) rates, taxes, tolls or dues levied for the public revenue of the United Kingdom; or

(ii) tolls or dues taken by any statutory undertakers carrying on business for profit, or by any company within the meaning of the Companies Act, 1929, as revenues of their undertaking; or 19 & 20 Geo. 5. c. 23.

(iii) tolls or dues taken by prescription or otherwise as private property.

(3) The returns required to be made under this section shall—

(*a*) be in such form, and contain such particulars, as the Minister may direct;

(*b*) be sent to the Minister—

(i) within one month after the completion of the audit of the accounts of the local authority, parish meeting, or other authority or person, as the case may be, for the year in respect of which the return is required to be made; or

PART XI. —*cont.*

(ii) if the audit of those accounts is not completed within six months after the end of the said year, at the expiration of those six months; or

(iii) if the accounts are not required to be audited, within six months after the end of the said year;

(*c*) be made—

(i) in the case of a return relating to the income and expenditure of a local authority, by the clerk of the authority;

(ii) in the case of a return relating to the income and expenditure of a parish meeting, by the chairman of the parish meeting;

(iii) in the case of a return under subsection (2) of this section, where the power to levy, or to precept for the levying of, the rate, tax, toll, or due, is vested in a corporate body, by their clerk, or if there is no clerk by the treasurer or other person whose duty it is to keep the accounts of that body, and in any other case by the person or body of persons in whom that power is vested.

(4) Where under the preceding subsection a return is required to be made by the clerk of an authority or by the clerk to a corporate body, the return shall be certified by the treasurer or other person whose duty it is to keep the accounts of the authority or corporate body.

(5) Where any accounts are subject to audit by a district auditor and a copy of the financial statement relating to those accounts is sent to the Minister under Part X of this Act, a return of the income and expenditure comprised in such statement need not, unless the Minister so requires, be sent to the Minister under this Part of this Act, and the copy shall, for the purposes of this Part of this Act, be deemed to be a return made under this Part of this Act.

Returns to be summarised.

245. The Minister shall every year cause to be made a summary of the returns sent to him under this Part of this Act, and shall lay it before both Houses of Parliament.

PART XI. —*cont.* Penalties.

246.—(1) If any person fails to make a return which he is required to make under this Part of this Act, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and notwithstanding the recovery of any such fine the making of the return may be enforced, at the instance of the Minister, by mandamus.

(2) Where a return is required to be made under this Part of this Act by a body of persons unincorporate, they shall severally be liable in respect of any failure to make such return.

Returns required to be made under other enactments.

247. Where under any enactment, whether passed before or after the commencement of this Act, any return relative to any rate, tax, toll or due (other than such as are levied for the public revenue of the United Kingdom) is required to be sent to a Secretary of State or to any other Government department, a duplicate thereof shall in like manner be sent to the Minister, and any person failing to send such duplicate shall be subject to the like penalties as a person failing to make a return under this Part of this Act.

Application to London.

248. This Part of this Act shall extend to London, and accordingly in this Part of this Act the expression "local authority" includes a metropolitan borough council, and the Common Council of the City of London.

PART XII.

BYELAWS.

Power of County Councils and Borough Councils to make Byelaws.

Byelaws for good rule and government and suppression of nuisances.

249.—(1) A county council and the council of a borough may make byelaws for the good rule and government of the whole or any part of the county or borough, as the case may be, and for the prevention and suppression of nuisances therein:

Provided that byelaws made under this section by a county council shall not have effect in any borough.

(2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State, except that as respects byelaws relating to public health or to any other matter which, in the opinion of the

PART XII. —*cont.*

Secretary of State and of the Minister, concerns the functions of the Minister rather than those of the Secretary of State the confirming authority shall be the Minister.

(3) The validity of a byelaw made under this section and confirmed by the Secretary of State or by the Minister shall not be questioned in any legal proceedings on the ground that the Secretary of State or the Minister, as the case may be, is not the confirming authority in relation to that byelaw.

(4) Where by or under any enactment in force in any area provision is made for the prevention and suppression in a summary manner of any nuisance, power to make byelaws under this section for that purpose shall not be exercisable as respects that area.

(5) The council of an urban or rural district shall have power to enforce byelaws made by a county council under this section which are for the time being in force in the district or any part thereof.

Procedure, Penalties, &c.

Procedure, &c. for making byelaws.

250.—(1) The following provisions of this section shall apply to byelaws to be made by a local authority by virtue of—

(*a*) this Act; or

(*b*) the Public Health Acts, 1875 to 1932 (not being byelaws made under section thirteen of the Public Health Acts Amendment Act, 1890); or

53 & 54 Vict. c. 59.

(*c*) any enactment in force at the date of the commencement of this Act and incorporating or applying sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, or any of those sections, or section twenty-three of the Municipal Corporations Act, 1882, or section sixteen of the Local Government Act, 1888; or

(*d*) any local Act passed before the eleventh day of August, eighteen hundred and seventy-five, being byelaws made for any purpose for which, or for a purpose similar to which, byelaws may be made under the Public Health Acts, 1875 to 1932; or

(*e*) any enactment passed after the commencement of this Act and conferring on any local authority a power to make byelaws.

PART XII. —*cont.*

(2) The byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish council, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.

(3) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws apply.

(4) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.

(5) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding sixpence for every hundred words contained in the copy, as the authority may determine.

(6) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the byelaw is to come into operation, and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.

(7) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding one shilling for every copy, as the authority may determine.

(8) The clerk of a rural district council shall send a copy of every byelaw made by the council, and confirmed, to the clerk of the parish council of every parish to which they apply, or in the case of a parish not having a separate parish council to the chairman of the parish meeting of the parish, and the clerk of the parish council or chairman of the parish meeting, as the case may be, shall cause the copy to be deposited with the public documents of the parish.

PART XII. —*cont.*

The copy so deposited shall at all reasonable hours be open to public inspection without payment.

(9) The clerk of a county council shall send a copy of every byelaw made by the council, and confirmed, to the council of every county district situate wholly or in part in the county, and the clerk of the council of a county district shall send a copy of every byelaw made by the council, and confirmed, to the council of the county in which the district is wholly or in part situate.

(10) In this section the expression "the confirming authority" means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, and in the case of byelaws made under any enactment incorporating or applying section twenty-three of the Municipal Corporations Act, 1882, or section sixteen of the Local Government Act, 1888, means the Secretary of State or, if the subject-matter of the byelaws is such that the Minister would have been the confirming authority had they been made under the last preceding section, the Minister:

Provided that, where under or by virtue of any enactment the power of an authority or person specified as aforesaid to confirm byelaws has been transferred, the authority or person to whom that power has been transferred shall be deemed to be the authority or person specified as aforesaid.

Fines for offences against byelaws.

251. Byelaws to which the last preceding section applies may contain provisions for imposing on persons offending against the byelaws reasonable fines, recoverable on summary conviction, not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws, or, if no sum is so fixed, the sum of five pounds, and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or, if no sum is so fixed, the sum of forty shillings for each day during which the offence continues after conviction therefor.

PART XII. —*cont.*

Evidence of byelaws.

252. The production of a printed copy of a byelaw purporting to be made by a local authority, upon which is endorsed a certificate purporting to be signed by the clerk of the authority stating—

(*a*) that the byelaw was made by the authority;

(*b*) that the copy is a true copy of the byelaw;

(*c*) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;

(*d*) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.

PART XIII.

PROMOTION OF, AND OPPOSITION TO, LOCAL OR PERSONAL BILLS BY LOCAL AUTHORITIES.

Power to promote or oppose local or personal Bills.

253. Subject to the provisions of this Act, where a local authority, other than a parish council, are satisfied that it is expedient to promote or oppose any local or personal Bill in Parliament, the local authority may promote or oppose the Bill accordingly, and may defray the expenses incurred in relation thereto:

Provided that nothing in this Part of this Act shall authorise the promotion of a Bill for the establishment of any gas or water works to compete with any existing gas or water company established under an Act of Parliament.

Sanction of local authority to promotion of, or opposition to, Bills.

254.—(1) A resolution to promote or oppose a Bill under the powers conferred by this Part of this Act shall not be effective unless passed by a majority of the whole number of the members of the authority at a meeting thereof held after ten clear days' notice of the meeting and of the purpose thereof has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority.

PART XIII. —*cont.*

(2) In the case of the promotion of a Bill, the resolution shall be published in one or more local newspapers circulating in the area of the local authority and shall be submitted to the Minister for his approval, and the local authority shall not proceed with the promotion of the Bill if the Minister notifies the authority that he disapproves the resolution.

The approval of the Minister shall not be given until the expiration of seven days after the publication of the resolution, and in the meantime any local government elector for the area of the local authority may give notice in writing to the Minister of his objection thereto.

(3) In the case of the promotion of a Bill, a further meeting of the local authority shall be held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament, and, unless the propriety of the promotion is confirmed by a majority of the whole number of the members of the local authority at that meeting, the local authority shall take all necessary steps to withdraw the Bill.

Not less than ten clear days before the date of a meeting to be held under this subsection, the like notice shall be given in relation thereto as is required to be given in relation to a meeting held under subsection (1) of this section.

Promotion of Bills by borough and urban district councils.

255.—(1) The promotion of a Bill by the council of a borough or urban district shall be subject to the approval of the local government electors of the borough or district, and for this purpose the provisions contained in the Ninth Schedule to this Act with respect to meetings and polls of local government electors shall have effect:

Provided that this section shall not apply to a Bill promoted by the council of a borough if its sole purposes are to constitute the borough a county borough, or to extend the area of a county borough, and purposes incidental thereto.

(2) If the result of a poll under the provisions of the said Schedule, or the decision of a meeting when final thereunder, is against the promotion of a Bill, or of any provision of a Bill, the council shall take all necessary steps to withdraw the Bill or the provision,

as the case may be, against which the poll has resulted or the decision of the meeting has been given. PART XIII. —*cont.*

(3) The failure to comply with any of the requirements of the Ninth Schedule to this Act as to notices, or the time within which anything is to be done, or the procedure at a meeting or the mode of taking a poll, shall not render unauthorised the promotion of a Bill under this Part of this Act, if the provisions of that Schedule have been substantially complied with and the failure has not affected the result of the proceedings thereunder.

Expenses of local authorities under Part XIII to be taxed, &c.

256.—(1) No expenses incurred in the promotion of, or opposition to, a Bill under this Part of this Act, being expenses which are liable to be taxed under the Parliamentary Costs Acts, 1847 to 1879, shall be charged to the funds of a local authority, unless they have been so taxed and allowed.

(2) No payment shall be made by a local authority to a member of the authority for acting as counsel or agent in promoting or opposing a Bill under this Part of this Act.

Expenses of county and rural district councils.

257.—(1) A county council may determine that any expenses incurred by the council in the promotion of or opposition to a Bill under this Part of this Act shall be treated as expenses incurred for special county purposes.

(2) A rural district council may determine that any expenses incurred by the council in the promotion of or opposition to a Bill under this Part of this Act shall be raised as special expenses.

Saving for existing powers, &c.

258.—(1) Nothing in this Part of this Act shall take away or diminish any right of a local authority to oppose a local or personal Bill which apart from this Act would be exercisable by the authority.

(2) Nothing in this Part of this Act shall affect any power which a local authority may have under a local Act to promote bills in accordance with the procedure thereby provided, but the local authority may, if they think fit, adopt with respect to the promotion of any Bill the procedure provided by this Part of this Act instead of that provided by the local Act.

PART XIV.

FREEMEN.

Freedom not by gift or purchase.

259.—(1) No person shall be admitted a freeman of a borough by gift or by purchase.

(2) The council of a borough may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, admit to be honorary freemen of the borough persons of distinction and any persons who have rendered eminent services to the borough:

Provided that the admission of a person to be an honorary freeman of a borough shall not confer the right of sharing in the benefit of any hereditaments, common lands or public stock of the borough or the council thereof, or of any property held in whole or in part for any charitable use or trust.

The freemen's roll.

260. The town clerk of every borough for which there was a freemen's roll immediately before the commencement of this Act shall continue to keep a list, called the freemen's roll.

Admission to freedom.

261. Where a person is entitled to be admitted a freeman of a borough in respect of birth, servitude, or marriage, and claims accordingly, the mayor shall examine into the claim, and on its being established the claimant shall be admitted and enrolled by the town clerk on the freemen's roll.

Reservation of rights of property. 5 & 6 Will. 4. c. 78.

262. Every person who, if the Municipal Corporations Act, 1835, had not been passed, might have been admitted a freeman of a borough otherwise than by gift or purchase, and every person who for the time being is—

(*a*) an inhabitant of the borough; or

(*b*) the wife, widow, son, or daughter of a freeman of the borough; or

(*c*) the husband of a daughter or of a widow of a freeman of the borough; or

(*d*) bound an apprentice to a freeman of the borough,

shall, subject to the provisions of this Part of this Act, have and enjoy and be entitled to acquire and enjoy the same share and benefit of the hereditaments, and of the rents and profits thereof, and of the common lands and public stock of the borough or body corporate, and of any property held in whole or in part for any charitable use or trust, as if the Municipal Corporations Act, 1835, the Municipal Corporations Act, 1882, and this Act had not been passed.

Limit of value and saving as to conditions precedent.

263.—(1) The total amount to be divided among the persons whose rights are reserved by the last preceding section shall not exceed the surplus remaining after payment of the interest of all lawful debts chargeable on the property out of which the sums so to be divided have arisen, together with the salaries of municipal officers and all other lawful expenses which, on the fifth of June, eighteen hundred and thirty-five, were defrayed out of or chargeable on the same.

(2) Where, if the Municipal Corporations Act, 1835, the Municipal Corporations Act, 1882, or this Act, had not been passed, any such person would have been liable by statute, byelaw, charter or custom, to pay any fine, fee or sum of money to any body corporate, or to any member or officer thereof, in consideration of his freedom, or of his title to those reserved rights, or there was any condition precedent to any person being entitled to those rights, he shall not have any benefit in respect of those rights until he has paid that fine, fee or sum to the treasurer of the borough on account of the general rate fund, or has fulfilled that condition as far as it is capable of being fulfilled according to the provisions of this Act.

Saving for power to question right.

264. Nothing in this Part of this Act shall strengthen or confirm any claim, right or title of a freeman or of any person to the benefit of any right in this Part of this Act reserved, but the claim, right or title may in every case be brought in question, impeached, and set aside, as if this Act had not been passed.

Stamp duty.

265. No stamp duty shall be chargeable on the admission of a person as a freeman in respect of birth or servitude in a parliamentary borough.

PART XV.

GENERAL PROVISIONS.

Contracts.

Contracts of local authorities.

266.—(1) A local authority may enter into contracts necessary for the discharge of any of their functions.

(2) All contracts made by a local authority or by a committee thereof shall be made in accordance with the standing orders of the local authority, and in the case of contracts for the supply of goods or materials or for the execution of works, the standing orders shall—

(*a*) require that, except as otherwise provided by or under the standing orders, notice of the intention of the authority or committee, as the case may be, to enter into the contract shall be published and tenders invited; and

(*b*) regulate the manner in which such notice shall be published and tenders invited:

Provided that a person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which apply to the contract have been complied with, and all contracts entered into by a local authority, if otherwise valid, shall have full force and effect notwithstanding that the standing orders applicable thereto have not been complied with.

Conferences, &c.

Conferences of local authorities.

267. A local authority, other than a parish council, may, in such cases and subject to such conditions as may be prescribed, pay any reasonable expenses incurred by members or officers of the authority or of any committee thereof, in attending a conference or meeting convened by one or more local authorities, or by any association of local authorities, for the purpose of discussing any matter connected with the discharge of the functions of the authority, and any reasonable expenses incurred in purchasing reports of the proceedings of any such conference or meeting:

Provided that nothing in this section shall affect the provisions of any other enactment for the time being in force authorising the payment of expenses incurred

by members or officers of a local authority in attending any conference or meeting, or authorise a local authority to defray any expenses to which such enactment applies except in accordance with the provisions of that enactment. PART XV. —*cont.*

Acceptance of Gifts.

268.—(1) Subject to the provisions of this section a local authority may accept, hold and administer any gift of property, whether real or personal, for any local public purpose, or for the benefit of the inhabitants of the area or of some part thereof, and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section. Acceptance of gifts of property.

(2) Where the purposes of the gift are purposes for which the local authority are empowered to expend money raised from a rate, they may, subject to any condition or restriction attaching to the exercise of that power, defray expenditure incurred in the exercise of the powers conferred by the last preceding subsection out of money so raised.

(3) This section shall not authorise the acceptance by a local authority of property which, when accepted, would be held in trust for an ecclesiastical charity or for an eleemosynary charity.

(4) Nothing in this section shall affect any powers exercisable by a local authority under or by virtue of the Education Acts, 1921 to 1933.

Transfer of Powers, &c.

269.—(1) There shall be transferred to the council of every borough and urban district such functions and liabilities as are hereinafter mentioned, so far as they are at the commencement of this Act vested in the bodies from whom they are to be transferred,— Transfer of powers of vestries and churchwardens, &c.

(*a*) the functions and liabilities of the vestry or of any meeting of inhabitants in the nature of a vestry of every parish or place within the borough or urban district, except so far as they relate to the affairs of the church or to charities;

(*b*) the functions and liabilities of the churchwardens of every such parish, except so far as they relate to the affairs of the church or to charities.

PART XV. —*cont.*

18 & 19 Vict. c. 128.

(2) Where after the commencement of this Act a certificate is given under the provisions of the Burial Act, 1855, in any parish in a borough or urban district, or in a rural parish having a parish council, in order to obtain repayment from the general rate fund of the expenses of maintaining or repairing a closed churchyard, the functions and liabilities of the parochial church council of the parish with respect to the maintenance and repair of the churchyard shall, by virtue of this Act, be transferred to the council of the borough or urban district, or to the parish council, as the case may be.

(3) Where it appears to the Minister that, by reason of the circumstances connected with a parish in a borough or urban district which is divided into wards, the parish will not, if the majority of the body of trustees administering any charity of the parish are appointed by the council of the borough or district, be properly represented on that body, the Minister may, by order, after consultation with the Charity Commissioners or the Board of Education, as the case may require, provide that such of those trustees as are appointed by the council, or some of them, shall be appointed on the nomination of the councillors elected for the ward or wards of the borough or urban district comprising the parish or any part thereof.

Transfer of powers of public bodies, &c.

270.—(1) The Minister may, by provisional order, transfer to the council of a county or county borough any functions arising within the county or county borough of any conservators or other public body (not being the council of a county district), as are conferred by or in pursuance of any enactment:

Provided that, before an order is made under this subsection, a draft thereof shall be approved by the conservators or other body affected thereby.

(2) If any functions proposed to be transferred under this section arise within two or more counties or county boroughs those functions may be transferred to the councils of such counties or county boroughs jointly, and may be exercised and discharged by a joint committee of such councils.

(3) A provisional order made under this section may contain such incidental, consequential and supplemental provisions as appear necessary or proper for carrying the transfer into effect.

PART XV. —*cont.*

Power to confer functions of parish councils on councils of boroughs and urban districts.

271.—(1) The Minister may, on the application of the council of a borough or urban district, make an order conferring on that council any functions of a parish council, and applying with the necessary modifications the provisions of this or any other public general Act with reference thereto.

(2) An order under this section may provide for its operation extending either to the whole or to specified parts of the borough or urban district, and may contain such incidental, consequential and supplemental provisions as appear necessary or proper for bringing the order into operation and giving full effect thereto.

Power to confer functions of urban district councils on rural district councils.

272.—(1) The Minister may by order confer on rural district councils the functions of urban district councils under any public general Act, and apply to rural districts the provisions of any such Act relating to urban districts.

(2) The powers conferred on the Minister by this section shall be in addition to, and not in substitution for, the powers conferred on him by section two hundred and seventy-six of the Public Health Act, 1875, or by any enactment applying that section.

Power to confer functions of parish council on parish meeting.

273.—(1) On the application of the parish meeting of a rural parish not having a separate parish council the county council may, subject to the provisions of the grouping order if the parish is grouped with any other parish, by order confer on the parish meeting any functions of a parish council.

(2) A copy of every order made under this section shall be sent by the county council to the Minister.

Delegation of functions by county council to council of county district.

274.—(1) A county council may, with the concurrence of the council of the county district, delegate to the council of a county district situate wholly or in part within the county, with or without restrictions or conditions as they think fit, any of their functions, except—

(*a*) functions for the discharge of which the council are required by any enactment for the time being in force to appoint a committee;

PART XV. —*cont.*

(*b*) functions in respect of which specific powers of delegation to the councils of county districts are conferred by any such enactment; and

(*c*) the power of borrowing money or issuing a precept for the levy of a rate.

(2) Where functions are delegated to the council of a county district under this section, the council of the county district, in the discharge of those functions, shall act as agents for the county council.

Transfer of Stock.

Transfer of stock on alteration of area, &c.

275.—(1) Where any stock is standing in the books of a company in the name of a local authority the following provisions shall have effect:—

(*a*) if the name of the authority is changed, then on the request of the authority and on production of a statutory declaration by the clerk of the authority specifying the stock and verifying the change of name and identity of the authority, the company shall enter the stock in the new name of the local authority in like manner as if the stock had been transferred to the authority under that name;

(*b*) if by virtue of anything done under this Act, or under any enactment repealed by this Act, any other local authority have become entitled to the stock or any dividends thereon, a certificate of the clerk of the council of the county in which the area of that other authority is situate, or the scheme, order or award under which that other authority have become so entitled, shall be a sufficient authority to the company to transfer the stock into the name of the local authority specified in that behalf in the certificate, or in the scheme, order or award, as the case may be, and to pay the dividends to that authority;

(*c*) if in any other case any other local authority have become entitled to the stock or any dividends thereon, the court may on application make an order vesting in that other authority the right to transfer the stock or to receive the

PART XV. —*cont.*

dividends, and the Trustee Act, 1925, shall apply in like manner as if the vesting order were made under section fifty-one of that Act. 15 & 16 Geo. 5. c. 19.

(2) In this section, the expression—

"Local authority" includes a burial board and the representative body of a rural parish;

"Company" includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed;

"Stock" includes any share, annuity or other security.

(3) The jurisdiction of the court under this section may be exercised by the High Court or, in cases in which a palatine court or county court would have jurisdiction if the application were an application made under the Trustee Act, 1925, by that court.

Legal Proceedings.

Power of local authorities to prosecute or defend legal proceedings.

276. Where a local authority deem it expedient for the promotion or protection of the interests of the inhabitants of their area, they may prosecute or defend any legal proceedings.

Appearance of local authorities in legal proceedings.

277. A local authority may by resolution authorise any member or officer of the authority, either generally or in respect of any particular matter, to institute or defend on their behalf proceedings before any court of summary jurisdiction or to appear on their behalf before a court of summary jurisdiction in any proceedings instituted by them or on their behalf or against them, and any member or officer so authorised shall be entitled to institute or defend any such proceedings and, notwithstanding anything contained in the Solicitors Act, 1932, to conduct any such proceedings although he is not a certificated solicitor. 22 & 23 Geo. 5. c. 37.

Name of local authority need not be proved.

278. In any proceedings instituted by or against a local authority it shall not be necessary to prove the corporate name of the local authority or the constitution or limits of their area:

Provided that nothing in this section shall prejudice the right of a defendant to take or avail himself of any objection which he might have taken or availed himself of if this Act had not been passed.

PART XV. —*cont.*

Deposit, Inspection, &c. of Documents.

Custody of records, &c.

279.—(1) Without prejudice to the power of the custos rotulorum to give directions as to records and documents of any county, the records and documents of every county which at the commencement of this Act are in the custody of the clerk of the county council, and all future records and documents relating to the business of the county council, shall be in the custody of the clerk of the county council, and they shall be kept as the county council direct.

