# CHAPTER 40.

An Act to consolidate with amendments certain enactments relating to local government in London. [13th July 1939.]

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.

### ADMINISTRATIVE COUNTY OF LONDON.

Administrative county of London.

**1.**—(1) London, that is to say, the area consisting of—

(*a*) the City of London;

(*b*) the metropolitan boroughs specified in the First Schedule to this Act; and

(*c*) the places known respectively as the Inner Temple and the Middle Temple,

shall be an administrative county, for the purposes of local government, by the name of "The Administrative County of London", and the said county is in this Act referred to as "the county".

PART I. —*cont.*

(2) Subject to any alteration of boundaries which may be made in pursuance of any enactment, the boundaries of the City of London, of each metropolitan borough, and of the Inner Temple and the Middle Temple shall be the same as the boundaries of those areas respectively immediately before the commencement of this Act.

## LONDON COUNTY COUNCIL.

### *Constitution.*

Establishment of county council.

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

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

### *Chairman, Vice-Chairman and Deputy Chairman of County Council.*

Chairman of county council.

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

(2) The chairman shall, unless he resigns or becomes disqualified for being a member of the council, 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 council may pay to the chairman such remuneration as it thinks reasonable.

(5) The chairman shall, by virtue of his office, be a justice of the peace for the county of London, but before acting as such a justice 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 such a justice.

Election of chairman.

**4.**—(1) The election of the chairman of the county council shall be the first business transacted at the annual meeting of the 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 he voted or was entitled to vote in the first instance, shall give a casting vote.

Vice-chairman of county council.

**5.**—(1) The 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 becomes disqualified for being a member of the council, 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 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 be, by virtue of his office, a justice of the peace.

Deputy chairman of county council.

**6.**—(1) The county council may appoint a member of the council to be deputy chairman of the council.

(2) The deputy chairman shall, unless he resigns or becomes disqualified for being a member of the council, 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) The council may pay to the deputy chairman such remuneration as it thinks reasonable.

(4) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before

PART I. —*cont.*

the deputy chairman, except that he shall not be, by virtue of his office, a justice of the peace.

*County Aldermen.*

County aldermen.

**7.**—(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-sixth of the whole number of county councillors or, if that number is not divisible by six, one-sixth of the highest number below that number which is divisible by six.

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

(5) In every third year, being the year in which county councillors retire together, 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.

Election of county aldermen.

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

(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.

(4) The person presiding at the meeting, as soon as all the voting papers have been delivered to him, shall proceed to ascertain the result of the voting and state the number of votes given to each person.

(5) In the case of an equality of votes, the person so presiding, whether or not he voted or was entitled to vote in the first instance, shall give a casting vote.

PART I. —*cont.*

(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 so presiding to be elected.

(7) Immediately after the declaration of the persons elected, the person so presiding shall deliver the voting papers to the clerk of the county council to be kept for six months.

*County Councillors.*

Term of office, retirement, &c.

**9.**—(1) The county councillors shall be elected 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.

Day of election.

**10.** 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.

*Electoral Divisions and Conduct of Elections.*

Electoral divisions and number of county councillors.

**11.**—(1) For the purpose of the election of county councillors, the county shall be divided into electoral divisions, and there shall be a separate election of councillors for each electoral division.

(2) Every parliamentary borough within the county, or in the case of a parliamentary borough divided into divisions every division thereof, shall be an electoral division for the purpose of the election of county councillors.

(3) The number of county councillors to be elected for an electoral division shall be twice the number of persons entitled for the time being to be returned to serve in Parliament for the parliamentary borough or division thereof of which the electoral division consists.

Persons entitled to vote.

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

PART I. —*cont.*

(2) An elector at an election of county councillors shall not give more than one vote for any one candidate, and shall not give more votes in all than the total number of councillors to be elected for the electoral division in which he votes.

Polling districts.

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

Returning officer.

**14.**—(1) The county council shall appoint a person to be the county returning officer, and if at an election of county councillors the office of county returning officer is vacant, or the county returning officer is for 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 county councillors the county returning officer shall be the returning officer, but he 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 the election may be discharged by a deputy so appointed.

(3) A 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 election.

**15.** Subject to the other provisions of this Act, an election of county councillors shall be conducted in accordance with the rules contained in the Second Schedule to this Act.

Expenses of election.

**16.**—(1) All expenditure properly incurred by a returning officer in relation to the holding of an election of county councillors shall, in so far as it does not, in cases where the scale fixed for the purposes of this section by the county council is applicable, exceed that scale, be paid by the council.

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

METROPOLITAN BOROUGH COUNCILS. PART I. —*cont.*

*Constitution.*

Metropolitan borough councils.

**17.**—(1) For every metropolitan borough there shall be a metropolitan borough council consisting of the mayor, aldermen and councillors, and the council shall have all such functions as are vested in it by this Act or otherwise.

(2) A borough council shall be a body corporate by the name—

(*a*) in the case of the City of Westminster, of the mayor, aldermen and councillors of the City of Westminster;

(*b*) in the case of the Royal Borough of Kensington, of the mayor, aldermen and councillors of the Royal Borough of Kensington;

(*c*) in the case of any other borough, of the mayor, aldermen and councillors with the addition of the name of the borough;

and shall have perpetual succession and a common seal with power to hold land for the purposes of its constitution without licence in mortmain.

*The Mayor and Deputy Mayor.*

Qualification, term of office, &c., of mayor.

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

(2) The mayor shall, unless he resigns or becomes disqualified for being a member of the council, 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 borough councillors at the end of three years.

(4) The borough council may pay to the mayor such remuneration as it thinks reasonable.

(5) The mayor shall, by virtue of his office, be a justice of the peace for the county of London, but before acting as such a justice 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 mayor, a justice of the peace for that

PART I. —*cont.*

county and has taken the oaths required by law to be taken to enable him to act as such a justice.

Election of mayor.

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

(2) An outgoing borough 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 he voted or was entitled to vote in the first instance, shall give a casting vote.

Deputy mayor.

**20.**—(1) A borough council may appoint a member of the council to be deputy mayor of the borough.

(2) The deputy mayor shall, unless he resigns or becomes disqualified for being a member of the council, hold office until immediately after the election of the mayor 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 borough councillors at the end of three years.

(3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the mayor of a borough may be done by, to or before the deputy mayor, except that he shall not be, by virtue of his office, a justice of the peace.

*Borough Aldermen.*

Number, qualification, term of office and retirement of aldermen.

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

(2) The number of aldermen of a borough shall be one-sixth of the whole number of councillors of the borough or, if that number is not divisible by six, one-sixth of the highest number below that number which is divisible by six.

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

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

PART I. —*cont.*

(5) In every third year, being the year in which borough councillors retire together, one-half as near as may be of the whole number of aldermen of the borough, being those who have been aldermen of the borough for the longest time without re-election, shall retire immediately after the election of the new aldermen.

Election of aldermen.

**22.**—(1) The ordinary election of borough aldermen shall be held in every third year, being the year in which borough councillors retire together, at the annual meeting of the borough council, and shall take place immediately after the election of the mayor.

(2) A borough 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 proceed to ascertain the result of the voting and state the number of votes given to each person.

(5) In the case of an equality of votes, the person so presiding, whether or not he voted or was entitled to vote in the first instance, shall give 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 so presiding to be elected.

(7) Immediately after the declaration of the persons elected, the person so presiding shall deliver all the voting papers to the town clerk to be kept for six months.

*Borough Councillors.*

Number, term of office, &c., of councillors.

**23.**—(1) Borough councillors shall be elected in manner provided by this Act.

(2) The total number of councillors for a borough shall not exceed sixty.

(3) The term of office of borough councillors shall be three years, and they shall retire together in every third year on the first day of November.

PART I. —*cont.*

Day of election of borough councillors.

**24.** The ordinary day of election of borough councillors shall be the first day of November.

Division of borough into wards, &c.

**25.**—(1) For the purpose of the election of borough councillors, every borough shall be divided into wards, and there shall be a separate election of councillors for each ward.

(2) If the Secretary of State is satisfied as respects a borough that there is a prima facie case for an alteration of—

(*a*) the number of wards of the borough; or

(*b*) the boundaries of any wards; or

(*c*) the number of councillors for the borough; or

(*d*) the apportionment of the number of councillors among the wards;

he may cause such inquiry to be made, and such notices to be given, as he may think expedient, and if satisfied that any such alteration as aforesaid is desirable may make an order accordingly.

(3) An order made under this section altering the number of councillors for a borough may also alter the apportionment of the councillors among the wards of the borough.

(4) In fixing the number and boundaries of the wards of a borough or the apportionment of the number of councillors among the wards of a borough, the Secretary of State shall, as far as he deems it practicable, have regard to the number of local government electors for each ward and to the net annual value of the land in each ward as at the last preceding thirty-first day of March.

(5) An order made under this section may contain such incidental, consequential and supplemental provisions as appear to the Secretary of State to be necessary or proper for bringing the order into operation and giving full effect thereto.

(6) Notice of the provisions of an order made under this section shall be given, and copies thereof shall be supplied, in such manner as the Secretary of State may direct.

(7) Any expenses incurred by the Secretary of State in connection with an order made under this section shall be paid by the borough council.

PART I. —*cont.*

Persons entitled to vote.

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

(2) An elector at an election of borough councillors shall not give more than one vote for any one candidate, and shall not give more votes in all than the total number of councillors to be elected for the ward in which he votes.

Polling districts.

**27.**—(1) Any polling district formed for the purpose of parliamentary elections or for the election of county councillors and situate wholly within a ward of a borough shall, if the polling district is a complete registration unit for which a separate part of the register of local government electors is available without alteration, be a polling district for the election of borough councillors.

(2) Subject as aforesaid, the returning officer at an election of borough councillors may divide a ward into polling districts, so, however, that every polling district shall consist of one or more complete registration units for which a separate part of the register of local government electors is available without alteration.

Returning officer.

**28.**—(1) At an election of borough councillors the town clerk of the borough shall be the returning officer.

(2) The returning officer may, by writing under his hand, appoint a fit person to be his deputy for all or any of the purposes of an election, and any functions which a returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.

Conduct of election.

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

Expenses of election.

**30.**—(1) All expenditure properly incurred by a returning officer in relation to the holding of an election of borough councillors shall, in so far as it does not, in cases where the scale fixed for the purposes of this section by the county council is applicable, exceed that scale, be paid by the borough council.

(2) Before a poll is taken at an election of borough councillors, the borough council shall, at the request of

PART I. —*cont.*

the returning officer or of any person acting as returning officer, advance to him such sum, not exceeding ten pounds for every thousand electors at the election, as he may require.

## PART II.

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

### *Qualifications for Election and Office.*

Qualifications for election and holding office.

**31.** 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*) is a local government elector for the area of the authority; or

(*b*) owns freehold or leasehold land within that area; or

(*c*) has during the whole of the twelve months preceding the day of election resided in that area.

Re-election.

**32.** 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 Election and Office.*

Disqualifications for election and holding office.

**33.**—(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 (but not including the office of chairman or deputy chairman of the county council or of mayor of the borough) in the gift or disposal of the 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

PART II. —*cont.*

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

(*f*) 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.

(2) Notwithstanding anything in subsection (1) of this section—

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

(*b*) a person who is appointed or nominated by the county council either as its representative on, or as a member of, any authority, board or body, and as such representative or member receives any remuneration in respect of his services, shall not be deemed to hold any paid office or other place of profit in the gift or disposal of the council if he pays to the council the amount so received, less any allowance in respect of travelling or subsistence expenses:

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

(i) on the date of the annulment of the bankruptcy, in any case where it is annulled either on the ground that he ought not to have been adjudged bankrupt, or that his debts have been paid in full; or

(ii) on the date of his discharge, in any case where he is discharged with a certificate

PART II. —*cont.*

that the bankruptcy was caused by misfortune without any misconduct on his part; or

(iii) in any other case, on the expiration of five years from the date of his discharge:

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

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

(ii) 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:

(*e*) a person shall not be deemed to have received poor relief within the meaning of paragraph (*c*) of subsection (1) of this section 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:

(*f*) for the purposes of paragraphs (*d*) and (*f*) of subsection (1) of this section, the person concerned shall be deemed to have been surcharged or convicted, as the case may be, as on 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, as on the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof.

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

(4) A teacher in a school maintained but not provided by the county council as the local education authority shall be in the same position as respects disqualification for being elected or being a member of the council as a teacher in a school provided by the council.

PART II. —*cont.* Additional disqualifications for election and holding office as member of county council.