(2) Subject to any general directions which the council may give, the town clerk of a borough and the clerk of a district council shall have the charge and custody of, and be responsible for, all charters, deeds, records and other documents belonging to the borough or to the council, as the case may be.

Deposit of plans, &c. with clerk of authority, &c.

280.—(1) In any case in which a map, plan or other document of any description is deposited with the clerk of a local authority, or with the chairman of a parish council or parish meeting, pursuant to the standing orders of either House of Parliament or to any enactment (including any enactment in this Act) or statutory order, the clerk or chairman, as the case may be, shall receive and retain the document in the manner and for the purposes directed by the standing orders or enactment or statutory order, and shall make such memorials and endorsements on, and give such acknowledgments and receipts in respect of the document, as may be so directed.

(2) Subject to any provisions to the contrary in any other enactment or statutory order, a person interested in any such map, plan or other document deposited as aforesaid may, at all reasonable hours, inspect and make copies thereof or extracts therefrom on payment to the person having custody thereof of the sum of one shilling for every such inspection, and of the further sum of one shilling for every hour during which such inspection continues after the first hour.

(3) If a person having the custody of any map, plan or other document as aforesaid obstructs any person in inspecting the document or making a copy thereof or extract therefrom, he shall be liable, on summary conviction, to a fine not exceeding five pounds.

(4) All documents required by any enactment or statutory order to be deposited with the parish clerk of a rural parish shall, in the case of a parish having a separate parish council be deposited with the clerk or, if there is no clerk, with the chairman of the council, and in the case of a parish not having a separate parish council, be deposited with the chairman of the parish meeting. PART XV. —*cont.*

281.—(1) The custody of registers of baptisms, marriages and burials, and of all other books and documents containing entries wholly or in part relating to the affairs of the church or to ecclesiastical charities, except documents directed by law to be kept with the public books, writings, and papers of a parish, shall remain as provided by the existing law unaffected by this Act. Custody of parochial documents.

(2) All other public books, writings, and papers of a parish, and all documents directed by law to be kept therewith, shall either remain in their existing custody or be deposited in such custody as may be directed—

(*a*) in the case of an urban parish, by the council of the borough or urban district in which the parish is situate;

(*b*) in the case of a rural parish having a separate parish council, by the parish council;

(*c*) in the case of a rural parish not having a separate parish council, by the parish meeting.

(3) The incumbent and churchwardens on the one part, and the council or parish meeting referred to in the preceding subsection on the other, shall have reasonable access to all such books, documents, writings, and papers as are referred to in this section, and any difference as to such custody or access shall be determined in the case of a parish in a county borough, by the Minister, and in any other case, by the county council.

(4) Every county council shall from time to time inquire into the manner in which the public books, writings, papers, and documents under the control of a parish council or parish meeting are kept with a view to the proper preservation thereof, and shall make such orders as they think necessary for such preservation, and those orders shall be complied with by the parish council or parish meeting.

PART XV. —*cont.*

Provision of depository for parochial documents.

282.—(1) In the case of an urban parish, the council of the borough or urban district in which the parish is situate, and in the case of a rural parish having a separate parish council the parish council or, if the parish council so request, the council of the rural district in which the parish is situate, shall provide proper depositories for all the public books, writings, papers and documents belonging to the parish for which no provision is otherwise made.

(2) In the case of a rural parish not having a separate parish council, the council of the rural district in which the parish is situate, shall, with the consent of the parish meeting of the parish, provide proper depositories for all the public books, writings, papers and documents under the control of the parish meeting.

Inspection of documents.

283.—(1) The minutes of proceedings of a local authority shall be open to the inspection of any local government elector for the area of the authority, on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.

(2) A local government elector for the area of a local authority may inspect and make a copy of or extract from an order for the payment of money made by the local authority.

(3) The accounts of a local authority and of the treasurer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy thereof or an extract therefrom.

(4) The abstract of the accounts of a local authority and of the treasurer of a local authority, and any report made by an auditor on those accounts, shall be open to the inspection of any local government elector for the area of the authority, and any such local government elector may make a copy thereof or an extract therefrom, and copies thereof shall be delivered to any such local government elector on payment of a reasonable sum for each copy.

(5) The freemen's roll of a borough shall be open to public inspection, and the town clerk of the borough shall deliver copies thereof to any person on payment of a reasonable sum for each copy.

PART XV. —*cont.*

(6) A document directed by this section to be open to inspection shall be so open at all reasonable hours, and, except where otherwise expressly provided, without payment.

(7) If a person having the custody of any document in this section mentioned,—

(*a*) obstructs any person entitled to inspect the document or to make a copy thereof or extract therefrom in inspecting the document or making a copy or extract; or

(*b*) refuses to give copies or extracts to any person entitled to obtain copies or extracts,

he shall be liable, on summary conviction, to a fine not exceeding five pounds.

(8) This section shall apply to the minutes of proceedings and to the accounts of a parish meeting as if that meeting were a local authority within the meaning of this Act.

Reports and Returns.

Reports and returns.

284. Every local authority and every joint committee or joint board appointed jointly by two or more local authorities shall make to the Secretary of State or to the Minister such reports and returns, and give him such information with respect to their functions, as he may require, or as may be required by either House of Parliament.

Provisional Orders.

Procedure on making provisional orders.

285.—(1) Where the Minister is authorised to make a provisional order under this Act, or under any enactment passed after the commencement of this Act, the following provisions shall have effect:—

(*a*) before a provisional order is made, notice of the purport of the application therefor shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the provisional order will relate;

(*b*) the Minister shall consider any objections to the application which may be made by any persons affected thereby, and shall, unless he considers that for special reasons an inquiry

PART XV. —*cont.*

is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as the Minister may direct and at which all persons interested shall be permitted to attend and make objections;

(*c*) the Minister may submit the provisional order to Parliament for confirmation, and the order shall have no effect until it is confirmed by Parliament;

(*d*) if while the Bill for the confirmation of the order is pending in either House of Parliament a petition is presented against the order, the petitioner shall be allowed to appear before the Select Committee to which the Bill is referred, and oppose the order, as in the case of a private Bill;

(*e*) any Act confirming a provisional order may be repealed, altered or amended by a provisional order made by the Minister and confirmed by Parliament;

(*f*) at any time before submitting a provisional order to Parliament the Minister may revoke the order, either wholly or in part;

(*g*) the making of a provisional order shall be prima facie evidence that all the requirements of this Act in respect of proceedings required to be taken before the making of the order have been complied with:

Provided that the provisions of paragraphs (*a*) and (*b*) of this subsection shall not apply as respects provisional orders made under Part VII of this Act for the compulsory purchase of land.

(2) The reasonable costs incurred by a local authority in promoting or opposing a provisional order, and of the inquiry preliminary thereto, or in supporting or opposing a Bill to confirm a provisional order, as sanctioned by the Minister, shall be deemed to be expenses properly incurred by the local authority interested or affected by the order, and shall be paid accordingly, and a local authority may borrow for the purpose of defraying such costs.

Notices, &c.

PART XV. —*cont.*

Service of notices on local authorities, &c.

286.—(1) Any notice, order or other document required or authorised by this Act, or by any enactment passed or statutory order made after the commencement of this Act, to be sent, delivered or served to or upon a local authority or to or upon the clerk or chairman of a local authority, shall be addressed to the local authority or to the clerk or chairman, as the case may be, and left at, or sent by post in a prepaid letter to, the offices of the local authority.

(2) In the case of documents required or authorised to be sent or delivered to, or served upon, a parish meeting, the document shall be left with, or sent by post in a prepaid letter to, the chairman of the parish meeting.

Public notices.

287.—(1) Save as otherwise expressly provided, a public notice required to be given by a local authority, shall be given—

(*a*) by affixing the notice to the offices of the local authority or, in the case of a parish council, on or near the principal door of each church or chapel in the parish; and

(*b*) by posting the notice in some conspicuous place or places within the area of the local authority; and

(*c*) in such other manner, if any, as appears to the local authority to be desirable for giving publicity to the notice.

(2) This section shall apply to a public notice required to be given by the chairman of a parish meeting or by a joint committee of parish councils as it applies to public notices required to be given by a parish council.

Notices on offices, &c.

288. A notice or other document required to be affixed to the offices of a local authority or to a town hall shall be exhibited in some conspicuous place on or near the outer door of the offices of the authority or of the town hall, or, if the authority have no offices or there is no town hall, in some conspicuous place in the area of the local authority or in the area to which the notice or document relates.

PART XV. —*cont.*

Penalty for destroying notices, &c.

289. Any person who destroys, tampers with, pulls down, injures or defaces—

(*a*) any board on or to which any byelaw, notice or other matter put up by the authority of the Minister or of a local authority is inscribed or affixed; or

(*b*) any advertisement, placard, bill or notice put up by or under the direction of a local authority,

shall be liable, on summary conviction, to a fine not exceeding five pounds.

Inquiries.

Power of government departments to direct inquiries.

290.—(1) Where any department are authorised by this Act to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, confirmation, sanction or approval to any matter, or otherwise to act under this Act, and where the Secretary of State or the Minister is authorised to hold an inquiry, either under this Act or under any other enactment relating to the functions of a local authority, they or he may cause a local inquiry to be held.

(2) For the purpose of any such inquiry, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is set forth in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that—

(*a*) no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him; and

(*b*) nothing in this section shall empower the person holding the inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of a local authority. PART XV. —*cont.*

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this section, or to give evidence, or who wilfully alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he may be required to produce for the purposes of this section, shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(4) Where a department cause any such inquiry to be held, the costs incurred by them in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as they may determine for the services of any officer engaged in the inquiry) shall be paid by such local authority or party to the inquiry as the department may direct, and the department may certify the amount of the costs so incurred, and any amount so certified and directed by the department to be paid by any authority or person shall be recoverable from that authority or person either as a debt to the Crown or by the department summarily as a civil debt.

(5) The department may make orders as to the costs of the parties at any such inquiry and as to the parties by whom such costs shall be paid, and every such order may be made a rule of the High Court on the application of any party named in the order.

(6) This section shall apply to a commissioner appointed under section twenty-five of this Act and to any inquiries held by him as if he were a person appointed by the Secretary of State to hold an inquiry under this Act.

(7) This section shall extend to local inquiries held by the Minister of Transport under the provisions of the Local Government Act, 1929, or the Ferries (Acquisition by Local Authorities) Act, 1919. 9 & 10 Geo. 5. c. 75.

(8) In this section the expression "department" includes the Secretary of State, the Minister, the Minister of Transport, and any Board or Commissioners.

PART XV. —*cont.*

Inquiries by county councils.

291.—(1) Where a county council hold a local inquiry under this Act on the application of the council of a county district or parish, or of any local government electors for a county district or parish authorised to make such application, the expenses incurred by the county council in relation to the inquiry (including the expenses of any committee or person authorised by the county council to hold the inquiry) shall, unless the county council otherwise determine, be paid by the council of that county district or parish, or in the case of a parish not having a separate parish council, by the parish meeting of the parish.

(2) Subject as aforesaid, the expenses incurred by a county council in connection with inquiries held by them under this Act shall be paid by the county council.

Miscellaneous Provisions.

Application of Act to Isles of Scilly.

292.—(1) The Minister may, upon the application of the council of the Isles of Scilly, make an order for regulating the application of this Act to the Isles of Scilly and for providing for the exercise and performance in those Islands of any functions which are for the time being conferred or imposed on local authorities.

(2) Any order made under this section may—

(*a*) apply to the Isles of Scilly any other public general Act relating to local government;

(*b*) provide for the continuance of the council of the Isles of Scilly and for the establishment of other local authorities in the Islands;

(*c*) provide for the contribution by the Isles of Scilly to the council of the county of Cornwall in respect of costs incurred by the county council on matters specified in the said order as benefiting the Isles of Scilly; and

(*d*) provide for all matters which appear to the Minister necessary or proper for carrying the order into effect.

(3) Subject to the provisions of an order made under this section, the council of the county of Cornwall shall have no greater functions in the Isles of Scilly than

the court of quarter sessions of Cornwall in fact exercised or performed therein before the thirteenth day of August, eighteen hundred and eighty-eight, and the Isles of Scilly shall not be included for the purposes of this Act in any electoral division of the county of Cornwall.

PART XV. —*cont.*

Power to apply provisions of Act to joint boards, &c.

293.—(1) Where any enactment, whether passed before or after the commencement of this Act, authorises the formation by provisional order or order of a joint board or joint committee, the constituent members of which are local authorities, for the discharge of any of the functions of those authorities, the provisional order or order may apply to the joint board or joint committee, subject to any necessary modifications, any of the provisions of this Act:

Provided that—

(i) the provisions of this Act enabling land to be acquired compulsorily, otherwise than by means of a provisional order, shall not be so applied;

(ii) the provisions of this Act relating to the audit of accounts by district auditors shall not be applied to a joint board or joint committee if the whole of the constituent local authorities are councils of boroughs unless—

(*a*) all the accounts of one or more of the councils are subject to audit by district auditors; or

(*b*) the accounts of the joint board or committee would, if they had been accounts of the several councils, have been subject to district audit.

(2) Where by a provisional order in operation at the commencement of this Act any provisions of the Public Health Acts, 1875 to 1932, the Local Government Act, 1894, or the Local Government Act, 1929, have been applied to a joint board or joint committee, the provisional order may be amended by an order made by the authority by whom the provisional order was made (or in the case of an order made by the Local Government Board, by the Minister) applying to the joint board or joint committee, in substitution for any of the provisions of the above named Acts which have been so applied, any

PART XV. —*cont.*

of the provisions of this Act which could be applied by virtue of the last preceding subsection:

Provided that, if the order is not made within two years after the commencement of this Act, and on the application of the joint board or joint committee, the order shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

Travelling expenses of county councillors, &c.

294.—(1) Subject to the provisions of this section, a county council may defray any expenses necessarily incurred by members of the council, or of any committee thereof to which this section applies, in travelling to and from meetings of the council or committee, or in travelling by direction of the council or committee for the purpose of carrying out any inspection necessary for the discharge of the functions of the council or committee.

(2) No expenses which a county council has, apart from this section, power to defray shall be defrayed under this section, and this section shall not affect any such power.

(3) No expenditure by a county council under this section shall be taken into account for the purpose of determining the amount of any sum payable to the council out of moneys provided by Parliament.

(4) This section shall apply to any committee of a county council appointed for the discharge of functions throughout the whole area for which the county council are charged with those functions, and shall also apply to any sub-committee or joint committee so appointed as if it were a committee of the council.

(5) In this section the expression "sub-committee" means a sub-committee of a committee of a county council, and the expression "joint committee" means a joint committee or joint board appointed by a county council jointly with the council of another county or of a borough or with a court of quarter sessions.

Provisions as to Sundays, &c.

295.—(1) Where the day or the last day on which any thing is required or permitted by or in pursuance of this Act to be done is a Sunday, Christmas Day, Good Friday, bank holiday or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned.

PART XV. —*cont.*

(2) Where under the foregoing provisions of this section an election is postponed, the day on which the election is held shall be treated as the day of election for all purposes of this Act relating to that election:

Provided that, where a day is declared to be a bank holiday, or day of public thanksgiving or mourning, nothing in this subsection shall affect the validity of any act done in relation to an election before or on the date of the declaration.

References to population.

296.—(1) Except where otherwise expressly provided, any reference in this Act to the population of an area shall be construed as a reference to the population of that area according to the last published census for the time being.

(2) For the purposes of this Act and of any enactment passed after the commencement of this Act relating to local government, references to the last published census shall, as regards any local government area, be construed as references to the last census in respect of which the Registrar-General has, in pursuance of the Act under which the census was taken, published a report giving the population of that area, not being a report which is, or purports to be, of a provisional nature.

Power to require copies of values in force under Schedule A of 8 & 9 Geo. 5. c. 40.

297. Any local authority who are, or person who is, required under this Act to have regard to the net annual value of any land in an area may require the surveyor of taxes for that area to furnish to them or him, on payment at a rate not exceeding five shillings for every hundred entries numbered separately, a copy of the annual values for the purposes of income tax under Schedule A of the Income Tax Act, 1918, for all or any of the properties in that area.

Saving of transfer of certain powers under local Acts from Treasury and Secretary of State to Minister.

298.—(1) The Minister shall, as regards every local authority, exercise—

(*a*) any power conferred on the Treasury by any local or private Act passed before the fourth day of August, nineteen hundred and six, with respect to dealings with property, loans and matters connected therewith;

PART XV. —*cont.*

(*b*) any power of consent, sanction or confirmation conferred on one of His Majesty's principal Secretaries of State by any local Act passed before the eleventh day of August, eighteen hundred and seventy-five, with respect to any loan, the giving effect to any byelaws, or the appointment of any officer for sanitary purposes;

(*c*) any power of consenting to, sanctioning, confirming or allowing byelaws for sanitary purposes conferred on a court of quarter sessions by any local Act passed before the commencement of this Act;

and all such enactments, and all enactments referring to the power so conferred, shall be construed accordingly.

(2) If any question arises whether paragraph (*a*) of the preceding subsection applies to any power conferred by, or referred to in, any enactment, the decision of the Treasury shall be final, and if any question arises as to what are sanitary purposes within the meaning of paragraph (*b*) or paragraph (*c*) of the said subsection, the decision of the Minister shall be final.

Power to annul regulation or rules.

299. Where any regulation or rule made under this Act is required to be laid before each House of Parliament it shall be so laid for a period of thirty days during the Session of Parliament, and if an Address is presented to His Majesty by either House of Parliament before the expiration of that period praying that the regulation or rule may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation or rule:

Provided that in reckoning any such period of thirty days as aforesaid no account shall be taken of any time during which both Houses are adjourned for more than four days.

Saving for existing members of local authorities.

300. A person holding office at the commencement of this Act as a member of a local authority, chairman of a parish meeting, or elective auditor of a borough, or as a member of any committee, sub-committee, or joint committee shall be deemed to have been elected or appointed to that office under this Act:

PART XV. *cont.*

Provided that he shall retire from office on the date on which he would have retired if this Act had not been passed, and until he so retires from that office he shall not be disqualified for holding the office by reason of any circumstance which occurred before the commencement of this Act and which would not have given rise to a disqualification for that office if this Act had not been passed.

Saving for municipal corporations.

301. Save in so far as may be necessary to give effect to any alteration or definition of boundaries which is expressly authorised by this Act, nothing in this Act shall prejudicially alter or affect the rights, privileges, and immunities of any municipal corporation, or the operation of any municipal charter.

Saving for universities.

302. Nothing in this Act shall—

(*a*) affect the rights, privileges, duties or liabilities of the chancellor, masters and scholars of the Universities of Oxford or Cambridge respectively, as by law possessed under the respective charters of those universities or otherwise; or

(*b*) entitle the mayor of the county borough of Oxford or the mayor of the borough of Cambridge to any precedence over the vice-chancellor of the University of Oxford or of the University of Cambridge respectively; or

(*c*) authorise the transfer of any rights or liabilities of a public body to the council of the borough of Cambridge without the consent of the chancellor, masters and scholars of the University of Cambridge; or

(*d*) affect any rights or liabilities granted to the University of Durham by any Act of Parliament or charter.

Saving for joint committees of certain counties.

303. The functions transferred by section forty-six of the Local Government Act, 1888 (which relates to certain special administrative counties), to a joint committee appointed in pursuance of that section shall, notwithstanding anything in this Act, continue to be exercisable and capable of being discharged by a joint committee so appointed.

PART XV. —*cont.*

Cesser of certain enactments.

304. Whereas with a view to the simplification and consolidation of the law relating to local government it is desirable that the enactments set out in the Tenth Schedule to this Act should cease to have effect to the extent specified in the third column of that Schedule:

Now Therefore the enactments aforesaid shall cease to have effect to the extent specified as aforesaid.

Definitions.

305. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

"Affairs of the church" has the same meaning as in the Local Government Act, 1894;

"Clerk of the authority" includes the town clerk of a borough;

"Consular officer" includes a British consul general, acting consul general, consul, acting consul, vice-consul, acting vice-consul, pro-consul, consular agent, and acting consular agent;

"Contributory place" means—

(*a*) a rural parish no part of which is included in a special drainage district formed under the Public Health Act, 1875;

(*b*) a special drainage district formed under that Act; and

(*c*) in the case of a rural parish part of which forms, or is included in, a special drainage district formed as aforesaid, such part of the parish as is not comprised within that drainage district;

"Corporate land" means land belonging to, or held in trust for, or to be acquired by or held in trust for, a municipal corporation otherwise than for an express statutory purpose;

"Corporate office" means the office of mayor, alderman, councillor, or elective auditor of a borough;

"County" means administrative county;

PART XV. —*cont.*

"County district" means a non-county borough, urban district or rural district;

"District council" means an urban district council or a rural district council;

"District councillor" means an urban district councillor or a rural district councillor;

"Ecclesiastical charity" has the same meaning as in the Local Government Act, 1894;

"Electoral area" in relation to an election means the electoral division, borough, ward, district, parish or other area for which the election is held;

"Emoluments" includes all salary, wages, fees, poundage and other payments paid or made to an officer as such for his own use, including the money value of any apartments, rations or other allowances in kind appertaining to his office, but does not include payments for overtime, or any sum paid to him to cover travelling expenses, cost of office accommodation, assistance of deputies, or clerical, or other assistance;

"Enactment" includes any enactment in a provisional order confirmed by Parliament;

"Financial year" means the period of twelve months ending on the thirty-first day of March;

"Freeman" includes any person of the class whose rights and interests were reserved by the Municipal Corporations Act, 1835, under the name either of freemen or of burgesses;

"Harbour authority" has the same meaning as in the Merchant Shipping Act, 1894; 57 & 58 Vict. c. 60.

"Land" includes any interest in land and any easement or right in, to or over land;

"Local authority" means the council of a county, county borough, county district or rural parish;

"Local government elector" or "elector" means a person registered as a local government elector

PART XV. —*cont.*

in the register of electors in accordance with the provisions of the Representation of the People Acts;

"London" means the administrative county of London;

"Minister" means the Minister of Health;

"Municipal corporation" means the body corporate constituted by the incorporation of the inhabitants of a borough;

"Municipal election" means an election to a corporate office in a borough;

"Net annual value" means either the annual value for the time being in force for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, subject to any reduction made for the purpose of collection in accordance with the provision of Rule 7 of No. V of the said Schedule as so amended or, in relation to land which is not assessed under the said Schedule A, the net annual value for rating purposes as shown in the valuation list;

"Officer" includes a servant;

"Parish property" means—

(*a*) property, the rents and profits of which are applicable or, if the property were let, would be applicable to the general benefit of one or more parishes, or the ratepayers, parishioners or inhabitants thereof, but does not include—

(i) property given or bequeathed by way of charitable donation or allotted in right of some charitable donation or otherwise for the poor persons of any parish or parishes, if the income of the property is not applicable to the general benefit of the ratepayers or other persons as aforesaid;

(ii) property acquired by a board of guardians before the first day of April, nineteen hundred and thirty, for the purposes of their functions in the relief of the poor; and

PART XV —*cont.*

(*b*) land allotted to, or otherwise acquired by, a parish, whether in the name of the surveyor of highways or other trustees, or generally, for the purpose of the supply of materials for the repair of the public roads and highways in the parish and also for the repair of private roads therein, or for some other purpose, public or private, where the materials in the land are exhausted or are not suitable or required, and the land is not available for that other purpose, if any;

"Prescribed" means prescribed by regulations and, except where some other prescribing authority is specified, prescribed by regulations made by the Minister;

"Property" includes all property, real and personal, and all estates, interests, easements and rights whether equitable or legal, in, to, and out of property, real and personal;

"Public body" includes a local authority and any trustees, commissioners or other persons who, as a public body and not for their own profit, act under any enactment or statutory order for the improvement of any place or for the supply to any place of water, gas or electricity, or for providing or maintaining a cemetery or market in any place, and any other authority having powers of levying, or issuing a precept for, any rate for public purposes, and, for the purposes of Part VI of this Act, includes a body which is a compensation authority for the purposes of the Licensing (Consolidation) Act, 1910, and an insurance committee constituted under the National Health Insurance Act, 1924, and the expression "district" means, in relation to a public body other than a local authority, the area for which the public body acts;

10 Edw. 7. and 1 Geo. 5. c. 24. 14 & 15 Geo. 5. c. 38.

"Rating area" means a county borough or county district; and "rating authority" means the council of a county borough or county district acting as rating authority;

PART XV. —*cont.*

"Sale" includes a sale in consideration of a chief rent, rent charge or other similar periodical payment, and the expressions "sell" and "purchase" have corresponding meanings;

"Standing joint committee" means the standing joint committee of the court of quarter sessions and the county council appointed under section thirty of the Local Government Act, 1888;

"Statutory order" means any order, rule or regulation made under any enactment;

"Statutory undertakers" means any persons authorised by an enactment or statutory order to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking;

"The Adoptive Acts" means—

(*a*) The Lighting and Watching Act, 1833;

(*b*) The Baths and Washhouses Acts, 1846 to 1925;

(*c*) The Burial Acts, 1852 to 1906;

23 & 24 Vict. c. 30.

(*d*) The Public Improvements Act, 1860; and

(*e*) The Public Libraries Acts, 1892 to 1919;

"Undertaking" means, in relation to a local authority, the provision of water, gas, electricity, transport or any other public service which the local authority are authorised to undertake.

Interpretation as respects Crown rights.

306. The mention in this Act in relation to any particular matter of His Majesty's royal prerogative shall not be held to prejudice or affect, in relation to that or to any other matter, the general application of any rule of law with respect to any estate, right, power, privilege, or exemption of the Crown.

Repeals.

307.—(1) The following Acts are hereby repealed to the following extent—

(*a*) The Public Health Act, 1875, the Municipal Corporations Act, 1882, and the Local Government Act, 1888, to the extent specified in the

First, Second and Third Parts respectively of the Eleventh Schedule to this Act; PART XV. —*cont.*

(*b*) The Acts mentioned in the second column of the Fourth Part of that Schedule, to the extent specified in the third column of that Part of that Schedule,

and the said repeal shall, as respects the Acts mentioned in the second column of the Fifth Part of that Schedule to the extent specified in the third column of that Part of that Schedule, extend to London:

Provided that—

(i) nothing in this repeal shall affect any byelaw in force at the commencement of this Act, and any byelaw for good rule and government and for prevention and suppression of nuisances in force at the commencement of this Act shall have effect as if made under this Act and may be amended or revoked and enforced accordingly;

(ii) in the case of a byelaw which has been made before the commencement of this Act but which by reason of its not having been confirmed or of the time for disallowance not having expired is not in force at that date, the same proceedings may be taken and with the same effect as if this Act had not been passed;

(iii) if at the commencement of this Act a casual vacancy has occurred in any office for which an election would be held under this Act, and the vacancy has not been filled, the vacancy shall be filled in the same manner as if this Act had not been passed;

(iv) nothing in this section shall affect any order, scheme, rule or regulation made under any enactment repealed by this Act, and every such order, scheme, rule or regulation shall continue in force and, if it is of such a nature that it could have been made under this Act,

PART XV. —*cont.*

shall have effect as if made under the corresponding provision of this Act, and may be amended, varied, repealed, revoked or enforced accordingly;

(v) nothing in this section shall affect any appointment, agreement or resolution made, direction or notice given, proceedings taken or other thing done under any enactment repealed by this Act, and every such appointment, agreement, resolution, direction, notice, proceedings or other thing shall, so far as it could have been made, given, taken or done under this Act, have effect as if it had been made, given, taken or done under the corresponding provision of this Act;

(vi) nothing in this section shall affect any compensation payable, or any title to compensation, under any enactment repealed by this Act, whether as originally enacted or as applied by any other enactment or statutory order.

(2) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding enactment, if any, in this Act.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Short title, date of commencement, and extent.

308.—(1) This Act may be cited as the Local Government Act, 1933, and shall come into operation on the first day of June, nineteen hundred and thirty-four.

(2) This Act shall not extend to Scotland or Northern Ireland nor, except where otherwise expressly provided, to London.

SCHEDULES.

FIRST SCHEDULE. Section 1.

PART I.

ADMINISTRATIVE COUNTIES.

(*a*) ENGLAND (EXCLUSIVE OF LONDON).

Name of Administrative County.	Name of Administrative County.	Name of Administrative County.
Bedford.	Kent.	Salop.
Berks.	Lancaster.	Soke of Peterborough.
Buckingham.	Leicester.	Somerset.
Cambridge.	Lincoln, Parts of Holland.	Southampton.
Chester.	Lincoln, Parts of Kesteven.	Stafford.
Cornwall.	Lincoln, Parts of Lindsey.	Suffolk, East.
Cumberland.	Middlesex.	Suffolk, West.
Derby.	Monmouth.	Surrey.
Devon.	Norfolk.	Sussex, East.
Dorset.	Northampton.	Sussex, West.
Durham.	Northumberland.	Warwick.
Essex.	Nottingham.	Westmorland.
Gloucester.	Oxford.	Wilts.
Hereford.	Rutland.	Worcester.
Hertford.		York, East Riding.
Huntingdon.		York, North Riding.
Isle of Ely.		York, West Riding.
Isle of Wight.		

(*b*) WALES.

Name of Administrative County.	Name of Administrative County.	Name of Administrative County.
Anglesey.	Carmarthen.	Merioneth.
Brecknock.	Denbigh.	Montgomery.
Caernarvon.	Flint.	Pembroke.
Cardigan.	Glamorgan.	Radnor.

1ST SCH. —*cont.*

PART II.

COUNTY BOROUGHS.

(*a*) ENGLAND.

Name of County Borough.	Name of County Borough.	Name of County Borough.
Barnsley.	East Ham.	Preston.
Barrow-in-Furness.	Exeter.	Reading.
Bath.	Gateshead.	Rochdale.
Birkenhead.	Gloucester.	Rotherham.
Birmingham.	Great Yarmouth.	Saint Helens.
Blackburn.	Grimsby.	Salford.
Blackpool.	Halifax.	Sheffield.
Bolton.	Hastings.	Smethwick.
Bootle.	Huddersfield.	Southampton.
Bournemouth.	Ipswich.	Southend-on-Sea.
Bradford.	Kingston-upon-Hull.	Southport.
Brighton.	Leeds.	South Shields.
Bristol.	Leicester.	Stockport.
Burnley.	Lincoln.	Stoke-on-Trent.
Burton-upon-Trent.	Liverpool.	Sunderland.
Bury.	Manchester.	Tynemouth.
Canterbury.	Middlesbrough.	Wakefield.
Carlisle.	Newcastle-upon-Tyne.	Wallasey.
Chester.	Newport.	Walsall.
Coventry.	Northampton.	Warrington.
Croydon.	Norwich.	West Bromwich.
Darlington.	Nottingham.	West Ham.
Derby.	Oldham.	West Hartlepool.
Dewsbury.	Oxford.	Wigan.
Doncaster.	Plymouth.	Wolverhampton.
Dudley	Portsmouth.	Worcester.
Eastbourne.		York.

(*b*) WALES.

Cardiff.	Merthyr Tydfil.	Swansea.

PART III. 1ST SCH. —*cont.*

NON-COUNTY BOROUGHS.

(*a*) ENGLAND.

Administrative County.	Names of Non-County Boroughs situate in Administrative County.
Bedford	Bedford.
	Dunstable.
	Luton.
Berks	Abingdon.
	Maidenhead.
	Newbury.
	New Windsor.
	Wallingford.
	Wokingham.
Buckingham	Aylesbury.
	Buckingham.
	Chepping Wycombe.
Cambridge	Cambridge.
Chester	Congleton.
	Crewe.
	Dukinfield.
	Hyde.
	Macclesfield.
	Stalybridge.
Cornwall	Bodmin.
	Dunheved, otherwise Launceston.
	Falmouth.
	Fowey.
	Helston.
	Liskeard.
	Lostwithiel.
	Penryn.
	Penzance.
	Saint Ives.
	Saltash.
	Truro.
Cumberland	Whitehaven.
	Workington.
Derby	Buxton.
	Chesterfield.
	Glossop.
	Ilkeston.
Devon	Barnstaple.
	Bideford.
	Clifton Dartmouth Hardness.
	Great Torrington.
	Honiton.
	Okehampton.
	South Molton.
	Tiverton.
	Torquay.
	Totnes.
Dorset	Blandford Forum.
	Bridport.
	Dorchester.
	Lyme Regis.
	Poole.
	Shaftesbury.
	Wareham.
	Weymouth and Melcombe Regis.
Durham	Durham.
	Hartlepool.
	Jarrow.
	Stockton-on-Tees.
Essex	Barking.
	Chelmsford.
	Colchester.
	Harwich.
	Ilford.
	Leyton.
	Maldon.
	Saffron Walden.
	Walthamstow.
Gloucester	Cheltenham.
	Tewkesbury.
Hereford	Hereford.
	Leominster.

1ST SCH. —*cont.*

Administrative County.	Names of Non-County Boroughs situate in Administrative County.
Hertford	Hemel Hempstead.
	Hertford.
	Saint Alban.
	Watford.
Huntingdon	Godmanchester.
	Huntingdon.
	Saint Ives.
Isly of Ely	Wisbech.
Isle of Wight	Newport.
	Ryde.
Kent	Bromley.
	Chatham.
	Dartford.
	Deal.
	Dover.
	Faversham.
	Folkestone.
	Gillingham.
	Gravesend.
	Hythe.
	Lydd.
	Maidstone.
	Margate.
	New Romney.
	Queenborough.
	Ramsgate.
	Rochester.
	Sandwich.
	Tenterden.
	Royal Tunbridge Wells.
Lancaster	Accrington.
	Ashton-under-Lyne.
	Bacup.
	Chorley.
	Clitheroe.
	Colne.
	Darwen.
	Eccles.
	Fleetwood.
	Haslingden.
	Heywood.
Lancaster	Lancaster.
	Leigh.
	Lytham Saint Anne's.
	Middleton.
	Morecambe and Heysham.
	Mossley.
	Nelson.
	Rawtenstall.
	Stretford.
	Widnes.
Leicester	Loughborough
Lincoln, Parts of Holland.	Boston.
Lincoln, Parts of Kesteven.	Grantham.
	Stamford.
Lincoln, Parts of Lindsey.	Louth.
Middlesex	Acton.
	Brentford and Chiswick.
	Ealing.
	Finchley.
	Hendon.
	Heston and Isleworth.
	Hornsey.
	Southgate.
	Twickenham.
	Willesden.
	Wood Green.
Monmouth	Abergavenny.
	Monmouth.
Norfolk	King's Lynn.
	Thetford.
Northampton	Brackley.
	Daventry.
	Higham Ferrers.

1st Sch. —*cont.*

Administrative County.	Names of Non-County Boroughs situate in Administrative County.
Northumberland	Berwick-upon-Tweed.
	Blyth.
	Morpeth.
	Wallsend.
Nottingham	East Retford.
	Mansfield.
	Newark.
	Worksop.
Oxford	Banbury.
	Chipping Norton.
	Henley-upon-Thames.
	Woodstock.
Salop	Bishop's Castle.
	Bridgnorth.
	Ludlow.
	Oswestry.
	Shrewsbury.
	Wenlock.
Soke of Peterborough.	Peterborough.
Somerset	Bridgwater.
	Chard.
	Glastonbury.
	Taunton.
	Wells.
	Yeovil.
Southampton	Aldershot.
	Andover.
	Basingstoke.
	Christchurch.
	Gosport.
	Lymington.
	Romsey.
	Winchester.
Stafford	Bilston.
	Lichfield.
	Newcastle-under-Lyme.
	Rowley Regis.
Stafford	Stafford.
	Tamworth.
	Wednesbury.
Suffolk, East	Aldeburgh.
	Beccles.
	Eye.
	Lowestoft.
	Southwold.
Suffolk, West	Bury Saint Edmunds.
	Sudbury.
Surrey	Barnes.
	Godalming.
	Guildford.
	Kingston-upon-Thames.
	Reigate.
	Richmond.
	Wimbledon.
Sussex, East	Bexhill.
	Hove.
	Lewes.
	Rye.
Sussex, West	Arundel.
	Chichester.
	Worthing.
Warwick	Nuneaton.
	Royal Leamington Spa.
	Rugby.
	Stratford-upon-Avon.
	Sutton Coldfield.
	Warwick.
Westmorland	Appleby.
	Kendal.
Wilts	Calne.
	Chippenham.
	Devizes.

1ST SCH. —*cont.*

Administrative County.	Names of Non-County Boroughs situate in Administrative County.	Administrative County.	Names of Non-County Boroughs situate in Administrative County.
Wilts	Malmesbury. Marlborough. New Sarum. Swindon. Wilton.	York, North Riding.	Redcar. Richmond. Scarborough. Thornaby-on-Tees.
Worcester	Bewdley. Droitwich. Evesham. Kidderminster. Stourbridge.	York, West Riding.	Batley. Brighouse. Goole. Harrogate. Keighley Morley. Ossett. Pontefract.
York, East Riding.	Beverley. Bridlington. Hedon.		Pudsey. Ripon. Todmorden.

(*b*) WALES.

Anglesey	Beaumaris.	Denbigh	Denbigh. Ruthin. Wrexham.
Brecknock	Brecknock.	Flint	Flint.
Caernarvon	Bangor. Caernarvon. Conway. Pwllheli.	Glamorgan	Cowbridge. Neath. Port Talbot.
Cardigan	Aberystwith. Cardigan. Lampeter.	Montgomery	Llanfyllin. Llanidloes. Montgomery. Welshpool.
Carmarthen	Carmarthen. Kidwelly. Llandovery. Llanelly.	Pembroke	Haverfordwest. Pembroke. Tenby.

SECOND SCHEDULE.

Sections 15, 29, 40, 54 and 70.

PART I.

PROVISIONS RELATING TO THE STAGES OF THE ELECTION OF A COUNTY COUNCILLOR OR OF COUNCILLORS OF A BOROUGH PRECEDING THE POLL.

Notice of Election.

1.—(1) On or before the day appointed for that purpose by Part II of this Schedule a notice of election shall be published in the form prescribed by the Secretary of State.

(2) In the case of an election of a county councillor, the notice of election shall be prepared and signed by the returning officer or, if the electoral division is co-extensive with or wholly comprised in a borough, by the town clerk, and shall be published by him by causing it to be affixed to the offices of the county council and in addition—

(*a*) in the case of an electoral division which is co-extensive with or wholly comprised in a borough, by causing it to be affixed to the town hall and, if the town hall is not situate within the electoral division, by causing it to be exhibited at such additional place or places within that division as the town clerk may determine; and

(*b*) in any other case, by causing it to be affixed to the offices of the council of each county district wholly or in part comprised in the electoral division, and, if any of those offices are not situate in the electoral division, by causing it to be exhibited at such additional place or places, being places both within the district and the electoral division, as the returning officer may determine.

(3) In the case of an election of councillors of a borough, the notice of election shall be prepared and signed by the town clerk, and shall be published by him by causing it to be affixed to the town hall, and, in the case of a ward election, by causing it to be exhibited at such additional place or places in that ward as he may determine.

Nomination of Candidates.

2.—(1) Every candidate for the office of county councillor or councillor of a borough must be nominated, in the case of an election of a county councillor, by two local government

2ND SCH. —*cont.*

electors for the electoral division, or, in the case of an election of councillors of a borough, by two local government electors for the borough, or, if the borough is divided into wards, for the ward, as his proposer and seconder.

(2) The nomination of each candidate must be made on a separate nomination paper in the form prescribed by the Secretary of State, stating the full name, place of residence and description of the candidate, and must be signed by the proposer and seconder, and by eight other local government electors for the electoral division, borough or ward, as the case may be, as assenting to the nomination.

(3) No person shall at an election of a county councillor sign more than one nomination paper in respect of the same electoral division, and if he does so his signature shall be operative only in the case of the paper which is first delivered.

(4) No person shall at an election of councillors of a borough sign more than one nomination paper in respect of the same candidate, nor, if the borough is divided into wards, shall he sign a nomination paper for more than one ward, nor shall he sign more nomination papers than there are vacancies to be filled in the borough, or, if the borough is divided into wards, in the ward, and if he signs nomination papers otherwise than is permitted under this sub-paragraph, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered.

(5) At an election of a county councillor or of councillors of a borough, the proper officer shall provide nomination papers and shall supply any local government elector for the electoral division, borough or ward, as the case may be, with as many nomination papers as may be required and shall, at the request of any such local government elector, prepare for signature a nomination paper.

(6) For the purposes of this paragraph the proper officer shall be—

(*a*) In the case of an election of a county councillor for an electoral division which is not co-extensive with or wholly comprised in a borough, the returning officer;

(*b*) in the case of an election of a county councillor for an electoral division which is co-extensive with or wholly comprised in a borough, the town clerk;

(*c*) in the case of an election of a councillor of a borough, the town clerk.

Candidate's Consent to Nomination. 2ND SCH. —*cont.*

3. A person shall not be validly nominated unless his consent to nomination (in this Schedule referred to as "the candidate's consent") given in writing on or within one month before the last day for the delivery of nomination papers, and attested by one witness, is delivered at the place and within the time appointed for the delivery of nomination papers:

Provided that in the case of an election to fill a casual vacancy if the returning officer, in the case of an election of a county councillor, or the mayor, in the case of an election of a councillor of a borough, is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as aforesaid, a telegram consenting to his nomination and purporting to have been sent by him shall be deemed, for the purpose of this paragraph, to be consent in writing given by him on the day on which it purports to have been sent and attestation of his consent shall not be required.

Time and Place for sending in Nomination Papers.

4.—(1) Every nomination paper shall be delivered, in the case of an election of a county councillor, at the place appointed for the purpose by the returning officer, and in the case of an election of councillors of a borough, at the town clerk's office, not later than the time appointed for that purpose by Part II of this Schedule.

(2) For the purposes of this paragraph the place to be appointed by the returning officer shall—

(*a*) if the electoral division is co-extensive with or wholly comprised in a borough, be the town clerk's office;

(*b*) if the electoral division is co-extensive with or wholly comprised in an urban district, be some place in that district; and

(*c*) in any other case, be some place in the electoral division or in an adjoining electoral division.

Decision as to Validity of Nomination.

5.—(1) As soon as may be after the time for the delivery of nomination papers has expired, the returning officer, in the case of an election of a county councillor, or the mayor, in the case of an election of councillors of a borough, shall examine the nomination papers, and decide whether the candidates have been validly nominated in accordance with the provisions of this Schedule.

(2) Where the returning officer or the mayor, as the case may be, decides that a candidate has been so validly nominated, his decision shall be final and shall not be questioned in any proceeding whatsoever.

2ND SCH. —*cont.*

(3) Where the returning officer or the mayor, as the case may be, decides that a candidate has not been so validly nominated, he shall endorse and sign on the nomination paper the fact and reasons for his decision.

(4) The decision of the returning officer or the mayor, as the case may be, under the last preceding sub-paragraph shall be subject to review on an election petition questioning the election.

(5) Not later than the time appointed for that purpose by Part II of this Schedule, the returning officer or the mayor, as the case may be, shall send notice of his decision to each candidate at his place of residence as stated on his nomination paper.

Statement as to Persons Nominated.

6. The returning officer or the mayor, as the case may be, shall, not later than the time appointed for that purpose by Part II of this Schedule, prepare a statement in the form prescribed by the Secretary of State containing the full names of all persons nominated and their places of residence and descriptions and his decision whether those persons have been validly nominated, and shall publish the statement by causing it to be affixed to the place appointed for the delivery of nomination papers.

Withdrawal of Candidates.

7. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place appointed for the delivery of nomination papers not later than the time appointed for that purpose by Part II of this Schedule.

Nomination in more than one Electoral Division or Ward.

8. A candidate who is validly nominated for more than one electoral division of a county or for more than one ward of a borough shall, by notice signed, attested, and delivered as aforesaid, withdraw from his candidature in all those electoral divisions or wards, as the case may be, except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all those electoral divisions or wards, as the case may be.

Method of Election and Publication of Result of Uncontested Election.

9.—(1) In the case of an election of a county councillor—

(*a*) if two or more persons remain validly nominated for the electoral division, the county councillor for that division shall be elected in accordance with the provisions of Part III of this Schedule from among those persons;

(*b*) if one person only remains validly nominated for the electoral division, that person shall be deemed to be elected; 2ND SCH. —*cont.*

(*c*) if at an ordinary election no person is or remains validly nominated for the electoral division, the retiring county councillor, if any, for that division shall be deemed to be elected.

(2) If an election of a county councillor is not contested, the returning officer shall, not later than eleven o'clock in the morning of the day of election, publish the name of the person elected, and shall forthwith return the name of the person elected to the county returning officer, who shall return the name to the clerk of the county council.

(3) In the case of an election of councillors of a borough—

(*a*) if the number of persons remaining validly nominated exceeds the number of vacancies, the councillors shall be elected in accordance with the provisions of Part III of this Schedule from among those persons;

(*b*) if the number of persons remaining validly nominated is the same as the number of vacancies, those persons shall be deemed to be elected;

(*c*) if the number of persons remaining validly nominated is less than the number of vacancies, those persons shall be deemed to be elected, and, if the election is an ordinary election, such of the retiring councillors of the borough or ward, as the case may be, as were highest on the poll at the last ordinary election, or as filled the places of councillors who were highest on the poll at that election, or, if the poll was equal or there was no poll, as may be determined by the drawing of lots conducted under the direction of the mayor, shall be deemed to be elected to make up the required number;

(*d*) if at an ordinary election no person is or remains validly nominated, the retiring councillors of the borough or ward, as the case may be, shall be deemed to be elected.

(4) If an election of councillors of a borough is not contested, the returning officer shall, not later than eleven o'clock in the morning of the day of election, publish a list of the persons elected, and shall forthwith return the names of the persons elected to the town clerk of the borough.

Supplemental Provisions.

10. Any act or thing required by this Schedule to be done by, to or before the mayor of a borough may, in any case in which the office of mayor is vacant, or the mayor is for any reason

2ND SCH. —*cont.*

unable to act, be done by, to or before the deputy mayor of the borough, or if there is no deputy mayor, or the deputy mayor is for any reason unable to act, by, to or before such alderman of the borough as the council of the borough may choose for that purpose.

11. For the purposes of this Part of this Schedule a person shall be deemed to be registered as a local government elector for an electoral division or borough or ward, if he is registered in the register of local government electors for that electoral division or borough or ward, as the case may be, which will be in force on the day of election, or if, pending the coming into force of that register, his name appears in the electors lists for that register as corrected by the registration officer.

12. In computing any period of time for the purposes of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning, shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceeding under this Schedule.

PART II.

TIMES FOR THE PROCEEDINGS AT AN ELECTION OF A COUNTY COUNCILLOR OR OF COUNCILLORS OF A BOROUGH.

Proceeding.	Time in case of election of county councillor.	Time in case of election of councillors of a borough.
Notice of election -	The twentieth day before the day of election.	The twelfth day before the day of election.
Delivery of nomination papers.	5 o'clock in the afternoon on the twelfth day before the day of election.	5 o'clock in the afternoon on the eighth day before the day of election.
Despatch of notices of decision on nominations and publication of statement of persons nominated.	5 o'clock in the afternoon on the eleventh day before the day of election.	5 o'clock in the afternoon on the seventh day before the day of election.
Delivery of notices of withdrawals from candidatures.	5 o'clock in the afternoon on the ninth day before the day of election.	2 o'clock in the afternoon on the sixth day before the day of election.
Notice of poll - -	The fifth day before the day of election.	The fifth day before the day of election.