**34.**—(1) Subject to the provisions of this section, a person shall be disqualified for being elected or being a member of the county council—

(*a*) if he 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; or

(*b*) so long as he has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the council.

(2) For the purposes of paragraph (*b*) of subsection (1) of this section, a person shall not be deemed to have a share or interest in any contract or employment with, by or on behalf of the council by reason only that he has a share or interest—

(*a*) in the sale, lease or purchase of any land, or in any agreement for such sale, lease or purchase:

(*b*) in an agreement for the loan of money, or in any security for the payment of money only:

(*c*) in a newspaper in which any advertisement relating to the affairs of the council is inserted:

(*d*) in a railway company, or in any company incorporated by Act of Parliament or by Royal Charter or under the Companies Acts:

(*e*) in a society registered under the Industrial and Provident Societies Acts, 1893 to 1928:

(*f*) in an advance made under the Small Dwellings Acquisition Acts, 1899 to 1923:

(*g*) as the occupier of a house at a rental from the council under the Housing Acts, 1936 and 1938:

(*h*) in the case of a medical practitioner, in a payment made to him under the provisions of the Public Health (London) Act, 1936, which relate to the notification of infectious disease, or in any fees paid to him under section fourteen of the Midwives Act, 1918.

26 Geo. 5. & 1 Edw. 8. c. 50.

8 & 9 Geo. 5. c. 43.

PART II. —*cont.*

Validity of acts done by unqualified person.

**35.** The acts and proceedings of a person elected to an office under this Act and acting in that office shall, notwithstanding his want of qualification or his disqualification, be as valid and effectual as if he had been qualified or not disqualified.

*Acceptance of Office.*

Declaration of acceptance of office.

**36.**—(1) A person elected to any of the following offices, that is to say, to the office of—

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

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

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 after the day of election been delivered to the clerk of the authority, act in the office except for the purpose of taking such a declaration.

(2) If the declaration aforesaid 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—

(*a*) two members of the local authority 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 before whom a declaration is authorised to be made under this section may take the declaration.

*Vacation of Office.*

Resignation.

**37.**—(1) A person elected to any such office as is mentioned in subsection (1) of the last preceding section may at any time resign his office by writing signed by him (in this Act referred to as the "notice of resignation") and delivered to the clerk of the authority.

PART II. —*cont.*

(2) The resignation shall take effect on the receipt by the clerk of the authority of the notice of resignation.

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

**38.** If a member of a local authority fails throughout a period of six consecutive months to attend any meeting of that 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—

(1) attendance at a meeting of any committee or sub-committee of the local authority as a member of that committee or sub-committee shall be deemed, for the purposes of this section, to be attendance at a meeting of the local authority;

(2) 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.

Declaration of vacancy in office in certain cases.

**39.** If 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 by reason of any matter other than a surcharge, a conviction, or a breach of any enactment relating to corrupt or illegal practices; or

(*c*) ceases to be a member of the authority by reason of failure to attend meetings of the authority,

the local authority shall, except in any case in which a declaration has been made by the High Court under the provisions of section fifty-eight of this Act (which relate to proceedings in respect of qualification), forthwith declare

PART II. —*cont.*

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 local authority.

*Casual Vacancies.*

Date of casual vacancies.

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

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

(2) in the case of resignation, on the receipt of the notice of resignation by the clerk of the authority to whom it is required to be delivered :

(3) in the case of death, on the date of death :

(4) in the case of a disqualification by reason of a surcharge or conviction, on 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, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof :

(5) in the case of an election being declared void on an election petition, on the date on which the report or certificate of the election court is made or given :

(6) in the case of a person ceasing to be qualified to be a member of a local authority or becoming disqualified for being such a member for any reason other than any of 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 of the authority, on the date on which his office is declared to have been vacated either by the High Court or by the local authority, as the case may be :

(7) in the case of a county councillor accepting the office of county alderman, or of a borough

councillor accepting the office of alderman of the borough, on the date on which he accepts that office:

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

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

**41.**—(1) On a casual vacancy occurring in the office of chairman of the county council or county alderman, or of mayor or alderman of a borough, an election to fill the vacancy shall be held not later than the next ordinary meeting of the council concerned held after the expiration of a period of fourteen days from the date on which the vacancy occurs, and shall be conducted in the same manner as an ordinary election.

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

Filling of casual vacancies in case of councillors.

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

(*a*) in a case in which the High Court or the local authority has declared the office to be vacant, within thirty days after the date of the declaration;

(*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 or borough;

and shall be conducted in the same manner as an ordinary election.

(2) The day of election to fill a casual vacancy shall be fixed by the returning officer.

(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:

PART II. —*cont.*

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

Term of office of persons filling casual vacancies.

**43.** A person elected under this Act to fill a casual vacancy shall hold office until the date on which the person in whose place he is elected would in ordinary course have retired, and shall then retire.

*Miscellaneous Provisions as to Elections.*

Right of certain candidates to the use of school-rooms at elections.

**44.**—(1) A candidate at an election of councillors shall, on giving reasonable notice, be entitled, for the purpose of holding public meetings in furtherance of his candidature, to 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, a suitable room in the schoolhouse of any public elementary school situate in the electoral area for 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, or 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 the damage shall be defrayed by the person by whom, or on whose behalf, the meeting was convened.

(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 rules as to nomination, &c.

**45.**—(1) An election held under this Act shall not be invalidated by non-compliance with the rules contained in the Second Schedule to this Act, or any mistake in the use of the prescribed forms, if it appears to the court having cognizance of the case 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. PART II. —*cont.*

(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.

Application of Municipal Elections (Corrupt and Illegal Practices) Acts, 1884 and 1911, &c. 45 & 46 Vict. c. 50. 47 & 48 Vict. c. 70.

**46.**—(1) An election held under this Act shall be deemed to be a municipal election within the meaning of the Municipal Elections (Corrupt and Illegal Practices) Acts, 1884 and 1911, and Part IV of the Municipal Corporations Act, 1882, except sections eighty-six and one hundred and four of that Act, shall apply accordingly:

Provided that—

(*a*) the provisions referred to in section thirty-seven of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall not apply in the case of an election of borough councillors under this Act;

(*b*) references in the said Acts to the town clerk shall be construed, in their application to an election to the office of chairman of the county council, county alderman or county councillor, as references to the clerk of the county council;

(*c*) references in the said Acts to the borough fund or borough rate shall be construed, in their application to an election to the office of chairman of the county council, county alderman or county councillor as references to the county fund, and in their application to an election to the office of mayor, alderman or councillor of a borough, to the general rate fund of the borough.

(2) 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.

PART II. —*cont.*

(3) 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.

**47.**—(1) If at an election of councillors—

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

(*b*) the number of persons who are or remain validly nominated is insufficient to fill the vacancies in respect of which the election is held and, in the case of an ordinary election, the number of retiring councillors is insufficient to fill the vacancies,

then, in the case of an election of county councillors, the county returning officer, and in the case of an election of borough councillors the returning officer, 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 under this Act is not held on the appointed day or within the appointed time, or fails either wholly or in part or becomes void, the High Court may order an election to be held on a day appointed by the court.

(3) Where an order is made under this section for the holding of an election, the provisions of this Act relating to the notice to be given of an election and the manner in which an election is to be conducted shall apply in relation to the new election as they applied or would have applied in relation to the election which was not duly held or failed or became void:

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

(4) The High Court may order that the costs of any person in proceedings under subsection (2) of this section shall be paid by the local authority concerned.

PART II. —*cont.*

Notices as to elections.

**48.** Any notice required to be given in connection with an election held under this Act may relate to more than one electoral area.

Provisions as to ballot boxes, &c.

**49.**—(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 held under this Act on such terms and conditions as the Treasury may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to any 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 on such terms and conditions as may be agreed.

*Meetings and Proceedings.*

Meetings and proceedings.

**50.**—(1) The provisions of Parts I and III of the Third Schedule to this Act shall have effect as respects the meetings and proceedings of the county council.

(2) A county councillor elected for the electoral division comprising the City of London shall not at any time act or vote at a meeting of the county council on any matter involving expenditure in respect of which the City of London is not, at that time, liable to be charged equally with other parts of the county:

Provided that nothing in this subsection shall prevent such a councillor from presiding over a meeting of the county council at which any such matter arises, but he shall not vote thereon otherwise than in the exercise of his power to give a casting vote.

(3) The provisions of Parts II and III of the Third Schedule to this Act shall have effect as respects the meetings and proceedings of a borough council.

Disability of members of county council for voting in certain cases.

**51.**—(1) A member of the county council shall not vote on, or take part in the discussion of, any matter before the council in which he has, directly or indirectly, by himself or his partner, any pecuniary interest.

(2) A member of the county council shall not vote on any resolution or question which is proposed or arises under the Housing Acts, 1936 and 1938, if it relates to

PART II. —*cont.*

premises in which he is beneficially interested, and if any person votes in contravention of the provisions of this subsection, he shall in respect of each offence be liable on summary conviction to a fine not exceeding fifty pounds, but the fact of his having voted shall not invalidate the resolution or proceeding of the county council.

Disability of members of borough council for voting in certain cases.

**52.**—(1) If a member of a borough council has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the council 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 borough, or as an ordinary consumer of electricity, 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 hereinafter 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 town clerk by a member of a borough council 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 town clerk 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 notice given under subsection (4) thereof, and the book shall be open at all reasonable hours to the inspection of any member of the borough council.

(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 Minister may, subject to such conditions as he may think fit to impose, remove any disability imposed by this section in any case in which the number of members of a borough council 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 Minister that it is in the interests of the inhabitants of the borough that the disability should be removed.

PART II. —*cont.*

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

*Offences.*

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

**53.** 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, he shall in respect of each offence be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that a person shall not be liable to proceedings under this section unless the information for the offence is laid within three months from the date of the commission thereof.

Offences in relation to nomination papers.

**54.** If at an election under this Act a person fraudulently defaces or fraudulently attempts to deface, or fraudulently destroys or fraudulently attempts to destroy, any nomination paper he shall in respect of each offence 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.

**55.** If at an election under this Act a person—

(1) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

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

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

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

(5) 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 the election; or

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

he shall in respect of each offence—

(*a*) 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;

(*b*) if he is not such an officer as aforesaid, 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.

**56.**—(1) If at an election under this Act a 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 the election applies again for a ballot paper in his own name;

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

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

(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 at an election under this Act to institute proceedings against any person whom he may have reasonable cause to believe to have been guilty of the offence of personation at that election.

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

PART II. —*cont.*

Costs of returning officer in legal proceedings.

**57.** All costs properly incurred by a returning officer in the institution of legal proceedings arising out of an election 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.

**58.**—(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) If in proceedings under this section it is proved that the defendant 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 may—

(i) make a declaration to the effect that the defendant acted as aforesaid while disqualified for so acting and declare that the office in which he acted is vacant;

(ii) grant an injunction restraining him from so acting;

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

(*b*) in proceedings in a court of summary jurisdiction, the court may, subject to the provisions of this section, 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*) the court shall, if it is satisfied that the matter in question would be more properly dealt with

in the High Court, order the discontinuance of proceedings before itself;

(*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 before itself.

(4) If in proceedings under this section in the High Court it is proved that the defendant claims to be entitled to act as a member of a local authority, or as mayor of a borough, and is disqualified for so acting, the court may make a declaration to the effect that the defendant claims to be entitled so to act and is disqualified for so acting and declare that the office in which the defendant claims to be entitled to act is vacant, and 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 county or borough, as the case may be.

(6) Except as provided by this section, no proceedings shall be instituted against a person on the ground that 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—

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

(*b*) if by reason of failure to make and deliver the declaration of acceptance of office within the period required, or by reason of resignation or failure to attend meetings of the authority, he has ceased to be a member of the authority or to hold the said office.

## PART III.

## COMMITTEES.

*General Power to appoint Committees.*

Appointment of committees.

**59.**—(1) A local authority may appoint a committee for any such general or special purpose as in the opinion of the authority would be better regulated and managed by means of a committee.

(2) The number of the members of a committee appointed under this section and their term of office shall be such as may from time to time be fixed by the appointing authority.

(3) A committee appointed under this section by the county council may include persons who are not members of the council, so, however, that at least two-thirds of the members of the committee shall be members of the council.

(4) Subject, in the case of the county council, to the provisions of any standing orders made by the council under the provisions of subsection (3) of section sixty-eight of this Act, every member of a committee appointed under this section, or of a sub-committee of any such committee, who at the time of his appointment as such a member was a member of the appointing authority shall, on ceasing to be a member of that authority, also cease to be a member of the committee or sub-committee:

Provided that a person who has ceased to be a member of a local authority by retirement shall not, for the purposes of this subsection, be deemed to have so ceased 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 at any time by a local authority of a committee for any purpose for which the authority is required to appoint a committee by any other enactment then in force, including any enactment in this Act.