[*Note.*—In computing any period of time for the purposes of this Part of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning is to be disregarded in accordance with paragraph 12 of Part I of this Schedule.]

Part III.

Provisions relating to Contested Elections.

The Poll.

General conduct of poll.

1. At every contested election of a county councillor or of councillors of a borough the votes shall be given by ballot, and the poll shall be conducted in accordance with the provisions of this Schedule.

Notice of poll.

2.—(1) In the case of a contested election of a county councillor the returning officer, and in the case of a contested election of councillors of a borough the mayor, shall on or before the day appointed for that purpose by Part II of this Schedule, give notice of the poll, specifying—

(*a*) the day and hours fixed for the poll;

(*b*) the number of councillors to be elected;

(*c*) the full name, place of residence, and description of each candidate remaining validly nominated;

(*d*) the names of the proposer and seconder who signed the nomination paper of each candidate;

(*e*) a description of the polling districts (if any); and

(*f*) the situation of each polling station and the description of the persons entitled to vote thereat.

(2) For the purposes of this Part of this Schedule the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

(3) A notice of poll required to be published under this paragraph shall be published at the places at which the notice of the election is required to be published under Part I of this Schedule.

Hours of poll.

3. The poll shall commence at eight o'clock in the morning and be kept open till eight o'clock in the afternoon of the same day and no longer.

Use of schools, public rooms, or churches.

4.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or of counting the votes—

(*a*) a room in a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament, from or by the Board of Education; and

(*b*) a room the expense of maintaining which is payable out of any rate.

2ND SCH. —*cont.*

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render a person liable to be rated or to pay any rate for that house.

5. An election shall not be held in a church, chapel or other place of public worship.

Death of candidate after nomination.

6. If after the latest time for delivery of nomination papers and before the commencement of the poll a candidate who remains validly nominated dies, the returning officer shall, upon being satisfied of the fact of death, countermand the poll.

Provision of polling stations, ballot boxes, &c.

7. In the case of an election of a county councillor the returning officer, and in the case of an election of councillors of a borough the mayor, shall—

(*a*) provide a sufficient number of polling stations for the electors, and allot the electors to the polling stations in such manner as he thinks most convenient;

(*b*) appoint a presiding officer to preside at each polling station, and such other officers (including poll clerks) as may be necessary for taking the poll and counting the votes;

(*c*) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;

(*d*) furnish each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer or the mayor, as the case may be, may be necessary;

(*e*) provide each polling station with materials to enable electors to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of electors for the electoral division, borough

2nd Sch. —*cont.*

or ward, as the case may be, or such part thereof as contains the names of the electors allotted to vote at the station;

(*f*) do such other acts and things as may be necessary for effectually conducting the election in manner provided by this Schedule.

8. One or more polling stations may be provided in the same room.

9. A notice, in the form set forth in Part IV of this Schedule, or as near thereto as circumstances admit, giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station.

Ballot boxes, ballot papers, official mark.

10. Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

11. Every ballot paper shall be in the form set forth in Part IV of this Schedule or as near thereto as circumstances admit and—

(*a*) shall contain the full names, places of residence and descriptions of the candidates as shown on their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names;

(*b*) shall be capable of being folded up;

(*c*) shall have a number printed on the back; and

(*d*) shall have attached a counterfoil with the same number printed on the face.

12. The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same county or borough, as the case may be.

Appointment of polling agents.

13.—(1) Each candidate may appoint agents (in this Schedule referred to as "polling agents") to attend at the polling stations for the purpose of detecting personation.

(2) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer two clear days at least before the opening of the poll.

2ND SCH. —*cont.*

(3) If a polling agent dies, or becomes incapable of acting, the candidate may appoint another polling agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(4) A polling agent in respect of whom such notice as aforesaid has been given may, during the hours of the poll, attend at the polling station to which he has been appointed.

Admission to polling station.

14.—(1) No person shall be admitted to vote at any polling station except at the one allotted to him.

(2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the candidates, the polling agents, the officers appointed under this Schedule, the police officers on duty, and any person accompanying a blind elector for the purpose of assisting him to vote.

(3) Nothing in this paragraph shall affect the provisions of the Police Disabilities Removal Act, 1887, as applied to elections of county councillors and of councillors of a borough by the Police Disabilities Removal Act, 1893.

50 & 51 Vict. c. 9.

56 & 57 Vict. c. 6.

Ballot boxes to be sealed.

15. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to electors.

16.—(1) The presiding officer may, and, if required by two local government electors or by a candidate or his polling agent, shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them, that is to say :—

In the case of an election of a county councillor—

(*a*) Are you the person registered in the register of local government electors now in force for this electoral division as follows [*read the whole entry from the register*]?

(*b*) Have you already voted at the present election of a county councillor for this electoral division [*adding in the case of an ordinary election or a first election of an additional councillor*, or for any other electoral division of the county]?

2nd Sch. —*cont.*

In the case of an election of councillors for a borough—

(*a*) Are you the person registered in the register of local government electors now in force for this borough [or ward] as follows [*read the whole entry from the register*]?

(*b*) Have you already voted at the present election [*adding in the case of an election for several wards*, in this or any other ward]?

(2) A ballot paper shall not be delivered to any person required to answer the above questions, or either of them, unless he has answered the question or questions satisfactorily.

(3) Save as by this paragraph authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of elector by polling agent.

17.—(1) If at the time a person applies for a ballot paper, or after he has applied for a ballot paper and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation under this Act, and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person against whom a declaration is made under this paragraph by a polling agent shall not, by reason thereof, be prevented from voting, but the presiding officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of electors.

(3) A person arrested under the provisions of this paragraph shall be dealt with as a person taken into custody by a police officer for an offence without a warrant.

Marking of ballot papers.

18. A ballot paper shall be delivered to an elector who applies therefor, and immediately before delivery—

(*a*) the ballot paper shall be marked with the official mark, either embossed or perforated;

(*b*) the number, name, and description of the elector as stated in the copy of the register shall be called out;

(*c*) the number of the elector shall be marked on the counterfoil together with the distinctive letter of the parliamentary polling district in which the elector is registered; and

2ND SCH. —*cont.*

(*d*) a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

19. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper, so folded up, into the ballot box in the presence of the presiding officer. The elector shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

20.—(1) The presiding officer, on the application of—

(*a*) an elector who is incapacitated by blindness or other physical cause from voting in manner directed by this Schedule; or

(*b*) if the poll is taken on a Saturday, of an elector who declares that he is a Jew, and objects on religious grounds to vote in manner directed by this Schedule; or

(*c*) of an elector who makes a declaration that he is unable to read (in this Schedule referred to as "the declaration of inability to read")

shall, in the presence of the polling agents, cause the vote of the elector to be marked on a ballot paper in manner directed by the elector, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every elector whose vote is marked in pursuance of this paragraph, and the reason why it is so marked, shall be entered on a list (in this Schedule called "the list of votes marked by the presiding officer").

21.—(1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in this Schedule referred to as "the companion"), the presiding officer shall require the elector to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in this Schedule referred to as "the declaration made by the companion of a blind elector") that the companion is a qualified person within the meaning of this paragraph and has not previously assisted more than one blind person to vote at the election then being held, the presiding officer shall grant

the application, and thereupon anything which is by this Schedule required to be done to or by the said elector in connection with the giving of his vote, may be done to, or with the assistance of, the companion, as the case may be.

(3) For the purposes of this paragraph a person shall be qualified to assist a blind elector to vote, if that person is either—

(*a*) a person who is entitled to vote at the election then being held; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind elector and has attained the age of twenty-one years.

(4) The name and number on the register of electors of every elector whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in this Schedule called "the list of blind electors assisted by companions)".

22.—(1) The declaration of inability to read and the declaration made by the companion of a blind elector—

(*a*) shall be in the appropriate form set forth in Part IV of this Schedule, or as near thereto as circumstances admit; and

(*b*) shall be made before the presiding officer at the time when the elector applies for a ballot paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer, who shall attest and retain it.

(2) No fee, stamp or other payment shall be charged in respect of the declaration.

Tendered ballot papers.

23. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon satisfactorily answering the questions set out in paragraph 16 of this Part of this Schedule, be entitled to mark a ballot paper in the same manner as any other elector, but the ballot paper (in this Schedule called "a tendered ballot paper") shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer; and the name of the elector and his number on the register together with the distinctive letter of the parliamentary polling district shall be entered on a list (in this Schedule called "the tendered votes list").

2ND SCH. —*cont.*

Spoilt ballot papers.

24. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Schedule called "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Powers of presiding officer in adjourning poll.

25. For the purpose of the adjournment of the poll in the event of riot or open violence and of every other enactment relating to the poll, a presiding officer shall have the power by law belonging to a presiding officer at a parliamentary election.

Packets of ballot papers, &c., to be sealed.

26. As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals,—

(*a*) each ballot box in use at his station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;

(*b*) the unused and spoilt ballot papers, placed together;

(*c*) the tendered ballot papers;

(*d*) the marked copies of the register of electors and the counterfoils of the ballot papers;

(*e*) the tendered votes list, the list of blind electors assisted by companions, the list of votes marked by the presiding officer, a statement of the number of electors whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," the declarations made by the companions of blind electors, and the declarations of inability to read;

and shall deliver the packets to the returning officer to be taken charge of by him.

27. The packets shall be accompanied by a statement (in this Schedule referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

(*a*) ballot papers in the ballot box;

(*b*) unused and spoilt ballot papers;

(*c*) tendered ballot papers.

COUNTING OF VOTES.

Appointment of counting agents.

28.—(1) Each candidate may appoint agents (in this Schedule referred to as "counting agents") to attend at the counting of the votes.

(2) Notice in writing of every appointment, stating the name and address of the person appointed, shall be given by the candidate to the returning officer two clear days at least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address has not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice.

(3) If a counting agent dies, or becomes incapable of acting, the candidate may appoint another counting agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.

29. The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The count.

30. Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him, and the candidates and their counting agents may be present at the counting of the votes.

31. Before the returning officer proceeds to count the votes, he shall, in the presence of the counting agents, open each ballot box and, taking out the ballot papers therein, shall count and record the number thereof, and then mix together the whole of the papers contained in the ballot boxes.

32. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

33. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he may, with the concurrence of the counting agents, if any, otherwise determine) the hours between eight o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and shall otherwise

2ND SCH. —*cont.*

take proper precautions for the security of the papers and documents.

Void ballot papers.

34. Any ballot paper—

(*a*) which does not bear the official mark; or

(*b*) on which votes are given for more candidates than the elector is entitled to vote for; or

(*c*) on which anything is written or marked by which the elector can be identified except the printed number on the back; or

(*d*) which is unmarked or void for uncertainty;

shall not be counted:

Provided that where the elector is entitled to vote for more than one candidate, the ballot paper shall not be deemed to be void as regards any vote as to which no uncertainty arises, and that vote shall be counted.

35.—(1) The returning officer shall endorse—

(*a*) the word "rejected" on any ballot paper which under the last preceding paragraph is not to be counted; and

(*b*) in the case of a ballot paper on which any vote is counted under the proviso to that paragraph, the words "rejected in part" and a memorandum specifying the votes counted.

(2) The returning officer shall in either case add to the endorsement the words "rejection objected to," if an objection is made by any counting agent to his decision.

(3) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

(*a*) want of official mark;

(*b*) voting for more candidates than entitled to;

(*c*) writing or mark by which elector could be identified;

(*d*) unmarked or wholly void for uncertainty;

(*e*) rejected in part;

and shall, on request, allow any counting agent to copy the statement.

36. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, but shall be subject to review on an election petition questioning the election.

Equality of votes.

37. Where an equality of votes is found to exist, and the addition of a vote would entitle any of the candidates to be declared elected, the returning officer, whether or not entitled to vote in the first instance, may give a casting vote by word of mouth or in writing.

Declaration of result.

38.—(1) When the result of the poll has been ascertained, the returning officer shall forthwith declare to be elected the candidate or candidates to whom the majority of votes have been given, and shall as soon as possible publish the name or names of the candidate or candidates elected and the total number of votes given for each candidate, whether elected or not.

(2) The returning officer shall forthwith return the names of the persons elected, in the case of an election of a county councillor to the county returning officer, and in the case of an election of councillors of a borough to the town clerk of the borough.

(3) In the case of an election of a county councillor, the county returning officer shall forthwith return the name of the person elected to the clerk of the county council.

Disposal of ballot papers, &c. after poll.

39. Upon the completion of the counting the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of electors and counterfoils, but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under paragraph 31 of this Part of this Schedule, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall draw up a statement as to the result of the verification and shall, on request, allow any counting agent to copy the statement.

40. The returning officer shall forward to the clerk of the county council, in the case of an election of a county councillor, or to the town clerk of the borough, in the case of an election of councillors of a borough, all the packets of ballot papers in his possession, together with the said statements, the ballot paper accounts, tendered votes lists, lists of blind electors assisted by companions, lists of votes marked by the presiding officer, statements relating thereto, declarations made by the companions of blind electors, declarations of inability to read, packets of counterfoils, and marked copies of registers, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the electoral division, borough or ward for which the election was held.

41.—(1) A county court having jurisdiction in the county or borough, as the case may be, or any part thereof, or an election court, on being satisfied by evidence on oath—

(*a*) that the inspection or production of any rejected ballot papers, including ballot papers rejected in part; or

2ND SCH. —*cont.*

(*b*) that the opening of the sealed packet of counterfoils or the inspection of counted ballot papers,

is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election, may make an order for the inspection or production of any such ballot papers or the opening of the sealed packet of counterfoils.

(2) An order made under this paragraph may be made subject to such conditions as to persons, time, place and mode of inspection or production of ballot papers or of opening the sealed packet of counterfoils as the court may think expedient, and may direct the clerk of the county council or the town clerk, as the case may be, having custody of the ballot papers and the sealed packet of counterfoils to retain them intact for such period as may be specified in the order.

(3) Any power given to a county court by this paragraph may be exercised by any judge of the county court otherwise than in open court.

(4) In making and carrying into effect an order under this paragraph, care shall be taken that the way in which any particular elector has voted shall not be disclosed, until it has been proved that he voted and his vote has been declared by a competent court to be invalid.

(5) An appeal shall lie to the High Court from any order of a county court made under this paragraph.

42. Except by order of a court made under the last preceding paragraph, no person shall be allowed to inspect any ballot papers in the custody of the clerk of the county council or the town clerk, as the case may be, or to open the sealed packet of counterfoils.

43. Where an order is made for the production by the clerk of the county council or town clerk of any document in his possession relating to any specified election, the production by that clerk or his agent of the document ordered, in such manner as may be directed by the order, shall be conclusive evidence that the document so produced relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by that clerk or his agent shall be prima facie evidence of those papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be prima facie evidence that the person who voted by that ballot paper was the person who at the time of that election had affixed to his name in the register of electors at that election the same number as the number written on that counterfoil.

44. The clerk of the county council or the town clerk, as the case may be, shall retain for six months among the records of the county or borough all documents relating to an election forwarded

to him by the returning officer in pursuance of this Schedule, and then, unless otherwise directed by an order made under paragraph 41 of this Part of this Schedule, shall cause them to be destroyed.

45. All documents forwarded by a returning officer in pursuance of this Schedule to the clerk of the county council or the town clerk, as the case may be, other than ballot papers and counterfoils, shall, during a period of six months from the day of election, be open to public inspection at such time and in such manner as may be determined by the county council or council of the borough, with the consent of the Secretary of State, and the clerk of the county council or town clerk shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees and subject to such conditions as may be determined by the county council or council of the borough with the consent of the Secretary of State.

46. Subject to the provisions of this Part of this Schedule, the clerk of the county council or the town clerk shall, in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of this Part of this Schedule, be subject to the directions of the county council or the council of the borough, as the case may be.

General Provisions as to Contested Elections.

47. The returning officer may, if he thinks fit, preside at a polling station, and the provisions of this Part of this Schedule relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer, or by the presiding officer to the returning officer.

48.—(1) No returning officer, or officer appointed under this Schedule, or any partner or clerk of any such officer, shall act as a polling or counting agent.

(2) If any returning officer, or officer appointed under this Part of this Schedule, or the partner or clerk of any such officer, acts as a polling or counting agent in contravention of the provisions of this paragraph, he shall be guilty of a misdemeanour.

49. No person shall be appointed to act as an officer under this Part of this Schedule for the purposes of an election who has been employed by or on behalf of a candidate in or about the election.

50. A presiding officer may do, by the officers appointed to assist him, any act which he is required or authorised by this Part of this Schedule to do at a polling station except ordering the arrest, exclusion, or removal of any person from the polling station.

51. A candidate may himself do any act or thing which an agent of his, if appointed, would have been authorised or required to do, or may assist his agent in doing any such act or thing,

2ND SCH. —*cont.*

but before acting under this paragraph the candidate shall make the declaration of secrecy required to be made by agents.

52. Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the agents of the candidates, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Prohibition of disclosure of vote.

53. No person who has voted at an election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Requirement of Secrecy.

54.—(1) Every returning officer, and every officer, polling agent or counting agent, authorised to attend at a polling station or at the counting of the votes, shall, before the opening of the poll, or in the case of an agent appointed after the opening of the poll, before acting as such agent, make a declaration of secrecy in the form set forth in Part IV of this Schedule, or in a form as near thereto as circumstances admit.

(2) In the case of a returning officer the declaration shall be made in the presence of a justice of the peace, and in the case of any other officer or of an agent, the declaration shall be made either in the presence of a justice of the peace or of the returning officer.

(3) Save as aforesaid, no such returning officer, officer or agent shall be required, as such, to make any declaration or to take any oath on the occasion of an election.

(4) Every returning officer, and every officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes, shall maintain and aid in maintaining secrecy of the voting.

(5) No person, being a returning officer, or officer appointed under this Part of this Schedule, or polling agent or counting agent, shall—

(*a*) except for some purpose authorised by law, communicate before the poll is closed to any person any information as to—

(i) the name or number on the register of any elector who has or has not applied for a ballot paper or voted at a polling station; or

(ii) the official mark; or

(*b*) ascertain or attempt to ascertain at the counting of the votes, the number on the back of any ballot paper; or

(*c*) communicate any information obtained at the counting of the votes, as to the candidate for whom any vote is given on any particular ballot paper.

(6) No person, whether or not such an officer, polling agent or counting agent as aforesaid, shall— 2ND SCH. —*cont.*

(*a*) interfere with or attempt to interfere with an elector when recording his vote; or

(*b*) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom an elector in that station is about to vote or has voted; or

(*c*) communicate at any time to any person any information obtained in a polling station as to the candidate for whom an elector in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to an elector at that station; or

(*d*) directly or indirectly induce an elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(7) No person having undertaken to assist a blind elector to vote shall communicate at any time to any person any information as to the candidate for whom that elector intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that elector.

(8) If any person acts in contravention of the provisions of this paragraph, he shall be liable on summary conviction to imprisonment for a term not exceeding six months.

55. Any justice of the peace, any returning officer and any presiding officer may take any declaration authorised by this Part of this Schedule to be made before him.

Keeping of order in station.

56.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If any person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a police officer in or near that station, or by any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(4) The powers conferred by this paragraph shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

2ND SCH. —*cont.*

PART IV.

FORMS FOR USE AT A CONTESTED ELECTION OF A COUNTY COUNCILLOR OR OF COUNCILLORS OF A BOROUGH.

Note.—The forms contained in this Part of this Schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

FORM A.

Form of Ballot Paper.

Form of Front of Ballot Paper.

Counterfoil No.

NOTE: *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*

1	BROWN (John Brown, of 52, George Street, Bristol, merchant.)
2	JONES (William David Jones, of High Elms, Wilts, gentleman.)
3	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swanworth, Berks.)
4	SMITH (Mary Smith, of 72, High Street, Bath, married woman.)

Form of Back of Ballot Paper.

No.

Election for the [electoral division of the county of] [borough of] [ward of the borough of].

Note.—The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing ballot paper. 2ND SCH. —*cont.*

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, places of residence, and descriptions, and the number on the back of the paper, shall be printed in small characters.

FORM B.

Form of directions for the guidance of the elector in voting, which shall be printed in conspicuous characters, and exhibited outside every polling station and in every compartment of every polling station.

The elector may vote for candidate .

The elector will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side of the ballot paper, opposite the name of each candidate for whom he votes, thus X .

The elector will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the elector inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the elector votes for more than candidate , or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the elector fraudulently takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be liable, on summary conviction, to imprisonment for a term not exceeding six months.

FORM C.

Form of declaration of secrecy.

I solemnly promise and declare, That I will not at this election do anything forbidden by sub-paragraphs (4), (5), (6) and (8) of paragraph 54 of Part III of the Second Schedule to the Local Government Act, 1933, which have been read by me.

2ND SCH. —*cont.*

FORM D.

Form of declaration of inability to read.

I, *A.B.*, of , being numbered on the register of local government electors for the [electoral division of the county of] [borough of] [ward of the borough of], do hereby declare that I am unable to read.

A.B., his mark

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the [electoral division of the county of] [borough of] [ward of the borough of], do hereby certify that the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*,

day of 19 .

FORM E.

Form of declaration to be made by the companion of a blind elector.

I, *A.B.*, of , having been requested to assist *C.D.*, who is numbered on the register of local government electors for the [electoral division of the county of] [borough of] [ward of the borough of], to record his vote at the election now being held for the said [electoral division] [borough] [ward], do hereby declare that [I am entitled to vote at the said election] [I am the* of the said elector and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except *E.F.* of] to vote at the said election.

*State the relationship of the companion to the elector.

Signed, *A.B.*,

day of , 19 .

I, the undersigned, being the presiding officer for the polling station for the [electoral division of the county of] [borough of] [ward of the borough of], do hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

Signed, *G.H.*,

day of 19 ,

at minutes past o'clock in the noon.

Note.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

THIRD SCHEDULE.

Sections 75 and 77.

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES.

PART I.

County Councils.

Days and hours of meetings.

1.—(1) A county council shall in every year hold an annual meeting and at least three other meetings, which shall be as near as may be at regular intervals, for the transaction of general business.

(2) The annual meeting shall be held—

(*a*) in a year which is the year of election of county councillors, on the sixteenth day of March, or such other day within fourteen days after the eighth day of March as the county council may fix; and

(*b*) in any other year, on such day in the months of March, April or May as the county council may fix;

and the meeting shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.

(3) The other meetings shall be held at such hour and on such other days before the eighth day of March next following as the county council at the annual meeting decide, or by standing order determine.

(4) Meetings of a county council shall be held at such place, either within or without the county, as the council may direct.

Convening meetings.

2.—(1) The chairman of a county council may call a meeting of the council at any time.

(2) If the chairman refuses to call a meeting of the council after a requisition for that purpose, signed by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, any five members of the council, on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the council.

(3) Three clear days at least before a meeting of a county council—

(*a*) notice of the time and place of the intended meeting shall be published at the offices of the council, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

3RD SCH. —*cont.*

(*b*) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the clerk of the county council, shall be left at or sent by post to the usual place of residence of every member of the council:

Provided that want of service of the summons on any member of the council shall not affect the validity of a meeting.

(4) The notice of a meeting of a county council at which a resolution for the payment of a sum out of the county fund (otherwise than for ordinary periodical payments), or a 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 purposes for which they are to be paid or incurred.

(5) Except in the case of business required by this Act to be transacted at the annual meeting of the council, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

Chairman of meeting.

3.—(1) At a meeting of a county council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such county alderman, or in the absence of all the county aldermen such county councillor, as the members of the council present shall choose, shall preside.

Quorum.

4. Subject to the provisions of Part V of this Schedule, no business shall be transacted at a meeting of a county council unless at least one-fourth of the whole number of members of the council are present thereat.

PART II.

Borough Councils.

Days and hours of meetings.

1.—(1) The council of a borough shall in every year hold an annual meeting and at least three other meetings, which shall be as near as may be at regular intervals, for the transaction of general business.

(2) The annual meeting shall be held at twelve noon, or at such other hour as the council may from time to time determine, on each ninth day of November, and the other meetings shall be held at such hour on such other days before the first day of November next following as the council at the annual meeting decide, or by standing order determine.

3RD SCH. —*cont.*

Convening meetings.

2.—(1) The mayor may call a meeting of the council at any time.

(2) If the mayor refuses to call a meeting after a requisition for that purpose, signed by five members, or by one-fourth of the whole number of members, of the council, whichever is the less, has been presented to him, or if, without so refusing, the mayor does not call a meeting within seven days after such requisition has been presented to him, any five members, or one-fourth of the whole number of members, of the council, whichever is the less, on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the council.

(3) Three clear days at least before a meeting of the council of a borough—

(*a*) notice of the time and place of the intended meeting shall be published at the town hall, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(*b*) a summons to attend the meeting specifying the business proposed to be transacted thereat, and signed by the town clerk, shall be left at or sent by post to the usual place of residence of every member of the council:

Provided that want of service of the summons on any member of the council shall not affect the validity of a meeting.

(4) Except in the case of business required by this Act to be transacted at the annual meeting of the council, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

Chairman of meeting.

3.—(1) At a meeting of the council of a borough the mayor, if present, shall preside.

(2) If the mayor is absent from a meeting of the council, the deputy mayor, if chosen for that purpose by the members of the council then present, shall preside.

(3) If both the mayor and the deputy mayor are absent from a meeting of the council, or the deputy mayor being present is not chosen, such alderman, or in the absence of all the aldermen, such councillor, as the members of the council present shall choose, shall preside.

Quorum.

4. Subject to the provisions of Part V of this Schedule, no business shall be transacted at a meeting of the council of a borough, unless at least one-third of the whole number of members of the council are present thereat.

3RD SCH. —*cont.*

PART III.

Urban and Rural District Councils.

Days of meetings.

1.—(1) The council of an urban or rural district (in this Part of this Schedule referred to as "the council") shall, in every year hold an annual meeting and at least three other meetings for the transaction of general business.

(2) The annual meeting of the council shall be held on or as soon as conveniently may be after the fifteenth day of April in every year.

(3) A meeting of the council shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting either free of charge or at a reasonable cost.

Convening meetings.

2.—(1) The chairman of the council may call a meeting of the council at any time.

(2) If the chairman refuses to call a meeting of the council after a requisition for that purpose, signed by five members, or by one-fourth of the whole number of members, of the council, whichever is the less, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, any five members, or one-fourth of the whole number of members, of the council, whichever is the less, on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the council.

(3) Three clear days at least before a meeting of the council—

(*a*) notice of the time and place of the intended meeting shall be published at the offices of the council, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(*b*) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the clerk of the council, shall be left at or sent by post to the usual place of residence of every member of the council:

Provided that want of service of the summons on any member of the council shall not affect the validity of a meeting.

Chairman of meeting.

3.—(1) At a meeting of the council the chairman of the council, if present, shall preside.

3rd Sch. —*cont.*

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

Quorum.

4. Subject to the provisions of Part V of this Schedule, no business shall be transacted at a meeting of the council, unless at least one-third of the whole number of members of the council are present thereat:

Provided that in no case shall a larger quorum than seven members be required.

Inspectors may attend meetings.

5. An inspector appointed by the Minister shall be entitled to attend any meeting of the council as and when directed by the Minister, and to take part in the proceedings thereat but not to vote at the meeting.

Mode of voting.

6. The mode of voting at meetings of the council shall be by show of hands, and on the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

Part IV.

Parish Councils.

Days of meetings.

1.—(1) A parish council shall in every year hold an annual meeting and at least three other meetings.

(2) The annual meeting of a parish council shall be held on or within fourteen days after the fifteenth day of April in every year.

(3) The first meeting of a parish council constituted after the commencement of this Act shall be convened by the chairman of the parish meeting at which the first parish councillors are nominated.

(4) A meeting of a parish council shall be open to the public, unless the council otherwise direct.

(5) A meeting of a parish council shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting, either free of charge or at a reasonable cost.

Convening meetings.

2.—(1) The chairman of a parish council may call a meeting of the council at any time.

(2) If the chairman refuses to call a meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, any two members

3RD SCH. —*cont.*

of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene a meeting of the council.

(3) Three clear days at least before a meeting of a parish council—

(*a*) notice of the time and place of the intended meeting shall be affixed in some conspicuous place in the parish, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat;

(*b*) a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the clerk of the council shall be left at or sent by post to the usual place of residence of every member of the council:

Provided that want of service of the summons on any member of the council shall not affect the validity of a meeting.

Chairman of meeting.

3.—(1) At a meeting of a parish council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

Quorum.

4. Subject to the provisions of Part V of this Schedule, no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present thereat:

Provided that in no case shall the quorum be less than three members.

Mode of voting.

5. The mode of voting at meetings of a parish council shall be by show of hands, and on the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

PART V.

Provisions relating to Local Authorities generally.

Decision on questions.

1.—(1) Subject to the provisions of any enactment (including any enactment in this Act) all acts of a local authority and all questions coming or arising before a local authority shall be done and decided by a majority of the members of the local authority present and voting thereon at a meeting of the local authority.

(2) In the case of an equality of votes the person presiding at the meeting shall have a second or a casting vote. 3rd Sch. —*cont.*

2. The names of the members present at a meeting of a local authority shall be recorded. Names of members present to be recorded.

3.—(1) Minutes of the proceedings of a meeting of a local authority, or of a committee thereof, shall be drawn up and entered in a book kept for that purpose, and shall be signed at the same or next ensuing meeting of the local authority or committee, as the case may be, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof. Minutes.

(2) Until the contrary is proved, a meeting of a local authority or of a committee thereof in respect of the proceedings whereof a minute has been so made and signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

4. Subject to the provisions of this Act, a local authority may make standing orders for the regulation of their proceedings and business, and may vary or revoke any such orders. Standing Orders.

5. The proceedings of a local authority or of a committee thereof shall not be invalidated by any vacancy among their number, or by any defect in the election or qualification of any member thereof. Vacancies, &c. not to invalidate proceedings.

6. Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the local authority, the quorum of the local authority shall be determined by reference to the number of members of the local authority remaining qualified instead of by reference to the whole number of members of the local authority. Quorum in cases of disqualification.

Part VI.

Parish Meetings.

1.—(1) The parish meeting of a rural parish shall assemble annually on some day between the first day of March and the first day of April, both inclusive, in every year. Days and hours, &c., of meetings.

(2) Subject as aforesaid, parish meetings shall be held on such days and at such times and places as may be fixed by the parish council, or, if there is no parish council, by the chairman of the parish meeting:

3RD SCH. —*cont.*

Provided that in a rural parish not having a separate parish council the parish meeting shall, subject to any provisions made by a grouping order, assemble at least twice in every year.

(3) The proceedings at a parish meeting shall not commence earlier than six o'clock in the evening.

(4) A parish meeting shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting either free of charge or at a reasonable cost.

Convening meetings.

2.—(1) A parish meeting may be convened by—

(*a*) the chairman of the parish council; or

(*b*) any two parish councillors; or

(*c*) in the case of a parish not having a parish council, the chairman of the parish meeting, or any person representing the parish on the rural district council; or

(*d*) any six local government electors for the parish.

(2) Not less than seven clear days before a parish meeting, public notice thereof shall be given specifying the time and place of the intended meeting and the business to be transacted thereat, and signed by the convener or conveners of the meeting:

Provided that if any business proposed to be transacted at a parish meeting relates to the establishment or dissolution of a parish council, or to the grouping of the parish with another parish, or to the adoption of any of the adoptive Acts, not less than fourteen days notice of the meeting shall be given.

(3) A public notice of a parish meeting shall be given—

(*a*) by affixing the same to or near the principal door of each church or chapel in the parish; and

(*b*) by posting the same in some conspicuous place or places in the parish; and

(*c*) in such other manner, if any, as appears to the persons convening the meeting to be desirable for giving publicity to the notice.

Chairman of meeting.

3.—(1) If the chairman of a parish council is present at a parish meeting for the parish, and is not a candidate for election thereat, he shall preside at the meeting.

(2) In a rural parish not having a separate parish council the chairman of the parish meeting shall preside over all assemblies of the parish meeting at which he is present.

(3) If the chairman of the parish council or the chairman of the parish meeting, as the case may be, is absent from or unable to take the chair at an assembly of the parish meeting, the parish meeting may appoint a person to take the chair, and that person shall have, for the purpose of that meeting, the powers and authority of the chairman.

3RD SCH. —*cont.*

4.—(1) A parish meeting may discuss parish affairs and pass resolutions thereon.

Business.

(2) Where a parish meeting is held for the election of parish councillors, opportunity shall be given at the meeting for putting questions to such of the candidates as are present, and receiving explanations from them, and any candidate shall be entitled to attend the meeting and speak thereat, but, unless he is a local government elector for the parish, shall not be entitled to vote.

Determination of questions.

5.—(1) Subject to the provisions of this Act, each local government elector may, at a parish meeting or at a poll consequent thereon, give one vote and no more on any question.

(2) A question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded thereon.

(3) In the case of an equality of votes the person presiding at the meeting shall have a second or a casting vote.

(4) A poll may be demanded, before the conclusion of a parish meeting, on any question arising thereat:

Provided that a poll shall not be taken unless either the person presiding at the meeting consents, or the poll is demanded by not less than five, or one-third, of the local government electors present at the meeting, whichever is the less.

(5) A poll consequent on a parish meeting shall be taken by ballot in accordance with rules made by the Secretary of State under section fifty-four of this Act, and the provisions of that section shall, subject to any adaptations made by those rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors.

Minutes.

6.—(1) Minutes of the proceedings of a parish meeting, or of a committee thereof, shall be drawn up and entered in a book provided for that purpose, and shall be signed at the same or the next ensuing assembly of the parish meeting, or meeting of the committee, as the case may be, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

(2) Until the contrary is proved, a parish meeting, or meeting of a committee thereof, in respect of the proceedings whereof a minute has been so made and signed shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

3RD SCH. —*cont.*

Standing orders.

7.—(1) Subject to the provisions of this Act, a parish council may make, vary, and revoke standing orders for the regulation of the proceedings and business at parish meetings for the parish.

(2) In a rural parish not having a separate parish council the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.

Section 150.

FOURTH SCHEDULE.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OF COMPENSATION TO OFFICERS.

Procedure for claiming compensation.

1.—(1) For the purpose of enabling a claim for compensation to be assessed the claimant shall deliver to the local authority with the claim a statement containing such particulars as may be prescribed.

(2) The said statement shall be accompanied by a statutory declaration that it is a true statement to the best of the knowledge, information and belief of the claimant.

(3) The authority shall forthwith take the claim into consideration and assess the just amount of compensation, if any, and shall forthwith inform the claimant of their decision.

(4) If a local authority fail to inform any claimant of their decision on his claim within six months after it has been delivered to them, the Minister may, on application made to him by the claimant, direct the authority to do so within such time, not being less than one month, as may be specified in the direction.

(5) A claimant, if so required by any member of the local authority by notice sent through the clerk of the authority, shall attend at a meeting of the authority, or of any committee appointed by the authority for the purpose, and answer on oath, which any justice of the peace present may administer, all questions asked by any member of the authority or committee touching the matters set forth in his claim and in the said statement, and shall further produce all books, papers and documents in his possession or under his control relating to the claim.

General considerations to be applied.

2. For the purpose of determining whether compensation is payable to an officer and, if so, the amount of such compensation, regard shall be had to—

(*a*) the conditions upon which his appointment was made;

(*b*) the nature of his office;

(*c*) all the other circumstances of the case.

4TH SCH. —*cont.*

Power to award compensation by way of a lump sum in certain cases.

3. Compensation may be awarded either by way of an annual sum or by way of a lump sum representing the capital value of an annual sum.

Assessment of compensation for determination of whole-time office.

4.—(1) The annual sum payable as compensation in respect of the determination of a whole-time office shall not exceed the aggregate of the following sums—

(i) for every year of the officer's service one-sixtieth of an amount equal to the annual pecuniary loss which he has sustained by reason of the determination of the office;

(ii) in the case of service for twenty years or upwards, a sum equal to ten-sixtieths of the said amount;

in the case of service for fifteen years and less than twenty years, a sum equal to seven-sixtieths of the said amount;

in the case of service for ten years and less than fifteen years, a sum equal to five-sixtieths of the said amount;

in the case of service for five years and less than ten years, a sum equal to three-sixtieths of the said amount;

in the case of service for less than five years, a sum equal to one-sixtieth of the said amount; and

(iii) in the case of an officer who was appointed as a specially qualified person or who before his appointment had been employed (otherwise than in an office within the meaning of this Schedule) as a deputy, assistant or clerk by a permanent officer for the purpose of the discharge of the latter's official duties, such additional sum, if any, not exceeding ten-sixtieths of the said amount, as the local authority in their discretion and in consideration of his special qualifications or of his previous employment, as the case may be, may think fit to award:

Provided that the compensation shall not in any event exceed two-thirds of the said amount.

(2) In assessing the amount of any pecuniary loss sustained by an officer by reason of the determination of his office regard shall be had as respects any emoluments either—

(*a*) to the amount of those emoluments received by him in respect of that office immediately before the material date; or

(*b*) to the average amount of those emoluments received by him in respect of that office during the period of five years next before the material date or such shorter period as may be reasonable in the circumstances.

4TH SCH. —*cont.*

(3) In assessing the amount of any pecuniary loss sustained by an officer by reason of the determination of his office regard shall also be had to—

(*a*) any increase of the emoluments enjoyed by the officer at the material date which he has obtained by virtue of the scheme or order or of anything done in pursuance of or in consequence of the scheme or order; and

(*b*) the emoluments of any office or other public appointment which he would have obtained on or after the material date if he had accepted an offer made to him.

(4) For the purpose of assessing any compensation payable in respect of the loss of a whole-time office or of any two or more offices which in the aggregate involve the whole-time service of the officer, any previous period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

(5) Where the material date has occurred at any time other than at the expiration of a complete year of the officer's service, the portion then expired of that year shall, for the purpose of calculating any period of service under this paragraph, be treated as a complete year if it exceeds six months, and if it does not shall be ignored.

Assessment of compensation for determination of part time appointment.

5. In the case of a claim for compensation in respect of the determination of a part-time office, the compensation, if any, which would have been payable if the office had been a whole-time office may be reduced by one quarter or by such other amount, if any, as may in the circumstances be reasonable:

Provided that no reduction shall be made in the case of an officer who immediately before the material date held two or more offices and who devoted the whole of his time to the duties of such offices.

Assessment of compensation for diminution of emoluments.

6. In the case of an officer who suffers any diminution of the emoluments of an office, the compensation shall not exceed a sum bearing the same proportion to the amount of compensation which could have been awarded if his office had been determined, as the amount by which the emoluments of the office are diminished bears to the amount of those emoluments before diminution.

War service to be reckoned in determining compensation.

7. If an officer was temporarily absent from his office during the late war whilst serving in His Majesty's forces, or the forces of the Allied or Associated Powers, either compulsorily or with the sanction or permission of the authority in whose employment he was immediately before such temporary absence, such period of temporary absence shall be reckoned as service under that authority:

Provided that in the case of an officer who, after the eleventh day of November, nineteen hundred and eighteen, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned. 4TH SCH. —*cont.*

Right of appeal.

8. If the claimant is aggrieved by the failure of the local authority to inform him of their decision upon his claim within the time required by any direction of the Minister, or by the refusal of the authority to grant any compensation, or by the amount of compensation assessed, the claimant may, within three months after the failure, or after the date on which he receives notice of the decision of the authority, as the case may be, appeal to the Minister, and the Minister shall consider the case and determine whether any compensation, and if so what amount, ought to be granted to the claimant, and his determination shall be final.

Date on which compensation commences.

9. The sum payable as compensation shall be or commence to be payable at the date fixed by the local authority on granting the compensation, or, in case of appeal, by the Minister, and shall be recoverable as a debt due from the authority.

Suspension of compensation.

10.—(1) If a person receiving compensation under the scheme or order—

(*a*) obtains any office or other public appointment; or

(*b*) receives, by virtue of the scheme or order, or of anything done in pursuance of or in consequence of the scheme or order, any increase of the emoluments which were enjoyed by him at the date as at which the compensation was assessed,

he shall not, so long as he holds that office or other public appointment or receives those increased emoluments, be entitled to receive any greater sum by way of compensation in respect of the office for which compensation is awarded than would make up the amount, if any, by which the emoluments which he is receiving falls short of the emoluments of the office in respect of which compensation was awarded:

Provided that where a person held two or more offices at the date as at which the compensation was assessed or has been awarded compensation in respect of two or more offices, the Minister may, on the application of that person or of any authority by whom the compensation is payable, modify the operation of the foregoing sub-paragraph in relation to that person so far as is, in the opinion of the Minister, necessary in order equitably to meet the circumstances of the case.

(2) Where an officer to whom compensation has been awarded under any scheme or order subsequently becomes entitled to a superannuation allowance in respect of any office or other public appointment which he has accepted after the material date, and in calculating the amount of such allowance

4TH SCH. —*cont.*

account is taken of any period of service in respect of which compensation is payable, then, if the compensation does not exceed such part of the superannuation allowance as is attributable solely to that service, the compensation shall cease to be payable, and if it exceeds such part of the superannuation allowance as aforesaid, it shall be reduced by an amount equal to that part of the allowance.

Forms.

11. The Minister may prescribe the form of any notice, statement, award or other document to be used in connection with a claim for compensation, and the forms so prescribed or forms as near thereto as circumstances admit, shall be used in all cases to which the forms are applicable.

Interpretation.

12. For the purposes of this Schedule—

"Office" means any place, situation or employment, and includes the office of superintendent registrar, registrar of births and deaths, registrar of marriages, and the office of teacher in a public elementary school maintained but not provided by a local education authority, and "officer" has a corresponding meaning;

"Public appointment" means any employment the emoluments of which are payable out of public funds;

"Scheme or order" means a scheme or order made under Part VI of this Act and incorporating this Schedule;

"Service." means whole-time or part-time service in any office after the officer has attained the age of eighteen years;

"Material date" means the date on which the determination of office or diminution of emoluments, as the case may be, takes effect.

Section 152.

FIFTH SCHEDULE.

RULES FOR DETERMINING SUM TO BE PAID IN RESPECT OF INCREASE OF BURDEN ON RATEPAYERS.

1. Regard shall be had to—

(*a*) the difference between the burden on the ratepayers which will properly be incurred by the local authority in meeting the cost of executing any of their functions and the burden on the ratepayers which would properly have been incurred by the local authority in meeting such cost had no alteration of boundaries or other change taken place;

(*b*) the length of time during which the increase of burden may be expected to continue:

5th Sch. —*cont.*

Provided that no alteration of income in consequence of an apportionment under the regulations made under paragraph (*b*) of subsection (1) of section one hundred and eight of the Local Government Act, 1929, shall be taken into account.

2. The sum payable to a local authority in respect of the increase of burden shall not exceed, or, if payable by instalments or by way of annuity, the capitalised value of the instalments or annuity shall not exceed, the average annual increase of burden multiplied—

(*a*) so far as that increase of burden is attributable to the cost of maintenance of roads, by twenty-one; and

(*b*) in other cases, by fifteen.

3. Any sum payable in respect of the cost of the maintenance of county roads shall, unless otherwise agreed, be payable by way of annuity.

SIXTH SCHEDULE.

Sections 160 and 161.

Provisions to be incorporated in Orders for the Compulsory Purchase of Land.

1. The Lands Clauses Acts, except section ninety-two and sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, and if the Minister so determines, except section one hundred and thirty-three of that Act.

2. Sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845.

Modifications subject to which the Lands Clauses Acts are to be incorporated.

1. Section eighty-five of the Lands Clauses Consolidation Act, 1845, shall have effect as if the words "with two sufficient "sureties to be approved of by two justices in case the parties "differ" were omitted therefrom.

2. In lieu of section ninety-two of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect:—

"No person shall be required to sell a part only of any house, building or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the tribunal by whom compensation is to be assessed determine that,

6TH SCH. —*cont.*

in the case of a house, building or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if the tribunal so determine, compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part, and thereupon the person interested shall be required to sell to the local authority that part of the house, building, manufactory, park or garden."

3. Where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

Section 179.

SEVENTH SCHEDULE.

ENACTMENTS CONTAINING PROVISIONS AS TO THE ACQUISITION OF AND OTHER DEALINGS IN LAND BY LOCAL AUTHORITIES NOT AFFECTED BY THE PROVISIONS OF PART VII OF THIS ACT.

The Electricity (Supply) Acts, 1882 to 1933.

The Lunacy and Mental Treatment Acts, 1890 to 1930.

55 & 56 Vict. c. 29. The Technical and Industrial Institutions Act, 1892.

The Military Lands Acts, 1892 to 1903.

The Public Libraries Acts, 1892 to 1919.

The Light Railways Acts, 1896 and 1912.

The Allotments Acts, 1908 to 1931.

The Small Holdings and Allotments Acts, 1908 to 1931.

9 Edw. 7, c. 47. The Development and Road Improvement Funds Act, 1909.

10 & 11 Geo. 5, c. 80. The Air Navigation Act, 1920.

The Education Acts, 1921 to 1933.

The Housing Acts, 1925 and 1930.

22 & 23 Geo. 5, c. 48. The Town and Country Planning Act, 1932.

Any local Act.

EIGHTH SCHEDULE.

Section 198.

PURPOSES FOR WHICH MONEYS MAY BE BORROWED BY LOCAL AUTHORITIES FOR TERMS OTHER THAN SIXTY YEARS.

Enactment.	Purposes for which money may be borrowed.	Maximum period for repayment of loan.
The Tramways Act, 1870.	Generally for the purposes of the tramway undertaking.	Thirty years.
The Allotments Acts, 1908 to 1931.	Acquisition of land for use as allotments.	Eighty years.
The Small Holdings and Allotments Acts, 1908 to 1931.	Acquisition of land for use as small holdings.	Eighty years.
The Housing Acts, 1925 and 1930.	All borrowings for the purposes of the Acts other than borrowings by a county council for the purpose of making grants or loans to, or subscribing to the capital of, public utility societies.	Eighty years.
The Housing (Rural Workers) Acts, 1926 and 1931.	Generally for the purposes of those Acts.	Eighty years.
The Road Traffic Act, 1930.	For the purposes of Part V of that Act.	Such period as the Minister of Transport may sanction.

Section 255.

NINTH SCHEDULE.

PROVISIONS AS TO MEETINGS AND POLLS OF LOCAL GOVERNMENT ELECTORS IN CONNECTION WITH THE PROMOTION OF BILLS BY BOROUGH AND URBAN DISTRICT COUNCILS.

1. Where the council of a borough or urban district have deposited a bill in Parliament, notice shall be given by placards and by advertisement in one or more local newspapers circulating in the borough or district in two successive weeks stating—

(*a*) the title of the bill;

(*b*) a brief statement of the objects of the bill;

(*c*) that the bill has been deposited;

(*d*) that copies of the bill may be inspected and purchased at a specified place within the borough or district, between the hours of ten in the forenoon and five in the afternoon, on any weekday for fourteen days after the date of the first advertisement, and that extracts may be taken free of charge; and

(*e*) that a public meeting of local government electors will be held on a day named, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, for the purpose of considering the question of the promotion of the bill.

2. The first advertisement under this Schedule shall be made within seven days after the first deposit of the bill in either House, and the placards giving notice under this Schedule shall be posted within the same time.

3. A public meeting of local government electors shall be held in accordance with the notice, and the mayor or chairman of the council or, in the event of his being unable or unwilling to preside, a person appointed by the council to perform that duty, shall preside at the meeting; but, if neither the mayor or chairman, nor the person so appointed, is present within ten minutes after the time appointed for the meeting, the meeting shall choose an elector present at the meeting to preside.