*Provisions relating to particular Committees.*

PART III. —*cont.*

Finance committee.

**60.**—(1) The county council and every borough council shall appoint a finance committee consisting of members of the council for regulating and controlling the finance of the county or borough, as the case may be.

(2) The number of members of the finance committee and their term of office shall be such as may be fixed from time to time by the appointing council.

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

Power to refer certain educational matters to other committees.

**61.**—(1) Subject to the provisions of this section, the county council may refer to any committee appointed by the council any matter arising out of, and incidental to,—

(*a*) the functions of the council under the Education Acts, 1921 to 1937; or

(*b*) the functions of the council under any enactment, scheme or order, being functions conferred or imposed upon the council expressly as the local education authority or as a council having powers under the Education Acts, 1921 to 1937;

which, by reason that it relates also to a general service of the council, ought, in the opinion of the council, to be so referred, and the provisions of paragraph (*a*) of subsection (2) of section four of the Education Act, 1921, shall not apply with reference to any matter which is so referred or to the discharge of any of the said functions so far as they relate to that matter. 11 & 12 Geo. 5. c. 51.

(2) Before deciding on a proposal for a reference under this section, the county council shall receive and consider a report of its education committee on the proposals.

Mental hospitals committee of county council.

**62.**—(1) The county council shall appoint a committee for the purposes of the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Deficiency Acts, 1913 to 1927.

PART III. —*cont.*

(2) Subject to the provisions of this section, the committee so appointed (in this Act referred to as "the mental hospitals committee") shall consist of such persons to be appointed by the county council, and being either members of the council or persons having special knowledge and experience with respect to the care, control and treatment of persons of unsound mind and of the mentally defective, as the council may determine.

(3) The majority of the members of the mental hospitals committee must be members of the county council, and some of the members must be women.

(4) The mental hospitals committee shall, for the purposes of the Mental Deficiency Acts, 1913 to 1927, be deemed to be a committee for the care of the mentally defective.

(5) Except as otherwise provided in this section, all matters relating to the discharge by the county council of its functions under the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Deficiency Acts, 1913 to 1927, shall stand referred to the mental hospitals committee, and the council, unless in its opinion the matter is urgent, shall, before discharging any of those functions, receive and consider a report of the mental hospitals committee with respect to the matter in question.

(6) Subject to the provisions of this section, the county council may refer to any committee appointed by the council any matter arising out of, and incidental to, its functions aforesaid which, by reason that it relates also to a general service of the council, ought, in the opinion of the council, to be so referred, and the provisions of the last preceding subsection shall not apply with reference to any matter which is so referred or to the discharge of any of the said functions so far as they relate to that matter.

(7) Before deciding on a proposal for a reference under the provisions of the last preceding subsection, the county council shall receive and consider a report of the mental hospitals committee on the proposal.

(8) A sub-committee of the mental hospitals committee may, subject to any directions of the county

council, consist wholly or partly of members of the committee, as the committee thinks fit. PART III. —*cont.*

(9) The mental hospitals committee may delegate to a sub-committee appointed by it such of the functions delegated to it under this Part of this Act as the committee, with the approval of the county council, thinks fit.

Committees for purposes of blind persons, &c.

**63.**—(1) If the county council appoints a committee exclusively for the purpose of discharging its functions relating to the promotion of the welfare of the blind, and the committee includes persons who are not members of the council, one at least of those persons shall be a person specially qualified by training or experience in matters relating to the welfare of the blind.

(2) A sub-committee of any committee appointed by the county council for—

(*a*) dealing with matters relating to public health; or

(*b*) dealing exclusively with matters relating to the promotion of the welfare of the blind;

may, subject to any directions of the council, include persons who are not members of the committee.

(3) The functions of the county council under the Diseases of Animals Acts, 1894 to 1937, shall stand referred to such committee or committees of the council as the council may determine.

(4) A committee appointed by a borough council for any of the purposes of the Public Libraries Acts, 1892 to 1919, may include persons who are not members of the council.

(5) A committee appointed by a borough council for any of the purposes of the Housing Acts, 1936 and 1938, may include persons who are not members of the council, so however that a majority of the members of the committee shall be members of the council.

*General provisions relating to Committees.*

Disqualification for membership of committees.

**64.** A person who is disqualified for being elected or being a member of a local authority shall be disqualified for being a member of a committee or sub-committee

PART III. —*cont.*

of that authority, whether the committee or sub-committee is appointed under this Part of this Act or under any other enactment, and the provisions in Part II of this Act relating to proceedings in respect of qualification shall apply as respects any person so disqualified with the substitution therein of references to a member of the committee or sub-committee for references to a member of the local authority:

Provided that a person shall not be disqualified for being a member of the education committee or of the mental hospitals committee of the county council by reason only that he is a teacher or holds any other office in a school or college which is aided, provided or maintained by the council.

Disability for acting as member of committee on account of pecuniary interest.

**65.** The provisions of sections fifty-one and fifty-two of this Act, relating to the disability of members of a local authority for voting on, or taking part in the discussion of, certain matters, shall apply in respect of members of a committee or sub-committee of a local authority, whether the committee or sub-committee is appointed under this Part of this Act or under any other enactment, as those provisions apply in respect of members of the authority, with the substitution thereof of references to the committee or sub-committee for references to the authority:

Provided that the right of persons who are members of a committee or sub-committee of a borough council but not members of the council to inspect the book to be kept under subsection (5) of section fifty-two shall be limited to an inspection of the entries in the book relating to members of that committee or sub-committee.

References to statutory committees.

**66.**—(1) Subject to the provisions of this section, a local authority may refer to any committee which the authority is under any enactment (including any enactment in this Act) required to appoint any matter, not being a matter which under any enactment (including any enactment in this Act) is to stand referred to that committee or to any other committee of the authority, which the authority thinks would be better regulated and managed by means of the first-mentioned committee.

(2) This section shall not apply—

(*a*) to the committees appointed by the county council under section two hundred and eighty.

six of the Public Health (London) Act, 1936, or under section ten of the Old Age Pensions Act, 1936, respectively; or

PART III. —*cont.*

26 Geo. 5. & 1 Edw. 8. c. 31.

(*b*) to an assessment committee appointed by a borough council under paragraph (*h*) of section eighteen of the Local Government Act, 1929.

19 & 20 Geo. 5. c.17.

Delegation to committees.

**67.**—(1) A local authority may, with or without restrictions or conditions, as it thinks fit, delegate to a committee appointed by the authority, whether under this Part of this Act or under any other enactment, any functions relating to a matter which under or in pursuance of any enactment, including any enactment in this Act, stands referred or is referred to that committee:

Provided that a local authority shall not delegate to a committee a power of levying, or issuing a precept for, a rate or of borrowing money, or, in the case of the county council, any power exercisable by the council under subsection (1) of section two of the Local Authorities (Financial Provisions) Act, 1921.

11 & 12 Geo. 5. c. 67.

(2) A committee appointed by a borough council shall not incur any expenditure in excess of the amount allowed by the council.

Standing orders, &c.

**68.**—(1) Subject to the provisions of any enactment (including any enactment in this Act) relating to a committee which the local authority is required to appoint, a local authority may make, vary and revoke standing orders respecting—

(*a*) the matters to be referred, and the functions to be delegated, by the authority to a committee under this Part of this Act; and

(*b*) the place of meeting, quorum and proceedings of any committee of the authority.

(2) Except as otherwise provided by any such standing orders, and subject to any such provisions as are mentioned in the preceding subsection, the place of meeting, quorum and proceedings of a committee shall be such as the committee may determine.

PART III. —*cont.*

(3) Without prejudice to the provisions of subsection (1) of this section, the county council may make, vary and revoke standing orders empowering—

(*a*) any committee appointed by the council, as constituted immediately before the ordinary day of retirement of county councillors; or

(*b*) any sub-committee of such a committee as so constituted; or

(*c*) such members of the committee or sub-committee as shall be able and willing to act as such committee or sub-committee;

to continue on and after that day, until the appointment of the successors of, or the termination of the appointment of, the committee or sub-committee, as the case may be, to discharge as such committee or sub-committee such functions in relation to matters of routine, or matters of so urgent a nature that they cannot conveniently be postponed until the appointment of a new committee or sub-committee, as the committee or sub-committee was entitled or required to discharge immediately before that day, and any committee, sub-committee or members empowered as aforesaid by any such standing orders shall continue as aforesaid to discharge the said functions.

(4) Standing orders made by a borough council with respect to any of the matters mentioned in paragraph (*b*) of subsection (1) of this section shall not apply to the assessment committee appointed by the council under paragraph (*h*) of section eighteen of the Local Government Act, 1929.

Proceedings, &c.

**69.**—(1) In the case of an equality of votes at a meeting of a committee of a local authority, whether the committee is appointed under this Part of this Act or otherwise, the person presiding at the meeting, whether or not he voted or was entitled to vote in the first instance, may give a casting vote.

(2) Minutes of the proceedings of a meeting of a committee of a local authority shall be drawn up and shall be signed at the same or a subsequent meeting of the committee by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

PART III. —*cont.*

(3) Until the contrary is proved, a meeting of a committee of a local authority in respect of the proceedings of which a minute has been so 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 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) The proceedings of a committee of a local authority shall not be invalidated by any vacancy among its number, or by any defect in the qualification of any of its members.

## PART IV.

## OFFICERS.

### *County Officers.*

Clerk of the county council.

**70.**—(1) The county council shall appoint a fit person to be clerk of the county council, and shall pay to the person so appointed such reasonable remuneration as it may determine.

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

(3) The clerk of the county council, when acting in relation to any business of the 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.

**71.**—(1) The county council shall appoint a fit person to be the county treasurer, and may pay to the person so appointed such reasonable remuneration as it may determine.

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

PART IV. —*cont.*

(3) A vacancy in the office of county treasurer shall be filled within four months after the date on which it occurs.

Offices of clerk of county council and county treasurer not to be held by the same person.

**72.** 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.

**73.**—(1) The 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 remuneration as it 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 hold office during the pleasure of the county council.

(4) A county medical officer of health shall, for the purposes of his duties, have the same powers of entry on premises as are conferred by or under any enactment on a medical officer of health of a borough.

County surveyor.

**74.**—(1) The county council shall appoint a fit person to be county surveyor, and may pay to the person so appointed such reasonable remuneration as it may determine.

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

(3) The county surveyor shall perform such duties as the county council may determine.

Appointment of staff.

**75.**—(1) The county council shall appoint such other officers as it considers necessary for the efficient discharge of its functions, and may pay to an officer appointed under this section such reasonable remuneration as it may determine.

(2) Every officer so appointed shall hold office during the pleasure of the county council.

*Borough Officers.*

PART IV. —*cont.*

Town clerk, borough treasurer and other officers.

**76.**—(1) Every borough council shall appoint fit persons to be town clerk, borough treasurer, and borough surveyor, and shall also, in addition to appointing a medical officer or officers of health and sanitary inspectors in accordance with the following provisions of this Act, appoint such other officers as it considers necessary for the efficient discharge of its functions.

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

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

(4) The offices of town clerk and borough 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.

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

Medical officers of health.

**77.**—(1) Every borough council shall appoint one or more fit persons to be medical officer or officers of health for the borough.

(2) The same person may, with the consent of the Minister, be appointed medical officer of health for two or more boroughs by the councils thereof, and the Minister shall prescribe the mode of appointing any such officer and the proportions in which the expenses of the appointment and the salary and charges of the officer shall be borne by the councils by which he is appointed.

(3) A medical officer of health for a borough appointed after the commencement of this Act shall not engage in private practice nor, without the consent of the Minister, hold any other public appointment.

PART IV. —*cont.*

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

Sanitary inspectors.

**78.**—(1) Every borough council shall appoint an adequate number of fit persons to be sanitary inspectors for the borough.

(2) If, on a representation made by the county council and after local inquiry, the Minister is satisfied that a borough council has failed to appoint an adequate number of sanitary inspectors for its borough, he may by order require the borough council to appoint such number of additional sanitary inspectors, and to allow them such remuneration, as may be specified in the order, and the council shall comply with the order.

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

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

**79.**—(1) The Minister may by regulations prescribe the qualifications to be held and the duties to be performed by, the mode of appointment of and terms as to salary and tenure of office of, medical officers of health and sanitary inspectors appointed by borough councils.

(2) A person shall not be appointed a medical officer of health for a borough unless, in addition to holding the qualifications prescribed under this section, 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 medical officer of health for a borough shall perform such duties as may be prescribed under this section, and may exercise any of the powers which may be exercised by a sanitary inspector.

(4) A person shall not be appointed a sanitary inspector unless, in addition to holding the qualifications prescribed under this section, he is the holder of a certificate, issued by such body as the Minister may approve, stating that he has shown himself by examination to be competent for the office.

(5) A borough council may distribute the duties of the office of sanitary inspector among the sanitary inspectors appointed for the borough. PART IV. —*cont.*

(6) 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.

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

Provided that, if the Minister certifies to the county council—

(1) that a 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

(2) 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, in the case of the non-compliance relating to a sanitary inspector, of the sanitary inspector, shall be forfeited to the Crown and shall be paid into the Exchequer and not to the borough council by which the officer is paid.

Tenure of office of medical officers of health and sanitary inspectors.

**81.**—(1) A medical officer of health and the chief or senior sanitary inspector of a borough shall not be appointed for a limited period only and shall not be removable from office except by, or with the consent of, the Minister.

(2) The Minister shall take into consideration every representation made to him by a borough council for the removal from office of any of the officers aforesaid, whether it is made on the ground of the general

PART IV. —*cont.*

interests of the borough or the conduct of the officer or any other ground.

*General.*

Appointment of standing deputies.

**82.**—(1) A local authority may appoint fit persons to be deputies of the holders of the following offices under the authority, that is to say, the offices of clerk of the authority, treasurer, surveyor, medical officer of health or sanitary inspector, for the purpose of acting in the place of the holder of the office whenever the office is vacant or the holder thereof is for any reason unable to act, or in such other circumstances or for such purposes as the authority may determine:

Provided that—

(*a*) a person shall not be appointed a deputy medical officer of health unless he is a duly qualified medical practitioner;

(*b*) a person shall not be appointed by a borough council to be a deputy medical officer of health or a deputy sanitary inspector without the consent of the Minister.

(2) 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.

(3) A local authority may pay to a person appointed as a deputy under this section such reasonable remuneration as it may determine, and every person so appointed shall hold office during the pleasure of the authority.

Appointment of temporary deputies.

**83.**—(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:

PART IV. —*cont.*

Provided that—

(*a*) a person shall not be appointed to act in place of a medical officer of health unless he is a duly qualified medical practitioner;

(*b*) a person shall not be appointed by a borough council to act in the place of a medical officer of health or a sanitary inspector without the consent of the Minister.

(2) A local authority may pay to a person appointed under this section such reasonable remuneration as it may determine.

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

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

Provided that, if the Minister certifies to the county council that a person so appointed to act as 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 this Part of this Act respecting the duties of medical officers of health to be so sent, the said sum equal to one-half of the salary of that person shall be forfeited to the Crown, and shall be paid into the Exchequer and not to the borough council.

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

**85.** Nothing in the foregoing provisions of this Part of this Act shall affect the appointment or tenure of office of officers appointed under the Education Act, 1921, or the Poor Law Act, 1930, 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.

PART IV. —*cont.*

Security to be given by officers.

**86.**—(1) A local authority shall, in the case of an officer employed by the authority 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 the authority, either require him to give, or itself 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 authority thinks sufficient.

(2) A local authority may, in the case of a person not employed by the authority but who is likely to be entrusted with the custody or control of money or property belonging to the authority, take such security as it thinks sufficient for his duly accounting for all such money or property.

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

Accountability of officers.

**87.**—(1) Every officer employed by a local authority 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 authority may direct, make out and deliver to the authority, or as the authority may 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 the persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.

(2) Every officer employed as aforesaid shall pay all money due from him to the county or borough treasurer, as the case may be, or otherwise as the authority may direct.

(3) If any officer employed as aforesaid—

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

PART IV. —*cont.*

(*b*) after three days' notice in writing, signed by the clerk of the authority or by three members of the authority, 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 the authority may direct, any account or list which he is required by this section to make out and deliver, or any voucher or other document or record relating thereto, or to give satisfaction respecting it to the authority or as the authority may 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 an officer employed as aforesaid 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.

**88.**—(1) Notwithstanding any provision in this Act or any other enactment to the effect 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 a person 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 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 to the effect 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.

PART IV. —*cont.*

Members of local authorities not to be appointed as officers.

**89.** 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 or deputy chairman in the case of the county council, or to the office of mayor in the case of a borough.

Disclosure by officers of interest in contracts.

**90.**—(1) If it comes to the knowledge of an officer employed 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 by any committee thereof, he shall, as soon as practicable, give notice in writing to the authority of the fact that he is interested therein.

(2) For the purposes of this section, a person shall, subject as hereinafter provided, be treated as having indirectly a pecuniary interest in a contract or proposed contract 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

(*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:

Provided that—

(i) this subsection shall not apply to membership of, or employment under, a 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) If any person fails to comply with the provisions of this section, he shall in respect of each offence be liable

on summary conviction to a fine not exceeding fifty pounds: PART IV. —*cont.*

Provided that proceedings for an offence under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions.

Prohibition against acceptance of unauthorised fees, &c. by officers.

**91.**—(1) 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.

(2) If any person acts in contravention of the provisions of this section, he shall in respect of each offence be liable on summary conviction to a fine not exceeding fifty pounds:

Provided that proceedings for an offence under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions.

Power of county council to pay compensation for death of, or injury to, officers.

**92.**—(1) The county council may pay compensation—

(*a*) to an officer of the council who sustains an injury in the course of his employment; or

(*b*) to the widow or widower or child of an officer who, in the course of his employment, dies or sustains an injury resulting in death.

(2) Any compensation payable under this section may be paid either in a lump sum or by instalments payable at such times and for such periods as the county council may determine.

(3) The county council may enter into a contract with any society or company for the payment, upon such terms as may be agreed, by the society or company of any compensation payable by the council under this section.

(4) The payment of compensation under this section shall not be construed to take away or prejudicially affect any right or claim to damages or compensation which an officer of the county council or his widow or widower or child may have against any person other than the council or, except so far as may be agreed when the compensation is granted, against the council.

PART IV. —*cont.*

Power to pay moneys due to deceased officers, &c. to certain persons without grant of probate, &c.

**93.**—(1) If on the death of an officer or pensioner of a local authority to whom, or to whose personal representative, a sum not exceeding one hundred pounds is due from the authority on account of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund, a grant of probate of the will of the deceased or of letters of administration to his estate is not produced to the authority within such time (not being less than one month after his death) as the authority may in all the circumstances think reasonable, then, at the expiration of that time, the authority may pay such sum to the person or persons entitled to the residuary estate of the deceased by virtue of the provisions of paragraphs (i) to (vi) of subsection (1) of section forty-six of the Administration of Estates Act, 1925, and section nine of the Legitimacy Act, 1926, to the intent that such sum shall be applied in due course of administration:

15 & 16 Geo. 5. c. 23. 16 & 17 Geo. 5. c. 60.

Provided that—

(*a*) the authority may at any time, and notwithstanding the receipt of such a notice as is hereinafter mentioned, pay to any person who has paid the funeral expenses of the deceased such amount, not exceeding the total amount of such expenses, as the authority considers it reasonable to allow;

(*b*) if the authority receives notice in writing of any claim against the estate of the deceased at any time before it shall have paid the whole of such sum in accordance with the provisions of this subsection, it shall not (except in any case in which the provisions of paragraph (vi) of subsection (1) of section forty-six of the Administration of Estates Act, 1925, apply) pay such sum or the balance thereof in its hands to any person other than to the personal representative of the deceased unless and until such claim has been satisfied, disproved or withdrawn.

(2) A local authority, before paying any sum in accordance with the provisions of subsection (1) of this

section to any person or persons other than the personal representative of the deceased, shall require either—

(*a*) a statutory declaration, or when payment is made to the Crown or to the Duchy of Lancaster or to the Duke of Cornwall for the time being, as the case may be, a statement, by the person or one of the persons to whom the authority may pay and proposes to pay such sum or any part thereof to the effect that the total estate of the deceased (including such sum but after deduction of debts and funeral expenses) does not exceed one hundred pounds; or

(*b*) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such sum or that any duties so payable have been paid.

(3) In this section the expression "pensioner" includes a person entitled to any pecuniary benefit under any enactment or scheme for the establishment of a superannuation fund or a superannuation and provident fund administered by the local authority.

Payment of salary, &c. due to person of unsound mind. 53 & 54 Vict. c. 5.

**94.**—(1) Subject to the provisions of this section, where a person entitled to receive from a local authority any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the provisions of the Lunacy Act, 1890, as amended by any subsequent enactment, the authority may pay the whole of that sum, or so much thereof as it thinks fit, to the institution or person having the care of the person so detained as aforesaid, and may pay or apply the whole or so much as it thinks fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relatives of that person.

(2) Subject to the provisions of this section, where a person entitled to receive from a local authority any sum to which this section applies is, in the opinion of the authority, through mental infirmity incapable of managing his affairs, the authority may pay or apply the whole, or so much as it thinks fit, of that sum to or for the maintenance or benefit of such person or of his wife or husband or relatives.

PART IV. —*cont.*

(3) This section applies to any sum payable by a local authority to an officer of the authority, or to a pensioner of the authority within the meaning of the last preceding section, or to the widow or widower or a child of a deceased officer or pensioner, by way of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund, being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising its powers under this section for the first time in relation to any person, a local authority shall give to the Master in Lunacy notice in writing of its intention in that behalf, specifying the name and address of that person and the amount and nature of the sums in respect of which the authority intends to exercise the said power, and, in relation to any person to whom subsection (2) of this section applies, the authority shall, at the same time, give notice in writing to that person in a form approved by the Master in Lunacy:

Provided that a local authority may, with the approval of the Master in Lunacy, exercise the powers of this section in respect of any person, notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the local authority notice in writing that he objects to the exercise by the authority of the said power in relation to any person, the said power shall, as from the date of the receipt by the authority of the notice, cease to be exercisable by the authority in relation to that person unless and until the Master withdraws the notice.

(6) A local authority shall be discharged from all liability in respect of any payment or application of money effected by the authority in exercise of the powers conferred on it by this section.

Saving for existing officers, &c.

**95.**—(1) Subject to the provisions of section eighty-eight of this Act, nothing in this Part of this Act shall affect the salary or tenure of office of any officer holding office at the commencement of this Act.

PART IV. —*cont.*

(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 from deciding not to make an appointment to any office in respect of which it has a discretion to make or not to make an appointment.

(3) Nothing in this Part of this Act shall affect the terms of any agreement made between a borough council 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 council responsible for the maintenance of roads.

9 & 10 Geo. 5. c. 50.

Extension of provisions relating to medical officers of health and sanitary inspectors to the City of London, &c.

**96.** The provisions of sections seventy-seven to eighty-four and of section ninety-five of this Act, so far as they relate to medical officers of health and sanitary inspectors, shall apply to the City of London, the Port of London, the Inner Temple and the Middle Temple, and accordingly references in those sections to a borough shall be construed as including each of those areas and references therein to a borough council or to a local authority shall be construed as including the common council of the City of London, the port health authority of the Port of London and the overseers of the Inner Temple and of the Middle Temple respectively:

Provided that—

(i) the provisions of subsection (2) of section seventy-eight of this Act shall not apply to the Port of London; and

(ii) the provisions of sections eighty and eighty-four of this Act shall not apply in the case of a medical officer of health or sanitary inspector appointed by the port health authority of the Port of London.

## PART V.

## ACQUISITION OF, AND DEALINGS IN, LAND.

### *Acquisition of Land by agreement.*

Acquisition of land by agreement.

**97.**—(1) A local authority may, for the purpose of any of its functions (including in the case of the county council those discharged through the standing joint committee) by agreement acquire, whether by

PART V. —*cont.*

way of purchase, lease or exchange, any land, whether situate within or without its area.

(2) The county council may, for the purpose of the benefit, improvement or development of the county, by agreement acquire, whether by way of purchase, lease or exchange, any land situate within the county.

Acquisition of land in advance of requirements.

**98.**—(1) The power to acquire land under the last preceding section of this Act may be exercised notwithstanding that the land is not immediately required for the purpose for which it is to be acquired:

Provided that, except with the consent of and subject to any conditions imposed by the appropriate Minister, the powers conferred by this section shall not be exercised—

(*a*) by the county council as regards any land situate without the county;

(*b*) by a borough council.

(2) Any land acquired by the county council or a borough council 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 council.