4. The person presiding at the meeting may, with the consent of the majority of the electors present, adjourn the meeting for not more than seven days.

5. On opening any such meeting the person presiding thereat, or a member or officer of the council, shall give such explanation of the bill as he thinks expedient.

9TH SCH. —*cont.*

6. (*a*) The question of the promotion of the bill shall be put by the person presiding at the meeting either by a single resolution in favour of the promotion of the whole bill, or by separate resolutions in favour of the promotion of any provision of the bill, but together covering the promotion of the whole bill, and the meeting shall decide for or against any such resolution.

(*b*) The person presiding at the meeting shall explain to the meeting the resolution or resolutions he proposes to put to the meeting, and the question of the promotion of the bill shall be put in the manner proposed:

Provided that, if, before any such resolution is put, the meeting decide to request the person presiding thereat to put separately any resolution in favour of the promotion of any provision of the bill not proposed by him to be put separately, he shall put such further or other resolution to the meeting as will, consistently with the provisions of this Schedule, give effect to that request.

7. Unless a poll is demanded in manner provided by this Schedule with respect to any resolution put to the meeting, the decision of the meeting on that resolution, as declared by the person presiding thereat, shall be final.

8. A poll may be demanded with respect to any resolution put to the meeting by not less than one hundred electors, or one-twentieth in number of the electors, whichever is the less, or if the decision of the meeting on a resolution is against the resolution, by the council.

9. A requisition for a poll by electors must be in writing, signed by the persons making it, and must be delivered to the mayor or chairman of the council within seven days after the date of the meeting or any adjournment thereof.

10. A requisition for a poll by the council must be authorised by a resolution of the council passed at a meeting of the council held within twenty-one days after the date of the meeting of electors, and a copy of that resolution must be delivered to the mayor or chairman of the council.

11. The mayor or chairman of the council shall proceed by poll to take the opinion of the electors on the resolution to which any requisition relates, unless a poll is rendered unnecessary by the withdrawal of the requisition or by a resolution of the council withdrawing the bill, or the provision to which the resolution with reference to which the poll is demanded relates.

12. The polls on any number of resolutions may be taken at the same time and by means of the same voting paper.

13. The mayor or chairman of the council shall cause the votes given at a poll under this Schedule to be counted and shall as soon as practicable declare the result.

9TH SCH. —*cont.*

14. The decision of the mayor or chairman of the council on any question arising in respect of any voting paper shall be final.

15. Where the mayor or chairman of the council is unable or unwilling to perform any duty or do any act or thing with respect to a poll under this Schedule, the council shall appoint some other person to perform the duty or do that act or thing.

16.—(1) Subject to the provisions of this Schedule, the poll shall be taken in accordance with regulations made by the Minister, and the Minister may prescribe forms for requisitions, voting papers, notices, and other documents under this Schedule, and those forms, or forms to the like effect, shall be used.

(2) Regulations made under this paragraph shall be laid before each House of Parliament as soon as may be after they are made.

17. In the case of an equality of votes given at a meeting held or poll taken under this Schedule, the decision of the meeting, or the result of the poll, shall be deemed to be against the resolution voted upon.

18. Any person who at, or for the purposes of, a poll under the provisions of this Schedule—

(*a*) fraudulently signs or forges any signature to a requisition of electors; or

(*b*) applies for a voting paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person; or

(*c*) having voted once, applies for a second voting paper in his own name; or

(*d*) forges or counterfeits, or fraudulently defaces or fraudulently destroys, any voting paper; or

(*e*) without due authority supplies a voting paper to any person; or

(*f*) fraudulently puts into any box or other receptacle any paper other than a voting paper supplied to him for the purpose; or

(*g*) fraudulently takes out of the polling station any voting paper; or

(*h*) without due authority destroys, takes, opens or otherwise interferes with any box or other receptacle for voting papers or any voting papers then in use; or

(*i*) causes any disturbance or disorder in or near any polling station;

shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

19. If any person attempts to commit an offence against the last preceding paragraph of this Schedule, he shall be liable, on summary conviction, to the same punishment as if he had committed such an offence.

TENTH SCHEDULE.

Section 304.

ENACTMENTS CEASING TO HAVE EFFECT.

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
7 Geo. 4, c. 63	The County Buildings Act, 1826.	The whole Act, except so far as it relates to assize courts, sessions houses and judges' lodgings.
3 & 4 Will. 4, c. 90.	The Lighting and Watching Act, 1833.	Section twenty-eight (which provides that officers taking any fee or reward besides the salary or fee appointed shall forfeit fifty pounds).
5 & 6 Will. 4, c. 50.	The Highway Act, 1835	In section forty-six (which relates to contracts for the supply of materials), the words from "and if any surveyor" to the end of the section. Section forty-eight (which relates to the sale of land allotted for the repair of highways).
9 & 10 Vict., c. 74.	The Baths and Washhouses Act, 1846.	Section thirty-nine (which relates to officers, councillors or commissioners taking fees beyond their salaries or being interested in contracts).
13 & 14 Vict., c. 57.	The Vestries Act, 1850	The whole Act (which relates to the provision of vestry halls) so far as unrepealed.
13 & 14 Vict., c. 101.	The Poor Law Amendment Act, 1850.	Section six (which disqualifies masters of workhouses and relieving officers from holding certain offices).
24 & 25 Vict., c. 125.	The Parochial Offices Act, 1861.	Section one (which authorises the provision of offices for parishes).
33 & 34 Vict., c. 23.	The Forfeiture Act, 1870.	Section two (which provides that conviction for treason or felony is to be a disqualification for certain offices), so far as it relates to members of local authorities.

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
36 & 37 Vict., c. 19.	The Poor Allotments Management Act, 1873.	Section fifteen (which relates to the disposal of land acquired by churchwardens and overseers).
37 & 38 Vict., c. 45.	The County of Hertford and Liberty of St. Alban Act, 1874.	Sections twenty-one to twenty-six (which relate to the appointment and duties of a county finance committee and of divisional finance committees). Section forty-one (which relates to the county treasurer and other officers).
38 & 39 Vict., c. 55.	The Public Health Act, 1875.	Section one hundred and seventy-three (which relates to contracts made by urban authorities for the purposes of the Act). Section one hundred and ninety-three (which provides that officers appointed under the Act are not to enter into contracts with the local authority). Section two hundred and three (which relates to casual vacancies in the membership of committees). Section two hundred and eight (which confers power to alter the mode of charging expenses). Sections two hundred and seventy to two hundred and seventy-four (which relate to the alteration of areas), except so far as they relate to the dissolution of special drainage districts. Section two hundred and seventy-eight (which provides for the settlement of disputes as to the boundaries of districts). Section three hundred and ten (which relates to areas becoming boroughs).

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
38 & 39 Vict., c. 55.—*cont.*	The Public Health Act, 1875.	Section three hundred and twenty-one (which relates to the validity of certain securities).
39 & 40 Vict., c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Sections one to nine (which relate to divided parishes).
39 & 40 Vict., c. 62.	The Sale of Exhausted Parish Lands Act, 1876.	The whole Act (which relates to the disposal of lands appropriated for the supply of materials for the repair of public and private roads).
42 & 43 Vict., c. 54.	The Poor Law Act, 1879.	Sections four to seven (which relate to the adjustment of parish boundaries).
45 & 46 Vict., c. 50.	The Municipal Corporations Act, 1882.	In section twelve (which relates to disqualification for membership of the councils of boroughs), in subsection (1), paragraph (*c*), and subsection (2). Section thirty-four (which relates to the obligation to accept office or pay a fine). In section thirty-six (which relates to the payment of a fine on resignation of office) the words from "on payment of a fine" to the end of the section. In section thirty-nine (which relates to the avoidance of office by bankruptcy or absence), in subsection (1), paragraph (*b*) (except so far as it relates to the mayor) and subsection (4). In section fifty-eight (which relates to the mode of conducting the poll at a contested election), subsections (3) and (4). In section seventy (which relates to omissions to hold elections and void elections), subsection (1).

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
45 & 46 Vict., c. 50.—*cont.*	The Municipal Corporations Act, 1882.	Section one hundred and fourteen (which provides for replacing purchase or compensation money paid to the treasurer). Section one hundred and sixteen (which relates to the application of certain investments for the benefit of the borough). Section one hundred and eighteen (which relates to the transfer of, and other dealings with, corporate stock). Section one hundred and twenty-one (which relates to obligations and powers in respect of advowsons, &c.). Section one hundred and twenty-two (which relates to the sale of ecclesiastical patronage belonging to a municipal corporation). In section one hundred and twenty-four (which relates to the prohibition of expenditure of corporate funds on parliamentary elections), in subsection (6) the words from "and on conviction thereof" to the end of the subsection. Section two hundred and eight (which relates to the reservation of beneficial exemptions to freemen and others). Section two hundred and twenty-four (which relates to the procedure in penal actions against corporate officers). Section two hundred and twenty-five (which relates to informations in the nature of quo warranto, and applications for mandamus).
45 & 46 Vict., c. 58.	The Divided Parishes and Poor Law Amendment Act, 1882.	Sections two to seven (which relate to detached parts of parishes).

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
51 & 52 Vict., c. 41.	The Local Government Act, 1888.	Section four (which relates to the transfer of certain powers under local Acts). Section ten (which relates to the transfer to county councils of powers of certain Government Departments and other authorities), so far as it relates to the powers of Government Departments. Section fifty-two (which enables a provisional order to be made as respects boroughs and urban sanitary districts in the same area). In section fifty-four (which relates to alterations of boundaries), subsection (2). In section sixty-nine (which relates to borrowing by county councils), in subsection (1) the words from "and "the Local Government "Board" to the end of the subsection. In section seventy-five (which applies certain provisions of 45 & 46 Vict., c. 50, to county councils), proviso (18), so far as it provides that the costs of an election of county councillors are not to exceed those allowed by Part I of the First Schedule to the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act, 1885, and proviso (19).
53 & 54 Vict., c. 5.	The Lunacy Act, 1890	Section one hundred and seventy-four (which provides that members of a visiting committee are not to be interested in contracts made by the committee). Section two hundred and fifty-six (which relates to contracts made by a visiting committee).

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
56 & 57 Vict., c. 9.	The Municipal Corporations Act, 1893.	Section three (which provides that no second petition under section thirty of the Municipal Corporations Act, 1882, shall be presented within seven years).
56 & 57 Vict., c. 73.	The Local Government Act, 1894.	In section forty-six (which relates to disqualifications for parish or district councils), in subsection (1), paragraph (*e*), and subsections (2) and (3).
9 Edw. 7, c. 44.	The Housing, Town Planning, &c., Act, 1909.	In section sixty-nine (which relates to the duty of medical officers of health of county districts to furnish information to the county medical officer of health), subsection (4).
6 & 7 Geo. 5, c. 69.	The Public Authorities and Bodies (Loans) Act, 1916.	The whole Act (which provides for borrowing by certain authorities by means of the issue of bearer bonds and other securities to bearer).
17 & 18 Geo. 5, c. 14.	The Poor Law Act, 1927.	In section eight (which prohibits paid officers engaged in the administration of the laws for the relief of the poor and other persons from serving as members of county and county borough councils) subsection (2.)

ELEVENTH SCHEDULE.

Section 307.

Enactments Repealed.

Part I—Repeals in the Public Health Act, 1875 (38 & 39 Vict. c. 55).

Section five.
In section six, the words from the beginning of the section to "district of Oxford."
Sections seven to nine.
Section twelve.
Sections one hundred and seventy-three and one hundred and seventy-four.
In section one hundred and seventy-five, the words from "purchase or take on lease" to "may also"; and the words from "Any lands acquired" to the end of the section.
Sections one hundred and seventy-six to one hundred and seventy-eight.
Section one hundred and eighty-two.
In section one hundred and eighty-three, the words from "but all such byelaws" to "full amount of the penalty."
In section one hundred and eighty-four, the words from "which Board" to the end of the section.
Sections one hundred and eighty-five to one hundred and eighty-seven.
Sections one hundred and eighty-nine to two hundred.
Sections two hundred and two and two hundred and three.
Section two hundred and five.
Sections two hundred and seven to two hundred and ten.
Sections two hundred and sixteen and two hundred and seventeen.
In section two hundred and twenty-nine, the words from the beginning of the section to the words "to be special expenses" where those words first occur; and the words from "and all other expenses" to "on each contributory place."
In section two hundred and thirty-three, the words "or reborrow, and take up at interest;" and the words from "An urban authority" to the end of the section.
In section two hundred and thirty-four, the words from the beginning of the section to "date of the original loan."
Sections two hundred and thirty-six to two hundred and thirty-nine.

11TH SCH. —*cont.*

Sections two hundred and forty-five to two hundred and forty-seven.

Sections two hundred and forty-nine and two hundred and fifty.

Sections two hundred and fifty-nine and two hundred and sixty.

In section two hundred and seventy, subsections (1) and (2).

Sections two hundred and seventy-one to two hundred and seventy-four.

In section two hundred and seventy-five, the words from "Provided that" to "district so constituted", and the words from "and where any local government district" to the words "when altered".

Section two hundred and seventy-eight.

Section two hundred and eighty-six.

In section two hundred and ninety-four, the words "inquiries or".

Section two hundred and ninety-six.

In section three hundred and six, the words from "or who destroys" to "is inscribed", and the words from "if the same" to "or of the local authority".

Sections three hundred and ten and three hundred and eleven.

Section three hundred and twenty-one.

Section three hundred and twenty-six.

Section three hundred and thirty-nine.

Section three hundred and forty-two.

In the First Schedule, Part I.

In the Fourth Schedule, forms H, I and N.

In the Fifth Schedule, in so much of Part III as re-enacts 35 & 36 Vict. c. 79, s. 34, the words from "where in any local Acts" to "the Secretary of State", and the words from "If any question arises" to "shall be conclusive".

PART II—REPEALS IN THE MUNICIPAL CORPORATIONS ACT, 1882 (45 & 46 Vict. c. 50).

In section six, the words "under this Act".

In section seven, the definitions of "parish" and "overseers".

Section eight.

Sections ten to twenty-eight.

Section thirty.

Sections thirty-four to forty-three.

Sections fifty to sixty-two.

Sections sixty-four to seventy.

Sections seventy-two to seventy-five.

11TH SCH. —*cont.*

Section eighty-six.

Section one hundred and four.

In section one hundred and five, the words "and hold", the words "town hall, council house", and the words from "or a polling station" to the end of the section.

Sections one hundred and six to one hundred and ten.

Sections one hundred and twelve to one hundred and sixteen.

Section one hundred and eighteen.

In section one hundred and nineteen, subsections (3) and (4).

Sections one hundred and twenty to one hundred and twenty-two.

In section one hundred and twenty-four, in subsection (6) the words from "and, on conviction thereof" to the end of the subsection.

Sections one hundred and twenty-five to one hundred and thirty-two.

In section one hundred and thirty-nine the words from the beginning of the section to the words "capacity and".

In section one hundred and forty, subsections (2), (3) and (4).

Sections one hundred and forty-one to one hundred and forty-four.

Section one hundred and fifty-five.

In section one hundred and sixty-three, in subsection (6), the words "an alderman, councillor, or," and the words "may be appointed revising barrister for the borough, and".

Sections two hundred to two hundred and eighteen.

Sections two hundred and twenty-four and two hundred and twenty-five.

Sections two hundred and twenty-eight and two hundred and twenty-nine.

Sections two hundred and thirty-two and two hundred and thirty-three.

Sections two hundred and forty-five and two hundred and forty-six.

In section two hundred and fifty, subsections (2) and (3).

In section two hundred and fifty-seven, subsections (2), (3), and (6).

The Second Schedule.

The Third Schedule.

In the Fourth Schedule, the words from "1 Commissioner" to "other expenses."

In the Fifth Schedule, Part I; and in Part II, paragraphs (1), (7), (8), (9), (10), (11) and (12).

The Seventh Schedule.

In the Eighth Schedule, forms A, H, I, K, P and Q.

In the Ninth Schedule, in Part II, the words from "33 & 34 Vict. c. 91" to the end of the Schedule.

11TH SCH. —*cont.*

PART III—REPEALS IN THE LOCAL GOVERNMENT ACT, 1888 (51 & 52 Vict. c. 41).

Sections one and two.

In section three, in paragraph (i), the words from "and the making of orders" to the end of the paragraph; paragraphs *(ii)* and *(iii)*; in paragraph (iv), the words "shire halls, county halls," and the words "and county buildings, works and property"; paragraphs (vi) and (vii); in paragraph (ix) the word "analyst"; and in paragraph (x) the words "the county treasurer, the county surveyor, the public analysts."

Section four.

In section five, subsection (7).

Section ten.

In section eleven, in subsection (1), the words from "and the costs thereof" to the end of the subsection.

Sections fifteen to eighteen.

In section twenty-eight, in subsection (2), the words from the beginning of the subsection to "this Act mentioned."

In section thirty-four, in subsection (3), paragraphs (*a*) and (*b*); and subsection (7).

In section thirty-five, subsection (6).

In section thirty-six, subsection (2).

In section thirty-eight, subsection (1); in subsection (2), paragraph (*b*), in paragraph (*c*) the words "(i) reformatory and industrial schools, and".

In section thirty-nine, in subsection (1), paragraph (*b*); and subsection (2).

Sections forty-nine to fifty-seven.

In section fifty-nine, subsections (1) and (3) to (6).

Sections sixty to sixty-two.

In section sixty-four, in subsection (3) the words from "shall have full power" to "in the council, but".

Section sixty-five.

Section sixty-eight.

In section sixty-nine, in subsection (1), the words from "on the security" to "term of years; and," and the words from "and (*e*) for any purpose" to the end of the subsection; subsections (3) to (8); subsection (10); in subsection (11) the words "except the provisions respecting the total debt," and subsection (12).

11TH SCH. —*cont.*

Sections seventy and seventy-one.

Sections seventy-three and seventy-four.

In section seventy-five, the words "Part Two, Part Three"; the words from "the Second Schedule" to "Eighth Schedule"; provisos (2), (3) and (4); in proviso (5), the words from "so far as respects" to "subsequent to the election"; provisos (7), (8), (10), (11), (14) and (15); in proviso (16), in paragraph (*b*) the words from "any of the provisions" to "borough auditors nor," the words "subsection five of section fifteen, section sixteen"; and paragraphs (*c*), (*e*) and (*g*); provisos (17) to (21).

In section seventy-nine, subsection (1); and in subsection (3), the words "lunatic asylums, or."

Section eighty.

In section eighty-one, in subsection (1), the words "county council or councils and any"; in subsection (2), the words "council or" wherever those words occur; subsection (3); in subsection (4), the words "councils and"; in subsection (5), the words "council or" wherever those words occur, and the words from "so that where" to the end of the subsection; subsection (6); and in subsection (7) the words from the beginning of the subsection to "administrative counties and."

Section eighty-two, except so far as it applies to joint committees appointed under section eighty-one.

In section eighty-three, subsection (4), so far as it relates to the office of deputy clerk of a county council; and subsections (6) and (12).

In section eighty-five, in subsection (1), the words from "section twenty-three" to "hereby repealed and."

In section eighty-seven, in subsection (1), the words from "and in that case" to the end of the subsection; and subsections (3) and (5).

In section ninety-two, subsection (1).

In section one hundred, the definition of the expression "parish," and the words from "In relation to the election" to the end of the section.

Sections one hundred and eighteen to one hundred and twenty.

Section one hundred and twenty-two.

Sections one hundred and twenty-four to one hundred and twenty-six.

The Second Schedule.

11TH SCH. —*cont.*

PART IV.—REPEALS (GENERAL).

Session and Chapter.	Title or Short Title.	Extent of Repeal.
22 Hen. 8, c. 5.	An Acte concernyng the amendment of Bridge in Highe Wayes.	In section three, the words from "and that the same justices" to the end of the section. Section six.
9 Anne, c. 25	The Municipal Offices Act, 1710.	The whole Act so far as unrepealed.
12 Geo. 2, c. 29.	The County Rates Act, 1738.	In section six, the words from "such person or persons" to "appoint to be," and the words from "(which treasurer or treasurers" to "reposed in him or them." Sections seven to nine. Section eleven. In section fourteen, the words from "such contractor or contractors" to the end of the section.
17 Geo. 2, c. 38.	The Poor Relief Act, 1743.	Sections one and two.
43 Geo. 3, c. 59.	The Bridges Act, 1803.	In section one, the words from "appointed or to be appointed" to "such county."
55 Geo. 3, c. 51.	The County Rates Act, 1815.	Section seventeen.
55 Geo. 3, c. 143.	The Bridges Act, 1815.	In section one, the words from "to be appointed" to "for such county." In section five the words from "Provided nevertheless" to the end of the section.
58 Geo. 3, c. 69.	The Vestries Act, 1818.	Section six.
59 Geo. 3, c. 12.	The Poor Relief Act, 1819.	Section seventeen.
7 Geo. 4, c. 63	The County Buildings Act, 1826.	The whole Act, except so far as relates to assize courts, sessions houses and judges lodgings.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Will. 4, c. 90.	The Lighting and Watching Act, 1833.	In section five, the words "less than ten days and not," and the words from "and that notification of the time" to the end of the section. In section six, the words from the beginning of the section to "such meetings, and". In section nine, the words from "Provided nevertheless" to the end of the section. Sections ten and eleven. In section twelve, the words from "carefully examine" to "manner hereafter prescribed," and the words from "Provided also" where they secondly occur to the end of the section. Section fourteen. In section seventeen, the words "by any ten persons qualified "to vote on behalf of any such "candidates," the words from "and in a book" to "the said office," and the words from "and if such poll" to the end of the section. Sections eighteen and nineteen so far as relates to parish councils. Sections twenty-two and twenty-three, so far as relates to parish councils. In section twenty-four, so far as relates to parish councils, the words "treasurer and other" in both places where those words occur, the words from "and to hire" to "transacting their business," the words from "and also to agree" to "house or room," and the words "and such rent." Sections twenty-five to twenty-seven, so far as relates to parish councils. Section twenty-eight.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Will. 4. c. 90—*cont.*	The Lighting and Watching Act, 1833.	Sections thirty and thirty-one, so far as relates to parish councils. Sections fifty-seven to fifty-nine, so far as relates to parish councils.
5 & 6 Will. 4, c. 50.	The Highway Act, 1835.	Section six to eighteen. Section forty-six. Section forty-eight.
7 Will. 4 and 1 Vict., c. 24.	The County Buildings Act, 1837.	The whole Act, except so far as relates to assize courts, sessions houses and judges lodgings.
7 Will. 4 and 1 Vict., c. 45.	The Parish Notices Act, 1837.	In section three, the words " or " by an overseer of the poor of " such parish."
7 Will. 4 and 1 Vict., c. 83.	The Parliamentary Documents Deposit Act, 1837.	The whole Act.
2 & 3 Vict., c. 84.	The Poor Rate Act, 1839.	Section three.
2 & 3 Vict., c. 93.	The County Police Act, 1839.	In section twenty-three, the words from " and shall produce the same " to the end of the section.
3 & 4 Vict., c. 88.	The County Police Act, 1840.	In section twelve, the words from " and for that purpose " to the end of the section. Section thirteen.
4 & 5 Vict., c. 38.	The Schools Sites Act, 1841.	In section six, the words from " Provided also, that the justices " to the end of the section.
5 & 6 Vict., c. 109.	The Parish Constables Act, 1842.	In section twenty-two, the words from " and for that purpose " to " such appropriation "; and the words from " and the expense " to " county rates."
7 & 8 Vict., c. 101.	The Poor Law Amendment Act, 1844.	Section sixty-one.
8 & 9 Vict., c. 71.	The Highway Act, 1845.	The whole Act.
9 & 10 Vict., c. 74.	The Baths and Washhouses Act, 1846.	In section four, the words from " the income arising " to " thereof, and ". In section five, the words from " after public notice " to " holding such vestry." Sections nine to eleven, except so far as relates to commissioners appointed under the Act.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 & 10 Vict. c. 74—*cont.*	The Baths and Washhouses Act, 1846.	In section twelve, the words "a clerk and," the word "other," the word "clerk" where that word secondly occurs, and the words from "and when necessary" to the end of the section, except so far as relates to commissioners appointed under the Act. Section thirteen, except so far as relates to commissioners appointed under the Act. In section fourteen, the words from "and such books" to the end of the section, except so far as relates to commissioners appointed under the Act. Section fifteen, except so far as relates to commissioners appointed under the Act. In section twenty-one, the words from "at interest" to "of the parish," except so far as relates to commissioners appointed under the Act. In section twenty-three, the words from "with respect to the borrowing" to "provisions of the same Act" where those words secondly occur, except so far as relates to commissioners appointed under the Act. Section twenty-four, except so far as relates to commissioners appointed under the Act. Section twenty-six, except so far as relates to commissioners appointed under the Act. Section thirty-one, except so far as relates to commissioners appointed under the Act. Section thirty-nine.
10 & 11 Vict., c. 28.	The County Buildings Act, 1847.	The whole Act, except so far as relates to assize courts, sessions houses and judges lodgings.
10 & 11 Vict., c. 34.	The Towns Improvement Clauses Act, 1847.	Sections seven to twelve.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 & 11 Vict., c. 61.	The Baths and Wash-houses Act, 1847.	In section four, the words "council and" and the word "respectively."
13 & 14 Vict., c. 57.	The Vestries Act, 1850.	The whole Act.
13 & 14 Vict., c. 101.	The Poor Law Amendment Act, 1850.	Section six.
15 & 16 Vict., c. 5.	The Municipal Corporations Act, 1852.	The whole Act, so far as unrepealed.
15 & 16 Vict., c. 81.	The County Rates Act, 1852.	In section thirty-three, the words from "and every overseer" to the end of the section.
15 & 16 Vict., c. 85.	The Burial Act, 1852	Sections thirteen and fourteen, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906. In section fifteen, the words "a clerk and," the word "other," the word "clerk" where it secondly occurs, and the words from "and, when necessary." to the end of the section, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906. In section sixteen, the words from the beginning of the section to "contrary be proved; and," except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906. Sections seventeen to twenty, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906. In section twenty-six, the words from "to contract for and purchase" to "think fit, or," except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.