(3) In this section the expression "the appropriate Minister" means the Secretary of State, Minister, Board, Commissioners, or other department concerned with the purpose for which the land is to be acquired.

Application of Lands Clauses Acts to purchases by agreement.

8 & 9 Vict. c. 18.

**99.** For the purpose of the provisions of this Part of this Act relating to the acquisition of land by agreement, the Lands Clauses Acts, except the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two, and in the case of land situate within the county section one hundred and thirty-three, 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, the council acquiring the land shall be deemed to be the promoters of the undertaking, and the word "land" shall have the meaning assigned to it in this Act.

*Compulsory acquisition of Land.*

PART V. —*cont.*

Power to purchase land compulsorily.

**100.** A local authority may be authorised to purchase compulsorily any land, whether situate within or without its area, for the purpose of any of its functions, including, in the case of the county council, those discharged through the standing joint committee.

Compulsory purchase of land by means of a provisional order.

**101.**—(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 authority to purchase land compulsorily is conferred—

(*a*) by this Act; or

(*b*) by any enactment or statutory order which was in force immediately before the commencement of this Act and which incorporates or applies section one hundred and seventy-six of the Public Health Act, 1875; or

38 & 39 Vict. c. 55.

(*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 less period) 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 it 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

PART V. —*cont.*

to make a provisional order empowering it to purchase the land compulsorily.

(5) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Minister, on 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 which the compensation is to be assessed.

(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 Part I of the Fourth Schedule to this Act, subject as regards the Lands Clauses Acts to the modifications set out in Part II of 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

**102.**—(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 authority

PART V. —*cont.* an order confirmed by the Minister.

is authorised by any public general Act passed after the commencement of this Act to purchase land compulsorily by means of an order (in this Part of this Act referred to as "a compulsory purchase order") made by the authority and confirmed by the Minister.

(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 Part I of the Fourth Schedule to this Act, subject as regards the Lands Clauses Acts to the modifications set out in Part II of 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 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 less period) 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 on whom notices are required to be served, or if all objections so made are withdrawn, the Minister, on 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:

PART V. —*cont.*

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 which 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 the authority 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 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) Subject to the provisions of the next succeeding section, 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.

**103.**—(1) If any person aggrieved by a compulsory purchase order (other than a compulsory purchase order which is provisional only 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 last preceding section of this Act, make an application for the purpose to the High Court, and if on any such application the court is 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, is 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 in any legal proceedings.

Provisions as to commons and open spaces.

**104.**—(1) Where a compulsory purchase order 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 until it is confirmed by Parliament.

(2) This section shall not apply where the order provides for giving in exchange for the land authorised to be acquired some other land, not being less in area, which is 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 a certificate under this subsection, 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

PART V. —*cont.*

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.

Provisions as to land in neighbourhood of royal palaces or parks.

**105.**—(1) Where any land proposed to be acquired by means of a compulsory purchase order 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.

*Appropriation of Land.*

Power to appropriate land.

**106.**—(1) Any land belonging to a local authority and not required for the purposes for which it was acquired or has been subsequently appropriated may, with the consent of the Minister, be appropriated for any other purpose for which the authority is authorised to acquire land.

(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.

(3) On an appropriation under this section of land belonging to a local authority, such adjustment shall be made in the accounts of the authority as may be necessary. PART V. —*cont.*

*Disposal of Land.*

**107.** A local authority may let any land belonging to it— Power to let land.

(*a*) with the consent of the Minister, for any term;

(*b*) without such consent, for a term not exceeding seven years.

**108.** A local authority may, with the consent of the Minister,— Power to sell or exchange land.

(*a*) sell any land belonging to it;

(*b*) exchange any land belonging to it for other land, either with or without paying or receiving any money for equality of exchange.

**109.**—(1) Capital money received by the county council in respect of a transaction under either of the two last preceding sections shall be credited to the Consolidated Loans Fund in accordance with the provisions of the London County Council (Finance Consolidation) Act, 1912. Application of capital money. 2 & 3 Geo. 5. c. cv.

(2) Capital money received by a borough council 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 council or otherwise for any purpose for which capital money may properly be applied:

Provided that, if the land to which the transaction relates is parish property vested in the council on behalf of a parish situate in the borough, 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.

(3) Where capital money is applied under the last preceding subsection 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 borough council as the Minister may direct.

PART V. —*cont.*

*General.*

Lands belonging to Duchy of Lancaster.

**110.** 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 authority thinks fit to purchase, and the land may be assured to the 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.

Payment of purchase or compensation money by one authority to another.

23 & 24 Geo. 5. c. 51.

**111.**—(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 any other local authority, whether a local authority for the purposes of this Act or for the purposes of the Local Government Act, 1933, 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.

**112.** Where property representing the proceeds of sale of parish property is held at the commencement of this Act by a borough council 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.

Power of county council to retain superfluous lands.

**113.** The county council may retain any land vested in it which is not required for the purpose for which the land was acquired, notwithstanding the incorporation in the enactment under which the land was acquired of section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845, or any other enactment requiring land not required for the purpose for which it was acquired to be sold or otherwise disposed of.

Savings.

**114.**—(1) 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 archæological interest:

(*b*) affect the provisions of the Ancient Monuments Acts, 1913 and 1931, 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:

(*c*) authorise the compulsory acquisition by means of a compulsory purchase order of land which is the property of any other local authority, whether a local authority for the purposes of this Act or for the purposes of the Local Government Act, 1933, or which is the property of, or is held in trust for, the Honourable Society of the Inner Temple or the Honourable Society of the Middle Temple, or which has been acquired by statutory undertakers for the purposes of their undertaking:

(*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:

(*e*) authorise a borough council to dispose, whether by sale, lease or exchange, of any recreation ground or open space dedicated to the use of the public, or any land held on trusts which prohibit the erection of buildings thereon:

(*f*) where a power to acquire land conferred under any enactment or statutory order on a local authority is expressly limited to acquisition by agreement, confer on the authority power to acquire land compulsorily for the purposes of that enactment or statutory order:

(*g*) affect the provisions of the Public Works Facilities Act, 1930. 20 & 21 Geo. 5. c. 50.

(2) Nothing in this Part of this Act, other than the last preceding section, shall 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 Fifth Schedule to this Act or in any statutory order made thereunder, or the application of any capital money arising from the 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, otherwise than in accordance with those provisions, any transaction which might be effected thereunder.

## PART VI.

## EXPENSES.

### *County Council.*

General and special county purposes.

**115.**—(1) In this Act and in every other enactment relating to the expenses of the county council, 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:

(*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 the county council under this Act or 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.

Annual budget of county council.

**116.**—(1) Before the beginning of every financial year, the county council shall cause to be submitted to it 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 beginning of the year will be

larger than is necessary or will be insufficient, the council may revise the estimate and alter the amounts accordingly. PART VI. —*cont.*

Power of county council to issue precepts.

**117.**—(1) The county council shall have power to issue precepts for the levying of rates to meet all liabilities which fall to be discharged by the council and for which provision is not otherwise made.

(2) A precept issued by the 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;

(*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.

(3) A precept issued by the county council may include as separate items a contribution for general county purposes and a contribution for special county purposes.

(4) Sums required to meet the liabilities of the county council shall be assessed on the parishes liable to contribute thereto in proportion to the annual value thereof as determined by the standard or basis for the county rate.

(5) A precept issued by the county council may include contributions in respect of expenses which have been incurred, or in respect of sums which have become payable in respect of any expenses, at any time before the precept is issued.

County fund.

**118.**—(1) Subject to the provisions of the London County Council (Finance Consolidation) Act, 1912, all receipts of the 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 in the first instance out of that fund.

(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;

PART VI. —*cont.*

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.

Payments to and out of county fund.

**119.**—(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 made by a competent court or by 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 its finance committee present at the meeting of the council at which the order is made and countersigned by the clerk of the county 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 the county council except in pursuance of a resolution of the council passed on the recommendation of its finance committee.

(4) All cheques issued in pursuance of an order of the 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 the county council made under this section may appeal to the High Court, and on any such appeal the court may give such directions in the matter as it thinks proper, and the order of the court shall be final.

*Borough Councils.*

Power of borough council to levy rates.

**120.** A borough council shall have power to levy rates to meet all liabilities falling to be discharged by the council for which provision is not otherwise made.

General rate fund of borough.

**121.**—(1) All receipts of a borough council shall be carried to the general rate fund of the borough, and all payments falling to be made by the council shall be made 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, and where the receipts are receipts for the benefit of a part only of the borough, or the payments are payments in respect of

expenditure 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 borough council for the public benefit of the inhabitants and improvement of the borough.

Payments to and out of general rate fund of borough.

**122.**—(1) All payments to and out of the general rate fund of a borough shall be made to and by the borough 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 borough 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 requirements 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 the remuneration of the mayor or of any officer or other 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.

(3) An order for the payment of a sum out of the general rate fund shall not be made by a borough council except in pursuance of a resolution of the council passed on the recommendation of its finance committee:

Provided that this subsection shall not apply to an order for the payment of a sum in pursuance of a precept from another authority.

(4) Any person aggrieved by an order of a borough council made under this section may appeal to the High Court, and on any such appeal the court may give such directions in the matter as it thinks proper, and the order of the court shall be final.

PART VI. —*cont.*

*General.*

Savings for revenues from undertakings, &c.

**123.** Nothing in this Part of this Act shall—

(*a*) be deemed to require or authorise the county council or a borough council to apply or dispose of the surplus revenue arising from any undertaking carried on by the council otherwise than in accordance with the provisions of any enactment or statutory order relating to the undertaking; or

10 & 11 Geo. 5. c. 72.

(*b*) affect the operation of section one of the Roads Act, 1920, or of any Order in Council made thereunder.

## PART VII.

## BORROWING POWERS OF BOROUGH COUNCILS.

*Purposes for which, and mode in which, money may be borrowed and security for borrowing.*

Purposes for which money may be borrowed.

**124.**—(1) A borough council may, with the consent of the sanctioning authority, borrow such sums as may be required for any of the following purposes, that is to say:—

(*a*) for acquiring any land which the council has power to acquire;

(*b*) for erecting any building which the council has 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 council has power to execute, provide or do, if, in the opinion of the sanctioning authority, the cost of carrying out the purpose in question ought to be spread over a term of years;

(*d*) for any other purpose for which the council is by virtue of any enactment (including any enactment in this Act) or of any statutory order, authorised to borrow.

(2) If the county council, in any case in which the sanction of that council to the borrowing of money by a borough council is required, refuses its sanction, or does not give its sanction within six months after application has been made therefor, or attaches conditions to its sanction, the borough council may appeal to the Minister, whose decision shall be final.

Mode of borrowing.

**125.** Where a borough council is authorised to borrow money, it may raise the money by mortgage in accordance with the provisions of this Part of this Act.

Power to use sinking and other funds instead of borrowing.

**126.**—(1) Where a borough council is authorised to borrow money, it may, instead of raising the money by mortgage, use, either as respects the whole or any part of the money to be raised,—

(*a*) so much of the money for the time being forming part of a sinking fund of the council as is available for the repayment of any loan which is secured by a deed constituting a charge on the revenues of the council and which does not appear by the deed to have been raised under a borrowing power conferred for a specific purpose; or

(*b*) any money for the time being forming part of a reserve fund or superannuation fund of the council and not required for the time being for the purposes of that fund.

(2) Where a borough council, in exercise of its power under this section, uses any money forming part of a sinking fund, the council shall—

(*a*) credit the sinking fund with the repayment of an amount of the principal money for the repayment of which the fund was established equal to the sum withdrawn from the sinking fund, and thereupon the amount so credited shall be deemed to be principal money discharged by application of the sinking fund:

(*b*) debit the account of the statutory power to borrow for the purpose for which the money was withdrawn from the sinking fund with an amount of the principal money equal to the sum so withdrawn:

(*c*) establish a new sinking fund, and make such annual contributions thereto as will ensure that a total sum equivalent to that withdrawn from the original sinking fund will be standing to the credit of the new sinking fund at a date not later than the date fixed for repayment of the loan in respect of which the original sinking fund was established.

PART VII. —*cont.*

(3) Where a borough council, in exercise of its power under this section, uses any money forming part of a reserve fund or superannuation fund, it shall—

(*a*) repay to the fund the money withdrawn from it within the period, by the methods, and out of the revenues within, by and out of which a loan raised under the statutory power to borrow would have been repayable if it had been raised by mortgage:

(*b*) pay to the fund interest (calculated at the rate hereinafter mentioned) on the money so withdrawn, or on so much thereof as from time to time remains to be repaid to the fund.

The interest to be paid as aforesaid shall be at such rate per cent. per annum as the borough council may determine, being as near as may be the same as the rate which would have been payable on a loan raised by mortgage, and shall be paid out of the revenues which would have been applicable to the payment of interest on a loan so raised.

(4) Where a borough council, in exercise of its power under this section, uses any money forming part of a sinking fund or a reserve fund or superannuation fund, the statutory power to borrow for the purpose for which the money is used shall be deemed to be exercised by the use of the money as fully in all respects as if a loan of the same amount had been raised by mortgage in exercise of the said power, and the provisions of this Part of this Act as to re-borrowing shall apply accordingly.

(5) Where a borough council exercises its powers under this section, the council shall furnish to the Minister such information with regard to the exercise of the power as the Minister may require.

(6) The powers conferred on a borough council by this section shall be deemed to be in addition to, and not in derogation of, the powers conferred by section one hundred and thirty-three of the Housing Act, 1936, and by subsection (3) of section twenty-one of the Local Government Superannuation Act, 1937.

26 Geo. 5. & 1 Edw. 8. c. 51. 1 Edw. 8. & 1 Geo. 6. c. 68.

(7) References in this section to a statutory power to borrow shall be construed as not including a reference to the power to borrow by way of temporary loan or overdraft.

PART VII. —*cont.* Security for borrowing and ranking of securities.

**127.**—(1) All money borrowed by a borough council, whether before or after the commencement of this Act, shall be charged indifferently on all the revenues of the council.

(2) Subject to the provisions of this section, all securities created by a borough council, whether under this Act or any other enactment or under any 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.

*Provisions relating to mortgages.*

Form of mortgage.

**128.** A mortgage created by a borough council under this Part of this Act must be made by deed 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.

**129.** The person entitled to a mortgage created by a borough council may transfer it by deed in the prescribed form or in a form to the like effect.

Register of mortgages.

**130.**—(1) The town clerk of a borough shall keep at the offices of the borough council a register of mortgages created by the council 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 town clerk shall cause an entry to be made in the register of the number and date of the mortgage, of the names and descriptions of the parties thereto, and of the amount borrowed, as stated in the deed of mortgage.

(3) On production to the town clerk of the deed of mortgage, and—

(*a*) in the case of a transfer of a mortgage, of a duly executed deed of transfer;

PART VII. —*cont.*

(*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,

and on payment of such sum, if any, not exceeding five shillings, as the borough council may determine, the town clerk 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 who under the transfer or transmission becomes entitled 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 town clerk, who, on being satisfied thereof, shall make the necessary alterations in the register.

(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 borough council under any enactment in force at the commencement of this Act to be transferred to the register kept under this section, and for applying, with any necessary modifications, to the mortgages to which the entries relate the provisions of this section in place of the corresponding provisions of that enactment, and for terminating the obligation of the council or of any officer of the council 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 to allow any person to inspect the register; 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, in respect of each offence to a fine not exceeding, in the case of an

offence under paragraph (*a*) of this subsection, five pounds, and, in the case of an offence under paragraph (*b*) of this subsection, twenty pounds. PART VII. —*cont.*

Title to mortgage, and rectification of register.

**131.**—(1) Where any entries have been duly made in the register in respect of any mortgage, the borough council shall be entitled to treat as exclusively entitled to the mortgage 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 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 borough council, 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.

**132.** No notice of any trust, expressed, implied or constructive, affecting a mortgage created by a borough council shall be entered in the register, or be receivable by the council or by any officer of the council.

Receipts on behalf of joint holders and infants.

**133.**—(1) Where two or more persons are jointly entitled to a mortgage created by a borough council, 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 council by any other of those persons.

(2) The receipt of the guardian of an infant shall be a sufficient discharge to a borough council for any money payable to the infant in respect of a mortgage created by the council.

*Redemption of loans.*

Period for repayment of money borrowed.

**134.**—(1) Every sum borrowed by a borough council under this Part of this Act shall be repaid within such period as the council, with the consent of the sanctioning authority, may determine:

PART VII. —*cont.*

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 of the Allotments Acts, 1908 to 1931, or of the Housing Acts, 1936 and 1938, eighty years, and, in any other case, sixty years.

(2) Where any sum is borrowed by a borough council 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 council for the repayment of the sum so borrowed to be suspended for such period, and subject to such conditions, as the sanctioning authority may determine:

Provided that the period aforesaid shall not be longer than the period during which the expenditure remains unremunerative, or a period of five years from the commencement of the financial year next after the year in which the expenditure commences to be incurred, whichever is the shorter.

Repayment of money borrowed.

**135.**—(1) Every sum borrowed by a borough council by way of mortgage shall be paid off either by equal yearly, half-yearly or quarterly 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 the last preceding section, the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or, where the money is repayable by half-yearly instalments, within six months, or, where the money is repayable by quarterly instalments, within three months, from the date of borrowing.

Sinking fund.

**136.**—(1) If a borough council determines to repay by means of a sinking fund any sum borrowed under this Part of this Act by way of mortgage, the sinking fund shall be established 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 money for the repayment of which the sinking fund is established; or

PART VII. —*cont.*

(*b*) by payment to the fund throughout the fixed period of such equal annual sums as will, with accumulations at a rate not exceeding the prescribed rate, or such other rate as the Minister may in any particular case approve, be sufficient to pay off within that period the money for the repayment of which the sinking fund is established.

(2) In this Part of this Act a sinking fund established and maintained by such payment as is mentioned in paragraph (*a*) of subsection (1) of this section is referred to as " a non-accumulating sinking fund," and a sinking fund established and maintained by such payment as is mentioned in paragraph (*b*) thereof as " an accumulating sinking fund."

(3) Every sum paid to a sinking fund shall, unless applied in repayment of the money for the repayment of which the sinking fund was established, or in such other manner as may be authorised by any enactment, be forthwith invested in statutory securities (other than securities created by the borough council) and the borough council may from time to time vary and transpose the investments.

(4) 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 general rate fund of the borough, but the contribution to be made to the sinking fund out of the general rate fund 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.

(5) A borough council may at any time apply the whole or any part of a sinking fund in or towards the discharge of the money for the repayment of which the sinking fund was established:

Provided that, in the case of an accumulating sinking fund, the council 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

PART VII. —*cont.*

been produced by the sinking fund or the part thereof applied as aforesaid if invested at the rate per cent. per annum on which the annual payments to the sinking fund are based.

(6) Any surplus of a sinking fund remaining after the discharge of the whole of the money for the repayment of which it was established shall be applied to such capital purpose as the borough council, with the consent of the Minister, may determine.

(7) Subsection (3) of this section shall apply to a sinking fund established by a borough council under any enactment for the repayment of moneys borrowed by the council by way of mortgage, and subsections (4), (5) and (6) 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.

Adjustments of sinking fund.

**137.**—(1) If at any time it appears to a borough council 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 money for the repayment of which the sinking fund was established, the council 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 council shall increase the payments to such extent as the Minister may direct.

(2) If a borough council desires to accelerate the repayment of any money borrowed by the council 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 money for the repayment of which the sinking fund was established, the borough council 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 money for the repayment of which the sinking fund was established.

(4) If at any time the amount in a sinking fund, together with, in the case of an accumulating sinking fund, the accumulations thereon, will in the opinion of the Minister be sufficient to repay the money for the repayment of which the sinking fund was established within the fixed period, the Minister may authorise the borough council 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 borough council under any other enactment for the repayment of money borrowed by the council in like manner as it applies to a sinking fund established under this Part of this Act.

Appointment of receiver.

**138.**—(1) If at any time any principal money or interest due under a mortgage created by a borough council 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 it thinks fit, appoint a receiver on such terms and with such powers as the court thinks 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 sums due to them in the aggregate, amount to not less than five hundred pounds.

(2) The court may confer on the receiver any such powers of collecting, receiving and recovering the revenues of the borough council, and of making, collecting and recovering rates, and of issuing and enforcing precepts, as are possessed by the council or its officers.

*Supplementary borrowing powers.*

Temporary loans, &c.

**139.**—(1) A borough council may, without the consent of the sanctioning authority, borrow by way of temporary loan or overdraft from a bank or otherwise, any sums which it may require temporarily—

(*a*) for the purpose of defraying expenses (including the payment of sums due by the council to meet

PART VII. —*cont.*

the expenses of other authorities) pending the receipt of revenues which are receivable by it in respect of the period of account in which those expenses are chargeable and were taken into account in the estimates made by it for that period;

(*b*) for the purpose of defraying, pending the raising of a loan which the council has been authorised to raise, expenses intended to be defrayed by means of the loan.

(2) Where money is borrowed under 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.

**140.**—(1) Subject to the provisions of this section, a borough council may, without the consent of the sanctioning authority, borrow for the purpose of—

(*a*) paying off any money previously borrowed by the council which it is intended to repay forthwith; or

(*b*) replacing money which, during the preceding twelve months, has been temporarily applied from other money of the council in repaying money previously borrowed, and which at the time of the repayment it was intended to replace by borrowed money.

(2) The power to borrow under this section shall not extend so as to authorise borrowing—

(*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 money; or

(*b*) for the purpose of replacing any money previously borrowed which has been repaid—

(i) by instalments or annual payments; or

(ii) by means of a sinking fund; or

(iii) out of money derived from the sale of land; or

PART VII. —*cont.*

(iv) out of any capital money properly applicable to the purpose of the repayment, other than money borrowed for that purpose.

(3) Any money 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 money borrowed under this section:

Provided that the authority which sanctioned the original loan may, on an application made to it for that purpose, extend the period for repayment of the money borrowed under this section so that the period shall expire on such date as the authority thinks fit, not being later than the expiration of the maximum period which might have been permitted for the repayment of the original loan.

*Miscellaneous.*

Returns to Minister.

**141.**—(1) The town clerk of a borough 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 borough council for the repayment of moneys borrowed by the council.

(2) A return under this section shall contain such particulars, shall be made up to such date and shall be in such form, as the Minister may require.

(3) A return under this section shall be certified by the borough treasurer or other person whose duty it is to keep the accounts of the borough council, and shall, if so required by the Minister, be verified by a statutory declaration made by that person.

(4) If it appears to the Minister from any return made under this section or otherwise that a borough council—

(*a*) has failed to pay any instalment or annual payment required to be paid; or

(*b*) has failed to appropriate to the discharge of any loan any sum required to be so appropriated; or

PART VII. —*cont.*

(*c*) has failed to set apart any sum required for a sinking fund; or

(*d*) has 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 or which has been misapplied, shall be paid or applied in the manner and by the date set out in the order, and the council shall notify the Minister as soon as the order has been complied with.

(5) An order made under the last preceding subsection may be enforced, at the instance of the Minister, by an order of mandamus.

(6) 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 an order of mandamus.

(7) 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 borough council for the repayment of borrowed money.

Charge of service of loan to particular account.

**142.** Where a loan is raised to meet any expenditure of a borough council 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.

Balance of unexpended money.

**143.** The balance of any money borrowed by a borough council and not required for the purposes for which the money was borrowed may, with the consent of the sanctioning authority, and subject to any conditions which that authority 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 their consent

is required under section nine of the Public Works Loans Act, 1881. 44 & 45 Vict. c. 38.

**144.** A person lending money to a borough council 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 the money. Lenders relieved from certain inquiries.

**145.** In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them— Definitions.

"Fixed period" means, in relation to any money borrowed, the period originally fixed as the period within which the money is to be repaid;

"Revenues," in relation to a borough council, includes the general rate fund of the borough, and all rates, exchequer contributions and other revenues, whether arising from land or undertakings or from any other source, receivable by the council;

"Sanctioning authority" means—

(*a*) in the case of money borrowed for the purposes of the Electricity (Supply) Acts, 1882 to 1936, or of any other enactment or statutory order relating to the supply of electricity, the Electricity Commissioners;

(*b*) in the case of money borrowed for the purpose of any enactment or statutory order which requires the sanction or consent of the Minister to the borrowing of money for that purpose, the Minister;

(*c*) in any other case, the county council;

"Statutory securities" means any security in which trustees are for the time being authorised by law to invest trust money, and any mortgage, bond, debenture, debenture stock, stock or other security created by a local authority, whether a local authority for the purposes of this Act or for the purposes of the Local Government Act, 1933, other than annuities, rentcharges, or securities transferable by delivery.

## PART VIII.

## BYELAWS.

*Power of Local Authorities to make Byelaws.*

Byelaws for good rule and government and suppression of nuisances.