11th Sch. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15 & 16 Vict., c. 85—*cont.*	The Burial Act, 1852	Section twenty-eight, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906. In section thirty-one, the words from "which contracts" to the end of the section, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.
17 & 18 Vict., c. 87.	The Burial Act, 1854	In section three the words from the beginning of the section to "construed accordingly; and," the words "money "raised for defraying such "expenses aforesaid, and of," and the words from "Provided always" to the end of the section. Sections four and five, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906. Section six. Section eleven.
17 & 18 Vict., c. 112.	The Literary and Scientific Institutions Act, 1854.	In section six, the words "justices of the peace" and the word "justices" where that word secondly occurs. In section seven, the words from "and the justices" to the end of the section.
20 & 21 Vict., c. 81.	The Burial Act, 1857	Sections nineteen to twenty-one, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.
21 & 22 Vict. c. 90.	The Medical Act, 1858	In section thirty-six, the words "or as a medical officer of health."
23 & 24 Vict., c. 51.	The Local Taxation Returns Act, 1860.	The whole Act.
23 & 24 Vict., c. 64.	The Burial Act, 1860	Sections one to three.
23 & 24 Vict., c. 68.	The South Wales Highways Act, 1860.	Section three. Sections fourteen to eighteen. Sections twenty-seven to thirty.
24 & 25 Vict., c. 125.	The Parochial Offices Act, 1861.	The whole Act.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
25 & 26 Vict., c. 61.	The Highway Act, 1862.	Sections twelve to fifteen. Section thirty-one.
25 & 26 Vict., c. 100.	The Burial Act, 1862	The whole Act.
26 & 27 Vict., c. 13.	The Town Gardens Protection Act, 1863.	In section three, the words from "and the expenses" to the end of the section.
27 & 28 Vict., c. 101.	The Highway Act, 1864.	Section twenty. Section twenty-seven. Sections twenty-nine and thirty. Section thirty-two. Section thirty-six. Section forty-five. In section forty-seven, the words "with the approval of the "justices in general or quarter "sessions assembled" and the words from "Previously to applying" to the end of the section. Section fifty. Section fifty-three. First Schedule. Second Schedule.
28 & 29 Vict., c. 126.	The Prison Act, 1865	Section eight.
29 & 30 Vict., c. 113.	The Poor Law Amendment Act, 1866.	Section thirteen.
30 & 31 Vict., c. 106.	The Poor Law Amendment Act, 1867.	Section ten. Section twenty-eight.
31 & 32 Vict., c. 22.	The Petty Sessions and Lock-up House Act, 1868.	Section eleven.
31 & 32 Vict., c. 122.	The Poor Law Amendment Act, 1868.	Section twenty-seven.
32 & 33 Vict., c. 49.	The Local Stamp Act, 1869.	Section seven.
33 & 34 Vict., c. 23.	The Forfeiture Act, 1870.	Section two, so far as relates to members of local authorities.
33 & 34 Vict., c. 78.	The Tramways Act, 1870.	In section twenty, the words "and take up at interest on "the credit of such local "rate," and the words from "and for the purpose of securing" to "and the local authority."

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
33 & 34 Vict., c.78.—*cont.*	The Tramways Act, 1870.	In section forty-three, the words "out of the like rate" and "on the security of the same." In section forty-four, the words from "may pay" to "for such purposes."
33 & 34 Vict., c. 91.	The Clerical Disabilities Act, 1870.	In the First Schedule, paragraph (2).
34 & 35 Vict., c. 70.	The Local Government Board Act, 1871.	Section eight. In the Schedule, in Part I, the words "Returns. Local Taxation" in the first column, and the words "23 & 24 Vict. c. 51" in the second column.
35 & 36 Vict., c. 33.	The Ballot Act, 1872	In section fourteen the words "municipal or." In section twenty-four, the words "and municipal" wherever those words occur, and the words "or at a municipal election." In section twenty-nine, paragraph (*a*) in the definition of the expression "the Municipal Corporations Acts," and paragraph (*a*) in the definition of the expression "municipal election." In the First Schedule, in Part II, paragraph 64.
35 & 36 Vict., c. 91.	The Borough Funds Act, 1872.	The whole Act.
36 & 37 Vict., c. 19.	The Poor Allotments Management Act, 1873.	Section fifteen.
37 & 38 Vict., c. 45.	The County of Hertford and Liberty of St. Alban Act, 1874.	Sections twenty-one to twenty-six. Section forty-one.
38 & 39 Vict., c. 17.	The Explosives Act, 1875.	In section seventy-two, the words from "acquire any land" to "to them, and," and the words from "Such sums shall be applied" to "to include any right over land", except so far as relates to harbour authorities.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
38 & 39 Vict., c. 83.	The Local Loans Act, 1875.	In section eight, the words from the beginning of the section to "date of such loan," and the words "the priority of the loan and to", so far as relates to local authorities as defined in this Act. Section sixteen, so far as relates to local authorities as defined in this Act. Section thirty-six.
39 & 40 Vict., c. 36.	The Customs Consolidation Act, 1876.	In section nine, the words "mayor or".
39 & 40 Vict., c. 56.	The Commons Act, 1876.	In section eight, the words from "The expenses incurred" to "provided for."
39 & 40 Vict., c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Sections one to nine. Section thirty-seven.
39 & 40 Vict., c. 62.	The Sale of Exhausted Parish Lands Act, 1876.	The whole Act.
39 & 40 Vict., c. 75.	The Rivers Pollution Prevention Act, 1876.	In section eight, the words from "Any expenses incurred" to "1875". In section fourteen, the words from the beginning of the section to "such order and". Section fifteen.
40 & 41 Vict., c. 21.	The Prisons Act, 1877	Section forty-six.
40 & 41 Vict., c. 60.	The Canal Boats Act, 1877.	In section eight, in subsection (1), the words "an urban sanitary "authority, a rural sanitary "authority or" and the words from "Provided that" to "general expenses".
40 & 41 Vict., c. 66.	The Local Taxation Returns Act, 1877.	The whole Act.
40 & 41 Vict. c. 68.	The Destructive Insects Act, 1877.	In section four, the words from "the expenses incurred" to "local rate".
41 & 42 Vict., c. 34.	The South Wales Highway Act Amendment Act, 1878.	In section two, the words from "with the approval" to "are situate." Sections three to seven. Sections ten and eleven.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict., c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	In section five, subsection (3). Sections six to nine. In section eighteen the words from "and the accounts so kept" to "county authority may direct". Section twenty-five.
42 & 43 Vict., c. 6.	The District Auditors Act, 1879.	The whole Act.
42 & 43 Vict., c. 39.	The Highway Accounts Returns Act, 1879.	The whole Act.
42 & 43 Vict., c. 54.	The Poor Law Act, 1879.	Sections four to seven.
45 & 46 Vict., c. 30.	The Baths and Washhouses Act, 1882.	Section three, except so far as relates to commissioners appointed under the Baths and Washhouses Act, 1846.
45 & 46 Vict., c. 56.	The Electric Lighting Act, 1882.	In section seven the words from "may be defrayed" to "provided that," and the words "such expenses" where they secondly occur. In section eight the words from "on such security" to the end of the section. In the Schedule, the entries in the fourth, fifth, sixth and seventh columns relating to urban sanitary districts and rural sanitary districts.
45 & 46 Vict., c. 58.	The Divided Parishes and Poor Law Amendment Act, 1882.	The whole Act.
45 & 46 Vict., c. 67.	The South Wales Turnpike Roads Amendment Act, 1882.	Section four.
46 & 47 Vict., c. 18.	The Municipal Corporations Act, 1883.	Section seven.
46 & 47 Vict., c. 52.	The Bankruptcy Act, 1883.	In section thirty-two, in subsection (1), paragraph (*d*), and in paragraph (*e*) the words from "guardian of the poor" to "sanitary authority, or" and the words "school board, highway board."

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
46 & 47 Vict., c.52—*cont.*	The Bankruptcy Act, 1883.	In section thirty-four, the words from "mayor" to "overseer, or" and the words "sanitary authority, school board, "highway board."
47 & 48 Vict., c. 54.	The Yorkshire Registries Act, 1884.	Section thirty-four. In section thirty-seven, subsection (5) and (7). Sections forty-one and forty-two.
47 & 48 Vict., c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	In section thirty-six, subsection (1). First Schedule.
47 & 48 Vict., c. 74.	The Public Health (Officers) Act, 1884.	The whole Act.
47 & 48 Vict., c. 75.	The Canal Boats Act, 1884.	In section four, the words from "shall for the purpose" to "purposes of those Acts, and".
48 & 49 Vict., c. 10.	The Election (Hours of Poll) Act, 1885.	The whole Act, except so far as relates to parliamentary elections.
48 & 49 Vict., c. 22.	The Public Health and Local Government Conferences Act, 1885.	The whole Act.
48 & 49 Vict., c. 29.	The Honorary Freedom of Boroughs Act, 1885.	The whole Act.
48 & 49 Vict., c. 38.	The School Boards Act, 1885.	The whole Act.
48 & 49 Vict., c. 53.	The Public Health (Members and Officers) Act, 1885.	The whole Act.
48 & 49 Vict., c. 72.	The Housing of the Working - Classes Act, 1885.	In section ten, in subsection (2), the words from "and sections two hundred and ninety-three" to the end of the subsection.
50 & 51 Vict., c. 72.	The Local Authorities (Expenses) Act, 1887.	The whole Act.
51 & 52 Vict., c. 54.	The Sea Fisheries Regulation Act, 1888.	In section one, in subsection (3), the words from "in like manner" to the end of the subsection.
52 & 53 Vict., c. 32.	The Trust Investment Act, 1889.	The whole Act.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
52 & 53 Vict., c. 72.	The Infectious Disease (Notification) Act, 1889.	Section nine. In section eleven, the words from the beginning of the section to " or parochial office."
53 & 54 Vict., c. 5.	The Lunacy Act, 1890	Sections one hundred and seventy-four and one hundred and seventy-five. In section two hundred and twenty-four, in subsection (3), the words " under the Local Government Act, 1888." In section two hundred and forty, the words " respectively " constituted under the Local " Government Act, 1888." Section two hundred and fifty-six. In section two hundred and seventy-four, in subsection (1), the words from " with the consent of " to " applicable to the local authority," and the words from " on the security " to " part of the revenues."
53 & 54 Vict., c. 21.	The Inland Revenue Regulation Act, 1890.	In section eight, the words " mayor or."
53 & 54 Vict., c. 34.	The Infectious Disease (Prevention) Act, 1890.	Section twenty.
53 & 54 Vict., c. 59.	The Public Health Acts Amendment Act, 1890.	Section four. Sections forty-eight and forty-nine. In section fifty, the words from " Section forty-eight " to the end of the section. Section fifty-two.
53 & 54 Vict., c. 71.	The Bankruptcy Act, 1890.	In section nine, the words from " It is hereby declared " to the end of the section.
54 & 55 Vict., c. 22.	The Museums and Gymnasiums Act, 1891.	In section nine, the words from " appoint and pay " to " and may." In section ten, subsection (2); in subsection (3), the words from " in like manner " to " said general expenses," and the words from " sections two

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
54 & 55 Vict., c. 22—*cont.*	The Museum and Gymnasiums Act, 1891.	hundred and thirty-three" to "(relating to borrowing) and"; and in subsection (4) the words from "and such accounts" to the end of the subsection.
		Section eleven.
54 & 55 Vict., c. 63.	The Highways and Bridges Act, 1891.	Section five.
54 & 55 Vict., c. 68.	The County Councils (Elections) Act, 1891.	The whole Act.
55 & 56 Vict., c. 15.	The Charity Inquiries (Expenses) Act, 1892.	In section one, subsection (2).
55 & 56 Vict., c. 18.	The Weights and Measures (Purchase) Act, 1892.	In section one, in subsection (3), the words from "may borrow money" where those words first occur, to "1888," and the words "in accordance with the Public Health Act, 1875"; and subsection (4).
55 & 56 Vict., c. 43.	The Military Lands Act, 1892.	Section four.
		Section six.
		In section eleven, in subsection (1), paragraphs (*b*) and (*d*).
55 & 56 Vict., c. 53.	The Public Libraries Act, 1892.	Section seven and eight, except so far as relates to commissioners appointed under the Act.
		In section fifteen, in subsection (2), the words "also appoint "salaried officers and servants, "and dismiss them and," except so far as relates to parish councils and to commissioners appointed under the Act; and subsection (3).
		In section eighteen, subsection (1).
		In section nineteen, in subsection (1) the words "on the security "of any fund or rate appli- "cable for those purposes," and subsection (2), except so far as relates to commissioners appointed under the Act.
		In section twenty, in subsection (1), the words from "and those accounts" to the end of the subsection; in subsection (2), the words

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
55 & 56 Vict., c.53—*cont.*	The Public Libraries Act, 1892	from "in like manner" to the end of the subsection; and subsection (3), except so far as relates to commissioners appointed under the Act.
55 & 56 Vict., c. 57.	The Private Street Works Act, 1892.	In section fifteen, the words from "and may pay" to the end of the section. In section eighteen, the words from "on the security" to "are payable," and the words from "and the powers" to the end of the section. Section twenty-three.
56 & 57 Vict., c. 9.	The Municipal Corporations Act, 1893.	The whole Act.
56 & 57 Vict., c. 32.	The Barbed Wire Act, 1893.	Section five.
56 & 57 Vict., c. 68.	The Isolation Hospitals Act, 1893.	In section four, in subsection (1), the words from "and any such application" to the end of the subsection. In section twenty-two, the words from "on the security" to "1888." In section twenty-four, the words "and five."
56 & 57 Vict., c. 73.	The Local Government Act, 1894.	Sections one to four. In section five in subsection (2), paragraph (*c*). In section six, in subsection (1), in paragraph (*b*), the words from "but inclusive" to the end of the paragraph, and in paragraph (*c*), the words "vestry room or parochial office, parish chest." In section eight, in subsection (1), paragraph (*a*), in paragraph (*b*), the words "for such buildings and"; and paragraph (*h*); and subsection (2). Section nine. Section eleven. Section twelve. Section fifteen. Sections seventeen and eighteen.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
56 & 57 Vict., c. 73—*cont.*	The Local Government Act, 1894.	In section nineteen, subsections (1) to (3), (6), (7), and (9) to (11). In section twenty-one, subsection (2); and in subsection (3), the words "and every other" except so far as they apply to any enactment passed before the commencement of this Act. Sections twenty-two to twenty-four. In section twenty-five, subsections (5) and (6). In section twenty-seven, in subsection (1), paragraphs (*d*) and (*f*). Sections twenty-eight and twenty-nine. Section thirty-three. Sections thirty-six to forty-two. Sections forty-five to forty-nine. Section fifty-one. In section fifty-two, subsection (3). Sections fifty-four to fifty-eight. Section fifty-nine. Sections sixty and sixty-one. Section sixty-four. Sections sixty-eight and sixty-nine. Sections seventy-one to seventy-four. Section seventy-eight. Section eighty. In section eighty-one, in subsection (1) the words from "and for the purposes" to the end of the subsection; subsection (2); in subsection (4) the words "vestry clerk and assistant overseer"; subsections (5) and (6); and in subsection (7) the words from "provided that" to the end of the subsection. Section eighty-three.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
56 & 57 Vict., c. 73—*cont.*	The Local Government Act, 1894.	Sections eighty-five to eighty-nine. First Schedule.
57 & 58 Vict., c. 57.	The Diseases of Animals Act, 1894.	In section thirty-three, subsection (2); and in subsection (3) the words from "provided that" to the end of the subsection. In section forty, subsection (1); and in subsection (2), paragraphs (i) and (iii). In section forty-two, in subsection (1), the words "at" "interest on the credit of the" "local rate," and the words from "and may secure" to the end of the subsection; and subsections (2), (3) and (5).
58 & 59 Vict., c. 32.	The Local Government (Stock Transfer) Act, 1895.	The whole Act.
59 & 60 Vict., c. 1.	The Local Government (Elections) Act, 1896.	The whole Act.
59 & 60 Vict., c. 22.	The Chairmen of District Councils Act, 1896.	The whole Act.
59 & 60 Vict., c. 48.	The Light Railways Act, 1896.	In section sixteen, in subsection (2), the words "in manner authorised by the order"; and subsection (4). Section seventeen. Third Schedule.
60 & 61 Vict., c. 1.	The Local Government Act, 1897.	The whole Act.
60 & 61 Vict., c. 31.	The Cleansing of Persons Act, 1897.	In section one, the words from "and any expenses" to the end of the section.
60 & 61 Vict., c. 40.	The Local Government (Joint Committees) Act, 1897.	In section one, in subsection (1), paragraph (*c*).
62 & 63 Vict., c. 10.	The Parish Councillors (Tenure of Office) Act, 1899.	The whole Act.
62 & 63 Vict., c. 14.	The London Government Act, 1899.	In section eight, subsection (4). Section fourteen.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
62 & 63 Vict., c. 30.	The Commons Act, 1899.	In section five, the words from "and the provisions" to the end of the section. In section seven, the words from "and the expenses" to the end of the section. In section eleven, subsection (2), and in subsection (3), the words from "in like manner" to the end of the subsection.
62 & 63 Vict., c. 38.	The Telegraph Act, 1899.	In section two, in subsection (1), the words from "defray the expenses" to "and may", and the words from "in accordance with" to "borough rate."
62 & 63 Vict., c. 44.	The Small Dwellings Acquisition Act, 1899.	In section nine, in subsection (3), the words from the beginning of the subsection to "Public Health Acts; but"; and in subsection (5), the words from "in like manner" to the end of the subsection.
63 & 64 Vict., c. 13.	The County Councils (Elections) Amendment Act, 1900.	The whole Act.
63 & 64 Vict., c. 16.	The District Councillors and Guardians (Term of Office) Act, 1900.	The whole Act.
63 & 64 Vict., c. 46.	The Members of Local Authorities Relief Act, 1900.	The whole Act.
1 Edw. 7, c. 8	The Isolation Hospitals Act, 1901.	In section two, in subsection (2), the words "in manner provided by section twenty-two of the principal Act."
1 Edw. 7, c. 22.	The Factory and Workshop Act, 1901.	In section fourteen, in subsection (8), paragraph (*a*), and in paragraph (*b*), the words "incurred in the execution of the Public Health Act, 1875."
2 Edw. 7, c. 17.	The Midwives Act, 1902.	In section eight, the words from "The local supervising authority may delegate," to the end of the section. Section fifteen.

11th Sch. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 Edw. 7, c. 41.	The Metropolis Water Act, 1902.	In section nineteen, the words from "and that the stamp duty" to the end of the section. In section twenty-one, subsection (2).
3 Edw. 7, c. 9	The County Councils (Bills in Parliament) Act, 1903.	The whole Act.
3 Edw. 7, c. 14.	The Borough Funds Act, 1903.	The whole Act.
3 Edw. 7, c. 15.	The Local Government (Transfer of Powers) Act, 1903.	The whole Act.
6 Edw. 7, c. 12.	The Municipal Corporations Amendment Act, 1906.	The whole Act.
6 Edw. 7, c. 14.	The Alkali, &c., Works Regulation Act, 1906.	Section twenty-four.
6 Edw. 7, c. 25.	The Open Spaces Act, 1906.	In section seventeen, paragraphs (*a*) and (*c*); in paragraph (*d*), the words from "incurred in the execution" to the end of the paragraph; and paragraph (*e*). In section eighteen, the words "in the case of a county council as for the purposes of the Local Government Act, 1888"; and the words from "in the case of a municipal borough" to the end of the section.
6 Edw. 7, c. 33.	The Local Authorities (Treasury Powers) Act, 1906.	In section one, in subsection (1), the words "or any local or private Act."
7 Edw. 7, c. 27.	The Advertisements Regulation Act, 1907.	In section three, subsection (6). In section four, the words "in the case of a county out of the county fund," and the words from "in the case of a borough" to "Public Health Acts."
7 Edw. 7, c. 33.	The Qualification of Women (County and Borough Councils) Act, 1907.	The whole Act.
7 Edw. 7, c. 40.	The Notification of Births Act, 1907.	In section one, subsection (6).