**146.**—(1) A local authority may make byelaws for the good rule and government of the whole or any part of its area and for the prevention and suppression of nuisances therein:

Provided that a byelaw made under this section by a borough council shall not be inconsistent with a byelaw so made by the county council which is in force in any part of the 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 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 the county or in any part thereof 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 the county or such part thereof, as the case may be, in respect of that nuisance.

*Procedure, Penalties, &c.*

Procedure, &c. for making byelaws.

**147.**—(1) The following provisions of this section shall apply to byelaws to be made by a local authority under—

(*a*) this Act; or

(*b*) the Metropolis Management Acts, 1855 to 1893; or

PART VIII. —*cont.*

(*c*) any enactment or statutory order in force at the date of the commencement of this Act and incorporating or applying the provisions of sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, or 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 one hundred and fourteen of the Public Health (London) Act, 1891, or section twenty-three of the Municipal Corporations Act, 1882, or section sixteen of the Local Government Act, 1888, or subsection (2) of section five of, and Part II of the Second Schedule to, the London Government Act, 1899; or

18 & 19 Vict. c. 120.

54 & 55 Vict. c. 76.

51 & 52 Vict. c. 41.

62 & 63 Vict. c. 14.

(*d*) except as otherwise expressly provided therein, any enactment passed after the twenty-eighth day of June nineteen hundred and thirty-four and conferring on the local authority a power to make byelaws.

(2) Any such byelaws as aforesaid must be made under the common seal of the local authority and shall not have effect until they are confirmed by the confirming authority.

(3) In the case of byelaws made by the county council under any enactment which requires that the byelaws shall be observed and enforced by a borough council, the county council shall, not less than two months before applying to the confirming authority for confirmation of the byelaws, send a copy of the proposed byelaws to the borough council, and shall consider any representations made to it by the borough council.

(4) 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 are to apply and in the London Gazette.

(5) For at least one month before application for confirmation of the byelaws is made, a copy of the byelaws shall be deposited at the offices of the authority by which the byelaws were made, and shall at all reasonable hours be open to public inspection without payment.

PART VIII. —*cont.*

(6) The local authority by which the byelaws were 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 or ten shillings, whichever sum is the less, as the authority may determine.

(7) The confirming authority may confirm, or refuse to confirm, a 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 on the expiration of one month after the date of its confirmation.

(8) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by which the byelaws were 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.

(9) The clerk of the county council shall send a copy of every byelaw made by the county council and confirmed to every borough council, and the town clerk of a borough shall send a copy of every byelaw made by the borough council and confirmed to the county council.

(10) In this section the expression "the confirming authority"—

(*a*) 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; or

(*b*) if no authority or person is so specified, or if the byelaws are byelaws made under an enactment which incorporates or applies section twenty-three of the Municipal Corporations Act, 1882, or section sixteen of the Local Government Act, 1888, or subsection (2) of section five of, and Part II of the Second Schedule to, the London Government Act, 1899, means the Secretary of

State or, if the subject-matter of the byelaws is such that the Minister would have been the confirming authority if they had been made under the last preceding section of this Act, the Minister:

Provided that, where under or by virtue of any enactment the power of confirming byelaws vested in any authority or person specified as aforesaid has become vested in some other authority or person, this subsection shall have effect as if a reference to that other authority or person were substituted for the reference to the authority or person so specified.

Offences against byelaws.

**148.** Byelaws to which the last preceding section applies may contain provisions for imposing on persons offending against the byelaws reasonable fines, to be 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 so fixed, or, if no sum is so fixed, the sum of forty shillings for each day during which the offence continues after conviction therefor.

Evidence of byelaws.

**149.** The production of a printed copy of a byelaw purporting to be made by a local authority on which is endorsed a certificate, purporting to be signed by the clerk of the authority or by such other officer of the authority as may be duly authorised in that behalf, stating—

(*a*) that the byelaw was made by the local authority;

(*b*) that the copy is a true copy of the byelaw;

(*c*) where the byelaw requires confirmation, that on a specified date the byelaw was confirmed by the authority or person named in the certificate, being the proper confirming authority;

(*d*) where the byelaw is required to be submitted to, but not to be confirmed by, any authority or person, that the byelaw was on a specified date duly submitted to the authority or person

PART VIII. —*cont.*

named in the certificate and has not been disallowed; and

(*e*) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall, without proof of the handwriting or official position of the person purporting to sign the certificate, be prima facie evidence of the facts stated therein.

## PART IX.

### PROMOTION OF, AND OPPOSITION TO, BILLS IN PARLIAMENT.

Power of county council to promote Bill for improvement of county, &c.

**150.** The county council may promote a Bill in Parliament for the purpose of—

(*a*) any work for the improvement of the county or public benefit of the inhabitants of the county;

(*b*) the provision of parks, pleasure grounds, places of recreation and open spaces;

and may defray the expenses incurred in relation thereto.

Power to promote or oppose Bills.

**151.**—(1) Where a local authority is satisfied that it is expedient to promote or oppose a Bill in Parliament, it may, subject to the following provisions of this section, promote or oppose the Bill accordingly, and may defray the expenses incurred in relation thereto:

Provided that nothing in this section 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.

(2) A resolution to promote or oppose a Bill under this section shall not be effective unless passed by a majority of the whole number of the members of the local authority at a meeting thereof held after ten clear days' notice of the meeting and of the purpose thereof (which notice shall be in addition to the ordinary notice required to be given for the convening of a meeting of the authority) has been given by advertisement in one or more local newspapers circulating in the area of the authority.

PART IX. —*cont.*

(3) In the case of the promotion of a Bill, the resolution shall be published in one or more local newspapers circulating in the area, 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 under this subsection 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 county or for the borough, as the case may be, may give notice in writing to the Minister of his objection thereto.

(4) 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 authority at that meeting, the 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 (2) of this section.

(5) No expenses incurred in the promotion of, or opposition to, a Bill under this section, being expenses which are liable to be taxed under the Parliamentary Costs Acts, 1847 to 1879, shall be charged to the funds of the local authority unless they have been so taxed and allowed.

(6) 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 section.

(7) The provisions of this section shall not be taken to prejudice the powers conferred on the county council by the last preceding section, and shall not apply in relation to a Bill promoted by the county council in the exercise of those powers.

Promotion of Bills by borough councils.

**152.**—(1) The promotion of a Bill by a borough council shall be subject to the approval of the local government electors of the borough, and for this purpose the

PART IX. —*cont.*

provisions contained in the Sixth Schedule to this Act with respect to meetings and polls of local government electors shall have effect.

(2) If the result of a poll under the provisions of the Sixth Schedule to this Act, or the decision of a meeting when final thereunder, is against the promotion of a Bill, or of any provision of a Bill, the borough 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.

(3) Failure to comply with any of the requirements of the Sixth 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 the Bill 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 county council.

**153.** The county council may determine that any expenses incurred by it in the promotion of or opposition to a Bill under this Part of this Act shall be treated as expenses for special county purposes.

Saving for existing powers, &c.

**154.** Nothing in this Part of this Act shall take away or diminish any right of a local authority to oppose a Bill in Parliament which apart from this Act would be exercisable by the authority.

## PART X.

## GENERAL PROVISIONS.

### *Offices, Buildings, &c.*

Provision of offices, &c.

**155.** A local authority may provide and furnish halls, offices and other buildings, whether within or without its area, to be used for the purpose of transacting the business of the authority and for public meetings and assemblies.

Acquisition of buildings or places of historical interest, &c.

**156.** The county council may acquire by agreement any building or place of historical or architectural interest, or may undertake, or contribute towards, the cost of preserving, maintaining and managing any such building or place as aforesaid.

Acquisition of buildings for works of art, &c.

**157.**—(1) The county council may acquire, by agreement, any work of art, and may erect and maintain, or contribute towards the provision, erection and maintenance of, any work of art in any place within the county.

(2) For the purpose of providing for the accommodation, exhibition and preservation of works of art or objects of historical, antiquarian or other public interest which may for the time being be in the possession of the county council by virtue of any gift, loan, or discovery, the council may adapt, furnish and maintain any premises given to, and for the time being vested in, the council for the purposes of this section.

(3) The county council may let any building vested in it as aforesaid on such terms and conditions as to payment or otherwise as it thinks fit, and may make charges for admission to any such building which may for the time being be under its management and control.

Provision, &c. of public clocks.

**158.**—(1) A borough council may provide clocks and (subject, in the case of a building which is not vested in the council, to the consent of the owner or occupier of the building) may affix them to any building within the borough.

(2) A borough council may maintain and light any clock provided by the council under this section or under the corresponding provision of any enactment repealed by this Act, or, with the consent of the owner thereof, any other clock within the borough.

*Freemen.*

Honorary freemen of boroughs.

**159.**—(1) A borough council 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

PART X. —*cont.*

honorary freemen of the borough persons of distinction and any persons who have rendered eminent services to the borough.

(2) The town clerk shall keep a list, called the "freemen's roll", and shall enter thereon the name of every person admitted to be an honorary freeman of the borough.

(3) A borough council may expend such reasonable sum as it thinks fit for the purpose of presenting an address or a casket containing an address to a person admitted to be an honorary freeman of the borough.

*Contracts.*

Contracts of local authorities.

**160.**—(1) A local authority may enter into contracts necessary for the discharge of any of its 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 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 any such notice as aforesaid 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.

**161.** A local authority may, in such cases and subject to such conditions as may be prescribed, pay any reasonable expenses incurred by members or officers of

PART X. —*cont.*

the authority or of any committee thereof in attending a conference or meeting convened by one or more local authorities (whether local authorities for the purposes of this Act or for the purposes of the Local Government Act, 1933) 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 as aforesaid:

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 a conference or meeting, or authorise a local authority to defray any expenses to which that enactment applies except in accordance with the provisions of that enactment.

Contributions to associations, &c.

**162.** The county council may make contributions to the funds, or towards the expenses, of any association, committee, council, conference, or other organisation dealing with any matter connected with any service of, or of general interest to, the council:

Provided that the aggregate amount of contributions paid under this section in respect of any financial year shall not exceed one thousand pounds.

*Travelling Expenses, &c.*

Travelling expenses of members and committees of borough councils.

**163.**—(1) A borough council may pay the reasonable expenses incurred by the council in conveying members of the council, or of any committee thereof, or of any sub-committee of any such committee, for the purpose of enabling them to carry out any inspection necessary for the discharge of the functions of the council or of the committee or sub-committee:

Provided that such expenses shall not exceed the cost of conveying the members between the town hall of the borough and the place visited.

(2) No expenses which a borough council has, apart from this section, power to defray shall be defrayed

PART X. —*cont.*

under this section, and this section shall not affect any such power.

(3) This section shall apply to a joint committee or joint board of which the borough council is a constituent authority as if the joint committee or joint board were a committee of the council.

*Acceptance of Gifts.*

Acceptance of gifts of property.

**164.**—(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 public purpose connected with its area, or for the benefit of the inhabitants of its 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.

(2) Where the purposes of the gift are purposes for which the local authority is empowered to expend money raised from a rate, it 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) The powers conferred on a local authority by this section shall be in addition to and not in derogation of any other powers exercisable by the authority.

*Transfer of Powers.*

Transfer to county council of powers of public bodies, &c.

**165.**—(1) The Minister may, by provisional order, transfer to the county council any functions of any conservators or other public body being functions conferred on that body by or in pursuance of any enactment and arising within the county.

(2) If such functions of any conservators or other public body arise partly within and partly outside the county, those functions may be transferred jointly to the

county council and to the council of any other county or county borough in which the functions arise, and may be exercised and discharged by a joint committee of those councils.

(3) Before an order is made under this section, a draft thereof shall be approved by the conservators or other public body affected thereby.

(4) 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.

(5) Nothing contained in this section shall authorise the transfer of any functions of the common council of the City of London or a borough council or of any authority being a local authority within the meaning of the Local Government Act, 1933.

Transfer of functions as between county council and borough councils, &c.

**166.**—(1) The Minister may, on the application of the county council or of any association or committee which is in his opinion representative of borough councils, by order provide—

(*a*) for the transfer to all borough councils of any functions exercisable by the county council:

(*b*) for the exercise by any such borough council as may be specified in the order, as agents for the county council, of any functions of the county council:

Provided that no functions relating to the relief of the poor exercisable by the county council shall be transferred under this subsection.

(2) Before making an order under the preceding subsection, the Minister shall, in the case of an application made by the county council, consult such association or committee as aforesaid, and, in the case of an application made by the association or committee, consult the county council.

(3) The Minister may, on the joint application of the county council and of a majority of the borough councils, by order provide for the transfer to the county council of any functions exercisable by borough councils.