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 Edw. 7, c. 53.	The Public Health Acts Amendment Act, 1907.	Section four. In section five, in subsection (1), the words from "and the inspectors" to the end of the subsection; subsection (2); and in subsection (3), the words from "The person holding" to the end of the subsection. In section ninety-five, the words from "and notwithstanding" to the end of the section.
8 Edw. 7, c. 13.	The Polling Districts (County Councils) Act, 1908.	The whole Act.
8 Edw. 7, c. 36.	The Small Holdings and Allotments Act, 1908.	In section thirty-five, subsection (4). In section fifty-two, in subsection (1), the words from "in accordance with" to the end of the subsection; and subsection (4). In section fifty-three, subsection (1); and in subsection (4), paragraphs (*a*) and (*b*).
8 Edw. 7, c. 48.	The Post Office Act, 1908.	In section forty-three, the words "mayor or." In section forty-nine, subsection (4); in subsection (5) the words from "and shall be apportioned" to the end of the subsection; subsection (6); and in subsection (7) the words from "under section one hundred and six" to "amending the same," and the words from "in like manner" to the end of the subsection.
8 Edw. 7, c. 67.	The Children Act, 1908.	In section ten, in subsection (2), paragraph (*c*).
9 Edw. 7, c. 30.	The Cinematograph Act, 1909.	In section six, the words from "and the expenses" to the end of the section.
9 Edw. 7, c. 34.	The Electric Lighting Act, 1909.	Section twenty-one.
9 Edw. 7, c. 38.	The County Councils Mortgages Act, 1909.	The whole Act.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Edw. 7, c. 44.	The Housing, Town Planning, &c., Act, 1909.	Sections sixty-eight and sixty-nine.
10 Edw. 7 and 1 Geo. 5, c. 19.	The Municipal Corporations Amendment Act, 1910.	The whole Act.
1 & 2 Geo. 5, c. 52.	The Rag Flock Act, 1911.	In section one, in subsection (6), paragraph (*c*).
2 & 3 Geo. 5, c. 3.	The Shops Act, 1912	In section thirteen, in subsection (3), the words from "in "the case of the council of a "borough" to "Public Health Acts."
2 & 3 Geo. 5, c. 19.	The Light Railways Act, 1912.	In section five, subsections (5) and (6).
3 & 4 Geo. 5, c. 17.	The Fabrics (Misdescription) Act, 1913.	In section five, in subsection (3), the words from "in the case of the council of a borough" to "Public Health Acts."
3 & 4 Geo. 5, c. 19.	The Local Government (Adjustments) Act, 1913.	The whole Act except so far as relates to alterations of areas or other changes which took effect before the first day of April, 1930.
3 & 4 Geo. 5, c. 23.	The Public Health (Prevention and Treatment of Disease) Act, 1913.	In section four, the words "in "the case of a sanitary authority" and the words from "as part of the expenses" to "Acts, and."
3 & 4 Geo. 5, c. 28.	The Mental Deficiency Act, 1913.	In section twenty-eight, subsection (3). In section thirty-three, in subsection (1), the words from the beginning of the subsection to "Provided that"; and in subsection (2), the words from "in the case of a county council" to the end of the subsection. In section thirty-eight, in subsection (3), the words "in the "case of the council of a "county under and in accordance with the Local "Government Act, 1888, and."

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Geo. 5, c. 32.	The Ancient Monuments Consolidation and Amendment Act, 1913.	In section twenty-one, in subsection (2), the words from "in "the case of any other county "council" to "as a borough rate," and the words from "in the case of a county council" to the end of the subsection.
4 & 5 Geo. 5, c. 21.	The County and Borough Councils (Qualification) Act, 1914.	The whole Act.
4 & 5 Geo. 5, c. 31.	The Housing Act, 1914	In section one, in subsection (2), the words from "Any expenses" to "1890;" and the words "the like," and the words "as they have for the "purposes of that Part of that "Act."
5 & 6 Geo. 5, c. 48.	The Fishery Harbours Act, 1915.	In section three, in subsection (1), in paragraph (*a*), the words "out of the county fund"; and paragraphs (*b*) and (*c*); and in subsection (2), the words from "in the case of a county council" to the end of the subsection.
5 & 6 Geo. 5, c. 64.	The Notification of Births (Extension) Act, 1915.	In section two, subsection (2).
5 & 6 Geo. 5, c. 66.	The Milk and Dairies (Consolidation) Act, 1915.	In section fifteen, subsection (2). In section seventeen, in paragraph (*a*), the words "out of the county fund," and paragraph (*d*).
6 & 7 Geo. 5, c. 12.	The Local Government (Emergency Provisions) Act, 1916.	In section thirteen, subsection (1). Section fourteen.
6 & 7 Geo. 5, c. 43.	The War Charities Act, 1916.	In section two, in subsection (1), the words from "Provided that" to the end of the subsection; and subsection (7).
6 & 7 Geo. 5, c. 69.	The Public Authorities and Bodies (Loans) Act, 1916.	The whole Act.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Geo. 5, c. 64.	The Representation of the People Act, 1918.	Section ten. In section fifteen, in subsection (1), the words "out of the county fund, and," and the words from "and in the case of the council of a borough" to the end of the subsection. In section sixteen, in subsection (1), the words "of the general "district rate for the borough "fund or borough rate." In section thirty-five, the words "The Local Government (Elections) Act, 1896."
8 & 9 Geo. 5, c. 29.	The Maternity and Child Welfare Act, 1918.	In section two, subsection (3).
9 & 10 Geo. 5, c. 59.	The Land Settlement (Facilities) Act, 1919.	In section fourteen, subsection (4).
9 & 10 Geo. 5, c. 72.	The Rats and Mice (Destruction) Act, 1919.	In section five, subsection (3).
9 & 10 Geo. 5, c. 75.	The Ferries (Acquisition by Local Authorities) Act, 1919.	In section one, subsection (7); and in subsection (8), the words "if a county council," and the words from "under section sixty-nine" to the end of the subsection.
9 & 10 Geo. 5, c. 93.	The Public Libraries Act, 1919.	In section one, in subsection (3), the words from "as for the purposes" to the end of the subsection. In section four, subsection (3).
9 & 10 Geo. 5, c. 99.	The Housing (Additional Powers) Act, 1919.	Section eight.
10 & 11 Geo. 5, c. 49.	The Blind Persons Act, 1920.	In section two, subsection (2); and in subsection (3), the words from "in the case of a county council" to the end of the subsection.
10 & 11 Geo. 5, c. 57.	The Unemployment (Relief Works) Act, 1920.	In section three, in subsection (2), the words from "in the "case of the council of a "county" to "1888," and the words from "and in the case of any other council" to the end of the subsection.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 & 11 Geo. 5, c. 80.	The Air Navigation Act, 1920.	In section eight, in subsection (3), the words from "in the case of a county council" to the end of the subsection; and in subsection (4) the words from "and in the case of a county council" to the end of the subsection.
11 & 12 Geo. 5, c. 12.	The Public Health (Tuberculosis) Act, 1921.	In section eight, subsection (2).
11 & 12 Geo. 5, c. 23.	The Public Health (Officers) Act, 1921.	The whole Act except so far as relates to port sanitary authorities.
11 & 12 Geo. 5, c. 32.	The Finance Act, 1921	Section sixty-one.
11 & 12 Geo. 5, c. 51.	The Education Act, 1921.	In section four, in subsection (3), the words from "and the meetings" to the end of the subsection. In section ten, the words "The "minutes of the proceedings of "a local education authority, "and." In section one hundred and twenty-three, subsection (1). Section one hundred and twenty-four. In section one hundred and thirty-two, the words from "in the case of a county council" to the end of the section. Section one hundred and forty-five. In section one hundred and fifty-seven, the words "and (5)." In the First Schedule, Parts II and III.
11 & 12 Geo. 5, c. 67.	The Local Authorities (Financial Provisions) Act, 1921.	Section three, except the proviso to subsection (3), so far as relates to local authorities as defined in this Act. Section four, so far as relates to local authorities as defined in this Act. Section six, so far as relates to local authorities as defined in this Act.

11th Sch. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
12&13Geo.5, c. 12.	The Representation of the People Act, 1922.	Section two.
12&13Geo.5, c. 14.	The Audit (Local Authorities, etc.) Act, 1922.	The whole Act.
12&13Geo.5, c. 35.	The Celluloid and Cinematograph Film Act, 1922.	In section four, subsection (2).
12&13Geo.5, c. 46.	The Electricity (Supply) Act, 1922.	In section two, the words " or by a local authority." In section five, in subsection (2), paragraphs (*a*) and (*c*) and the words from " Section twenty-one " to the end of the subsection.
12&13Geo.5, c. 51.	The Allotments Act, 1922.	In section eighteen, in subsection (1) the words from the beginning of the subsection to " eighty years, and," and subsection (2).
13&14Geo.5, c. 6.	The Local Authorities (Emergency Provisions) Act, 1923.	Section two.
13&14Geo.5, c. 13.	The Rent Restrictions (Notices of Increase) Act, 1923.	In section three, subsection (6).
13&14Geo.5, c. 16.	The Salmon and Freshwater Fisheries Act, 1923.	In section forty-one, the words " or county council," and the words from " and (*b*) " to the end of the section.
13&14Geo.5, c. 24.	The Housing, etc., Act, 1923.	In section two, in subsection (6), the words " under Part III of the principal Act." Section sixteen. In section twenty-two, paragraph (*f*). Second Schedule.
13&14Geo.5, c. 32.	The Rent and Mortgage Interest Restrictions Act, 1923.	In section eighteen, subsection (4).
14&15Geo.5, c. 29.	The Local Authorities (Emergency Provisions) Act, 1924.	The whole Act.
14&15Geo.5, c. 38.	The National Health Insurance Act, 1924.	In section eighty-five, in subsection (2), the words from " and in the case of the council

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
14 & 15 Geo. 5, c. 38—*cont.*	The National Health Insurance Act, 1924.	of a county" to "as the case may be"; and in subsection (3), the words from "and any sums payable" to the end of the subsection.
15 & 16 Geo. 5, c. 11.	The Borough Councillors (Alteration of Number) Act, 1925.	Section one. In section three, the words from the beginning of the section to "this Act, and," and the words "or scheme."
15 & 16 Geo. 5, c. 14.	The Housing Act, 1925.	In section fifty-seven, in subsection (3), the words "whether of contract or otherwise." In section eighty-one, in subsection (1), the words from "and in any other case" to the end of the subsection; and in subsection (2), the words from "The expenses incurred" to the end of the subsection. In section eighty-four, in subsection (2), paragraph (*d*) and proviso (i). In section eighty-five, in subsection (1), the words from "under and in accordance with" to the end of the subsection, except so far as relates to mental hospital boards. Section eighty-eight. In section ninety-five, subsection (2). In section one hundred and eleven, subsection (1). In section one hundred and sixteen, in subsection (1) the words from "and the costs" to the end of the subsection, and in subsection (2) the words "or any local inquiry which he may cause to be held." Section one hundred and twenty-five. In section one hundred and thirty, subsection (2).
15 & 16 Geo. 5, c. 50.	The Theatrical Employers Registration Act, 1925.	In section twelve, in subsection (2), the words from "in the "case of the council of a "county borough" to the end of the subsection.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15&16Geo.5, c. 54.	The Ministers of Religion (Removal of Disqualifications) Act, 1925.	The whole Act.
15&16Geo.5, c. 71.	The Public Health Act, 1925.	In section thirty-four, in subsection (3), the words "subject to and in accordance with the provisions of the Local Government Act, 1888." In section fifty-five, the words "subject to the provisions of the Public Health Acts, 1875 to 1907." In section sixty-nine, subsection (4). In section seventy, subsection (2). Section seventy-nine. In the Fourth Schedule, the words "Section 4—Expenses of local authority."
15&16Geo.5, c. 90.	The Rating and Valuation Act, 1925.	In section one, subsection (3), and in subsection (4) the words "in pursuance of this section." In section nine, in subsection (2), in paragraph (*e*), the words from "and, for the purpose" to the end of the paragraph. In section twelve, subsections (2) and (3). In section fifty-three, subsection (4). In section fifty-four, in subsection (1), the words from "in like manner" to the end of the subsection. In section fifty-five, subsections (2), (3) and (4). Section fifty-six. In section sixty, subsection (3). In section sixty-one, in subsection (1) the words from "and such inspectors" to the end of the subsection, and subsection (2).
16&17Geo.5, c. 10.	The Local Authorities (Emergency Provisions) Act, 1926.	The whole Act.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
16 & 17 Geo. 5, c. 31.	The Home Counties (Music and Dancing) Licensing Act, 1926.	In section four, subsection (1).
16 & 17 Geo. 5, c. 38.	The Local Government (County Boroughs and Adjustments) Act, 1926.	Sections one to four. Section five, except so far as relates to alterations of boundaries and other changes which took effect before the first day of April, 1930.
16 & 17 Geo. 5, c. 43.	The Public Health (Smoke Abatement) Act, 1926.	Section six.
16 & 17 Geo. 5, c. 52.	The Small Holdings and Allotments Act, 1926.	In section fourteen, in subsection (4), the words "under "section fifty-two of the prin- "cipal Act."
16 & 17 Geo. 5, c. 54.	The Wireless Telegraphy (Blind Persons Facilities) Act, 1926.	In section two, in subsection (1), the words from "The expenses incurred" to "borough rate."
16 & 17 Geo. 5, c. 56.	The Housing (Rural Workers) Act, 1926.	In section five, in subsection (3) the words "by the local authority," and the words from "and in the case of any other council" to "Public Health Acts," in subsection (4), the words from "in the case of the council of a county" to "1925," and subsection (5). Sections six and seven.
16 & 17 Geo. 5, c. 59.	The Coroners (Amendment) Act, 1926.	In section one, subsection (3).
17 & 18 Geo. 5, c. 14.	The Poor Law Act, 1927.	The whole Act, so far as unrepealed, except section two hundred and seven.
17 & 18 Geo. 5, c. 31.	The Audit (Local Authorities) Act, 1927.	The whole Act.
17 & 18 Geo. 5, c. 38.	The Nursing Homes Registration Act, 1927.	In section nine, in subsection (4), the words from the beginning of the subsection to "Provided that," and the words from "and the amount" to the end of the subsection.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 & 19 Geo. 5, c. 9.	The Local Authorities (Emergency Provisions) Act, 1928.	The whole Act.
19 & 20 Geo. 5, c. 17.	The Local Government Act, 1929.	In section nine, paragraph (*a*). Section ten. In section fourteen, in subsection (3), the words from the beginning of the subsection to "relating to public health." Sections forty-seven to forty-nine. In section fifty-one, in subsection (1), the words from the beginning of the subsection to "of any district, and." Sections fifty-two to fifty-six. Section fifty-eight. In section seventy-four, subsection (2). In section one hundred and eight, subsection (2). In section one hundred and fifteen, subsection (2), and in subsection (6) the words "and the Seventh Schedule to this Act." In section one hundred and seventeen, in subsection (4) the words "under the Public Health Acts, 1875 to 1926." In section one hundred and twenty-eight, in subsection (1) the words "or county borough," the words "(*a*) in the case of a county council," and the words from "(*b*) in the case of a county borough council" to the end of the subsection, and in subsection (3), the words from "and in the case of any other county council" to the end of the subsection. In section one hundred and twenty-nine, in subsection (1) the words from "and such inspectors" to the end of the subsection; in subsection (2) the words from "as if those

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19&20Geo.5, c. 17—*cont.*	The Local Government Act, 1929.	purposes" to the end of the subsection; in subsection (3) the words from "as if those purposes" to the end of the subsection; and subsection (4). In the First Schedule, in Part I and in Part III the words "S. 176. So far as required "for highway purposes and "the purposes of S. 154." In the Third Schedule, paragraph 3, except so far as relates to payments to port sanitary authorities. The Seventh Schedule. In the Ninth Schedule, in Part I, paragraph 2. In the Tenth Schedule, paragraphs 8, 9, 14, 21 so far as unrepealed, and 22, and in paragraph 26, sub-paragraph (*b*).
19&20Geo.5, c. 33.	The Bridges Act, 1929.	In section eight, subsection (1); and in subsection (2), the words from "as a highway authority" where those words first occur to the end of the subsection.
20&21Geo.5, c. 17.	The Poor Law Act, 1930.	Section seven. In section ten, in subsection (3) the words from "and the amount and nature" to "to give security." In section one hundred and ten, paragraph (*a*). Section one hundred and fourteen. In section one hundred and seventeen the words "or county borough", the words "(*a*) in the case of a county council," and the words from "and (*b*)" to the end of the section. In section one hundred and eighteen, the words from "and "in the case of any other

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
20&21 Geo. 5, c.17—*cont.*	The Poor Law Act, 1930.	" county council " to the end of the section. In section one hundred and thirty-six, in section (1), paragraphs (*e*) and (*f*). Section one hundred and forty. Section one hundred and forty-four. Sections one hundred and fifty-five and one hundred and fifty-six.
20&21 Geo. 5, c. 23.	The Mental Treatment Act, 1930.	In section six, in subsection (3), in paragraph (*e*), the words " or joint exercise of ".
20&21 Geo. 5, c. 39.	The Housing Act, 1930.	In section fifty-four, in subsection (3), the words from " in accordance " to the end of the subsection.
20&21 Geo. 5, c. 43.	The Road Traffic Act, 1930.	In section twenty-seven, in subsection (5), the words from " and in the case of a borough " to " 1926 "; and the words from " in the case of a county council under " to the end of the subsection. In section ninety, in subsection (10), the words from " in the case of a county council " to the end of the subsection. In section one hundred and seven, in subsection (1) paragraph (*a*), in subsection (2) paragraph (*a*), and subsection (3) except so far as relates to joint boards or joint committees.
20 & 21 Geo. 5, c. 44.	The Land Drainage Act, 1930.	In section thirty-two, in subsection (2), the words from " under those Acts " to the end of the subsection. In section forty-nine, in subsection (3), the words from " in like manner " to the end of the subsection. In section fifty-three, in subsection (2), paragraphs (*a*) and (*b*). Section sixty-nine. In section seventy-three, the words from " or (*b*) " to " boundary lines are altered ".

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
21 & 22 Geo. 5, c. 45.	The Local Government (Clerks) Act, 1931.	In section two, subsections (1) and (2). In section three, in subsection (1), paragraph (*a*), and subsection (2). In section four, in subsection (2), the words from "(*c*) in the case of a clerk" to the end of the subsection; in subsection (3) the words "the office of clerk of the county council or" and the words "to either of those offices"; and subsection (6). In section five, subsection (1); and in subsection (3), the words from "so far as they relate to the administrative business" to "every county shall." Section six. In section seven, in subsection (1), the words "as respects clerks and deputy clerks of a county council references to the county council, and"; in subsection (2), paragraph (*a*); and subsection (4). In section eight, in subsection (1), the words from "in carrying out his duties as such" to "parliamentary elections, and"; and subsection (4). In section eleven, in subsection (1), paragraph (*b*).
22 & 23 Geo. 5, c. 25.	The Finance Act, 1932	Section thirty.
22 & 23 Geo. 5, c. 48.	The Town and Country Planning Act, 1932.	In section thirty-eight, in subsection (1), the words from "and the costs incurred" to the end of the subsection, subsection (2), and in subsection (3) the words from "and may confer" to the end of the subsection. In section forty-nine, in subsection (2), paragraphs (*c*) and (*d*).

11th Sch. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
23 & 24 Geo. 5, c. 12.	The Children and Young Persons Act, 1933.	In section twenty-seven, subsection (3). In section ninety-six, in subsection (5), paragraph (*a*); and in subsection (6) the words from "and in the case of any other county council" to the end of the subsection. In section ninety-eight, subsection (2).
23 & 24 Geo. 5, c. 28.	The Municipal Corporations (Audit) Act, 1933.	The whole Act.

PART V.—REPEALS EXTENDING TO LONDON.

17 Geo. 2, c. 38.	The Poor Relief Act, 1743.	Sections one and two.
9 & 10 Vict., c. 74.	The Baths and Washhouses Act, 1846.	Section fifteen.
15 & 16 Vict., c. 81.	The County Rates Act, 1852.	In section thirty-three, the words from "and every overseer" to the end of the section.
15 & 16 Vict., c. 85.	The Burial Act, 1852	Section eighteen.
23 & 24 Vict., c. 51.	The Local Taxation Returns Act, 1860.	The whole Act.
29 & 30 Vict., c. 113.	The Poor Law Amendment Act, 1866.	Section thirteen.
30 & 31 Vict., c. 106.	The Poor Law Amendment Act, 1867.	Section twenty-eight.
34 & 35 Vict., c. 70.	The Local Government Board Act, 1871.	Section eight. In the Schedule, in Part I, the words "Returns. Local Taxation" in the first column, and the words "23 & 24 Vict. c. 51" in the second column.
38 & 39 Vict., c. 55.	The Public Health Act, 1875.	Sections two hundred and forty-five to two hundred and forty-seven. Sections two hundred and forty-nine and two hundred and fifty.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
39 & 40 Vict., c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Section thirty-seven.
40 & 41 Vict., c. 66.	The Local Taxation Returns Act, 1877.	The whole Act.
41 & 42 Vict., c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	Section nine. In section eighteen, the words from "and the accounts so kept" to "county authority may direct."
42 & 43 Vict., c. 6.	The District Auditors Act, 1879.	The whole Act.
42 & 43 Vict., c. 39.	The Highways Accounts Returns Act, 1879.	The whole Act.
45 & 46 Vict., c. 50.	The Municipal Corporations Act, 1882.	Sections twenty-six to twenty-eight.
50 & 51 Vict., c. 72.	The Local Authorities (Expenses) Act, 1887.	The whole Act.
51 & 52 Vict., c. 41.	The Local Government Act, 1888.	Section seventy-one. Section seventy-three. In section eighty-one, in subsection (1) the words "county council or councils and any"; in subsection (2) the words "council or" wherever those words occur; subsection (3); in subsection (4) the words "council and"; in subsection (5) the words "council or" wherever those words occur and the words from "so that where" to the end of the subsection; subsection (6); and in subsection (7) the words from the beginning of the subsection to "administrative counties and." Section eighty-two, except so far as it applies to joint committees appointed under section eighty-one. Second Schedule.

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
55 & 56 Vict., c. 53.	The Public Libraries Act, 1892.	In section twenty, subsection (1), in subsection (2) the words from "in like manner" to the end of the subsection, and subsection (3).
56 & 57 Vict., c. 73.	The Local Government Act, 1894.	Section fifty-seven.
59 & 60 Vict., c. 48.	The Light Railways Act, 1896.	Section seventeen. Third Schedule.
62 & 63 Vict., c. 14.	The London Government Act, 1899.	In section eight, subsection (4). Section fourteen.
2 Edw. 7, c. 41	The Metropolis Water Act, 1902.	In section nineteen, the words from "and that the stamp duty" to the end of the section.
6 & 7 Geo. 5, c. 12.	The Local Government (Emergency Provisions) Act, 1916.	In section thirteen, subsection (1). Section fourteen.
9 & 10 Geo. 5, c. 93.	The Public Libraries Act, 1919.	In section four, subsection (3).
11 & 12 Geo. 5, c. 32.	The Finance Act, 1921.	Section sixty-one.
12 & 13 Geo. 5, c. 14.	The Audit (Local Authorities, &c.) Act, 1922.	The whole Act.
15 & 16 Geo. 5, c. 14.	The Housing Act, 1925.	In section ninety-five, subsection (2).
17 & 18 Geo. 5, c. 14.	The Poor Law Act, 1927.	In section one hundred and fifty-four, subsections (2) and (3), so far as unrepealed. Section one hundred and fifty-five so far as unrepealed.
17 & 18 Geo. 5, c. 31.	The Audit (Local Authorities) Act, 1927.	Sections two and three.
20 & 21 Geo. 5, c. 17.	The Poor Law Act, 1930.	In section one hundred and thirty-six, in subsection (1), paragraph (*f*). Section one hundred and fifty-six.
20 & 21 Geo. 5, c. 23.	The Mental Treatment Act, 1930.	In section six, in subsection (3), in paragraph (*e*) the words "or joint exercise of."

11TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
20 & 21 Geo. 5, c. 44.	The Land Drainage Act, 1930.	In section forty-nine, in subsection (3), the words from "in like manner" to the end of the subsection.
22 & 23 Geo. 5, c. 25.	The Finance Act, 1932	Section thirty.
23 & 24 Geo. 5, c. 28.	The Municipal Corporations (Audit) Act, 1933.	The whole Act.

CHAPTER 52.

An Act to provide for the protection of birds of species resident in or visiting Great Britain in a wild state. [17th November 1933.]

BE it enacted by the King'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:—

Restrictions on the taking and sale of wild birds.

1.—(1) Subject to the provisions of this section any person who—

(*a*) takes any wild bird, being a bird to which this Act applies, with the intention that it shall be sold alive; or

(*b*) sells, offers for sale or has in his possession for sale any live bird, being a bird to which this Act applies other than close-ringed specimens bred in captivity,

shall be liable on summary conviction to a fine not exceeding two pounds, or in the case of a second or subsequent offence to a fine not exceeding five pounds, and the court before which any person is convicted of