(4) An order made under this section may, if the common council of the City of London consents, apply to that council in like manner as it applies to a borough

PART X. —*cont.*

council and accordingly any reference in this section to a borough council shall be construed as including a reference to the common council.

(5) An order made under this section may contain such incidental, consequential or supplemental provisions as may appear necessary or proper for the purposes of the order, and may be altered or revoked by an order made in like manner and subject to the like provisions as the original order.

(6) If within fourteen days after an order has been made under this subsection objection thereto is made by any council concerned and is not withdrawn, the order shall be provisional only and shall not have effect 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 each House of Parliament as soon as may be after it is made.

Provisions in case of transfer of officers.

**167.**—(1) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933 (which relate to the transfer and compensation of officers of a local authority affected by an order made under Part VI of that Act), shall have effect in relation to any provisional order or order made in pursuance of either of the two last preceding sections as they have effect in relation to an order made under the said Part VI, and where, by virtue or in consequence of any provisional order or order made in pursuance of either of the two last preceding sections, officers of one authority who are entitled as such to the benefits of a superannuation enactment will be transferred to the service of another authority, there shall be included in the provisional order or order, as the case may be, such provisions as may be necessary for the purpose of protecting the rights and interests of those officers in respect of superannuation, and such provisions may include—

(*a*) provisions for securing that the superannuation enactment to the benefits of which an officer was entitled immediately before his transfer shall continue to apply to him subject to such

modifications and adaptations as the Minister may determine; or PART X. —*cont.*

(*b*) provisions for applying to the officer, subject to such modifications and adaptations as the Minister may determine, any superannuation enactment to the benefits of which any officers of the authority to whom the officer is transferred are entitled.

(2) In this section the expression "authority" means a local authority, the common council of the City of London, any conservators or any other public body; the expression "superannuation enactment" means an enactment, including a scheme made thereunder, by virtue of which persons employed by an authority become entitled to superannuation benefits on retirement; and for the purposes of this section any reference in the relevant provisions of the Local Government Act, 1933, to a local authority shall be construed as a reference to an authority as herein defined.

*Transfer of Stock.*

**168.**—(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:— Transfer of stock.

(*a*) if the name of the authority is changed, then on the request of that 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 authority in like manner as if the stock had been transferred to the authority under that name;

(*b*) if any other public body has become entitled to the stock or any dividends thereon, the court may on application make an order vesting in that other public body the right to transfer the stock or to receive the 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.

PART X. —*cont.*

(2) In this section, the expression—

"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.

*Deposit, Inspection, &c. of Documents.*

Custody of records, &c.

**169.**—(1) Subject to the directions of the county council, the clerk of the county council shall have the charge and custody of, and be responsible for, all records and documents of the county or belonging to the council, except such records and documents as relate to the court of quarter sessions of the county of London or to the justices of that county out of sessions.

(2) Subject to the directions of the borough council, the town clerk of a borough shall have the charge and custody of, and be responsible for, all records and documents of the borough or belonging to the council.

Deposit of plans, &c.

**170.**—(1) In any case in which a map, plan, or other document of any description is deposited with the clerk of the county council or the town clerk of a borough, pursuant to the standing orders of either House of Parliament or to any enactment (including any enactment in this Act) or statutory order, he 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 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 the inspection continues after the first hour. PART X. —*cont.*

(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 in respect of each offence be liable on summary conviction to a fine not exceeding five pounds.

Custody of parochial documents.

**171.**—(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.

(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 by the council of the borough in which the parish is situate.

(3) The incumbent and churchwardens on the one part, and the borough council 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 by the county council.

Provision of depository for parochial documents.

**172.** A borough council shall provide proper depositories for all the public books, writings, papers and documents belonging to a parish situate within the borough for which no provision is otherwise made.

Inspection of documents.

**173.**—(1) The minutes of proceedings of a local authority shall be open to the inspection of any local government elector for its area 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) Every voting paper used at an election of a county alderman or of a borough alderman shall, during the period of six months following the date of the election,

PART X. —*cont.*

be open to the inspection of any local government elector for the county or for the borough, as the case may be.

(3) An order for the payment of money made by a local authority shall be open to the inspection of any local government elector for its area, and any such local government elector may make a copy thereof or an extract therefrom.

(4) The accounts of the county council and of the county treasurer shall be open to the inspection of any member of the county council, and the accounts of a borough council and of the borough treasurer shall be open to the inspection of any member of the borough council, and any member of the county council or of a borough council may make a copy of, or take an extract from, the accounts so open to his inspection.

(5) The abstract of the accounts of a local authority and of the county treasurer or a borough treasurer, and any report made by an auditor on those accounts, shall be open to the inspection of any local government elector for the county or for the borough, as the case may be, 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.

(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 mentioned in this section—

(*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 in respect of each offence be liable on summary conviction to a fine not exceeding five pounds.

*Reports and Returns.*

PART X. —*cont.*

Reports and returns

**174.** 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 its functions, as he may require or as may be required by either House of Parliament.

Annual reports of borough councils.

**175.**—(1) As soon as practicable after the end of every financial year, and not later than the thirtieth day of September next following, a borough council shall publish a report of its proceedings for that year, together with a copy of the return of the income and expenditure of the council in respect of that year made under Part XI of the Local Government Act, 1933, and such other information in respect of that year as may be prescribed by the Minister.

23 & 24 Geo. 5. c. 51.

(2) A copy of the report and of the abstract of accounts included in the said return and of such other information as aforesaid shall, as soon as published, be sent to the Minister and to the county council, and shall be supplied by the borough council to any person applying for the same on payment of such sum, not exceeding one shilling, as may be fixed by the borough council.

*Legal Proceedings.*

Power to prosecute or defend legal proceedings.

**176.** A local authority may prosecute or defend any legal proceedings where it deems it expedient so to do for the promotion or protection of the interests of the inhabitants of its area.

Appearance of local authority in legal proceedings.

**177.** A local authority may by resolution authorise any officer of the authority, either generally or in respect of any particular matter, to institute or defend on its behalf proceedings before a court of summary jurisdiction, or to appear on its behalf before a court of summary jurisdiction in any proceedings instituted by the local authority or on its behalf or against the authority, and any officer so authorised shall be entitled to institute or defend any such proceedings as aforesaid and, notwithstanding anything contained in the Solicitors Act, 1932, to conduct

22 & 23 Geo. 5. c. 37.

PART X. —*cont.*

the proceedings although he is not a certificated solicitor.

Name of local authority need not be proved.

**178.** In any proceedings instituted by or against a local authority it shall not be necessary to prove the corporate name of the authority or the constitution or limits of its 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 passed.

Recognizances in appeals, &c. not to be required of county council.

**179.**—(1) Where under any enactment, rule of court or otherwise any party to an appeal or other legal proceedings is required to enter into recognizances for the prosecution of the appeal or other proceedings, the county council shall not be required to enter into such recognizances, and the entry of the appeal or institution of other proceedings by the council shall be sufficient compliance with the enactment, rule of court or other requirement.

(2) Nothing in this section shall be taken to relieve the county council of any liability to which it would have been subject had a recognizance been entered into.

Proofs of debts in bankruptcy.

**180.** If any person against whom a local authority has any claim or demand is adjudged bankrupt, the clerk of the authority, or any other officer of the authority authorised in writing for the purpose, may represent the authority in all proceedings relating to the bankruptcy and act on its behalf in all respects as if the claim or demand was the personal claim or demand of the clerk or other officer and not of the authority.

Withholding or damaging property vested in local authority.

**181.**—(1) If any person having the charge or possession of any property or thing vested in a local authority fails on demand to deliver up that property or thing to the authority, or to such person as the authority may direct, he shall in respect of each offence be liable on summary conviction to a fine not exceeding five pounds and to pay to the authority the value of the property or thing not given up.

(2) If any person wilfully damages any property vested in a local authority, he shall in respect of each

offence be liable on summary conviction to a fine not exceeding forty shillings and to pay to the authority the expenses incurred by it in making good the damage.

(3) If any person accidentally or carelessly damages any property vested in a local authority, the authority may recover from him summarily as a civil debt the expenses incurred by it in making good the damage.

*Notices, &c.*

Service of notices on local authority.

**182.** Any notice, order or other document required or authorised by this Act, or by any other enactment or statutory order, to be sent, delivered or served to or upon a local authority, or to or upon the chairman or clerk of the county council, or to or upon the mayor or town clerk of a borough, shall be addressed to the authority or to the chairman, clerk, mayor or town clerk, as the case may be, and left at, or sent by post in a prepaid letter to, the offices of the authority.

Service of notices by local authority.

**183.**—(1) Subject to the provisions of this section, any notice, order or other document required or authorised by this Act, or by any other enactment or statutory order, to be served by or on behalf of a local authority, or by an officer of a local authority, on any person shall be deemed to be duly served—

(*a*) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and is either—

(i) sent by post in a prepaid letter, or

(ii) delivered at the registered office, or at the principal office or place of business, of the company:

(*b*) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(i) sent by post in a prepaid letter, or

PART X. —*cont.*

(ii) delivered at the said place of business:

(*c*) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the clerk, secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

(i) sent by post in a prepaid letter, or

(ii) delivered at that office:

(*d*) in any other case, if the document is addressed to the person to be served, and is either sent to him by post in a prepaid letter or delivered at his residence or place of business.

(2) Any document which is required or authorised to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier," as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served—

(*a*) if the document so addressed is sent or delivered in accordance with paragraph (*d*) of the foregoing subsection; or

(*b*) if the document so addressed, or a copy thereof so addressed, is delivered to some person on the premises or, where there is no person on the premises to whom it can be delivered, is affixed to some conspicuous part of the premises.

(3) A notice to treat under section eighteen of the Lands Clauses Consolidation Act, 1845, as incorporated with this Act or any other enactment or statutory order shall, if served by post, be served by registered post.

(4) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(5) For the purpose of proving the service by post of any document, it shall (except where the document is sent by registered post) be sufficient to prove that it was properly addressed and was put into the post.

PART X. —*cont.*

(6) For the purpose of enabling any document to be served on the owner of any premises, the local authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.

(7) In this section the word "document" means any notice, order or other document which is required or authorised to be served as mentioned in subsection (1) of this section.

(8) For the purposes of this section, a notice, order or other document shall be deemed to be a notice, order or other document which is required or authorised to be served on a person if it is required or authorised to be notified, given or transmitted, or (in the case of a demand) if it is required or authorised to be made, to that person, and in this section the expressions "served" and "service" shall be construed accordingly.

Authentication of documents.

**184.**—(1) Any notice, order or other document which a local authority is authorised or required by or under any enactment (including any enactment in this Act) to give, make or issue may be signed on behalf of the authority by the clerk of the authority or by any other officer of the authority authorised by the authority in writing to sign documents of the particular kind or the particular document, as the case may be.

(2) Any document purporting to bear the signature of the clerk of the authority or of any officer stated therein to be duly authorised by the authority to sign such a document or the particular document, as the case may be, shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the local authority.

(3) In this section the word "signature" includes a facsimile of a signature by whatever process reproduced.

PART X. —*cont.*

Public notices.

**185.** Except as otherwise expressly provided in any enactment, a public notice required to be given by a local authority shall be given—

(*a*) by affixing it to the offices of the authority; and

(*b*) by posting it in some conspicuous place or places within the area of the authority; and

(*c*) in such other manner, if any, as appears to the authority to be desirable for giving publicity to the notice.

Notices on offices, &c.

**186.** A notice or other document required to be affixed to the offices of a local authority, or to the county hall or 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 county hall or town hall, as the case may be.

Penalty for destroying notices, &c.

**187.** 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 in respect of each offence be liable on summary conviction to a fine not exceeding five pounds.

*Provisional Orders.*

Procedure on making provisional orders.

**188.**—(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 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 V 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 authority interested in or affected by the order and shall be paid accordingly, and the local authority may borrow for the purpose of defraying those costs.

PART X. —*cont.*

*Inquiries.*

Power of government departments to direct inquiries.

**189.**—(1) Where any department is authorised by this Act to determine any difference, to make or confirm any order, 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, the department, Secretary of State or the Minister 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 a summons issued under this section, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him;

(*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.

(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 in respect of each offence 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.

PART X. —*cont.*

(4) Where a department causes an inquiry to be held, the costs incurred by it in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as it 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 the costs are to 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) In this section the expression "department" includes the Secretary of State, the Minister, the Minister of Transport, and any Board or Commissioners.

*Miscellaneous Provisions.*

Provisions for giving publicity to the amenities of the county.

**190.** The county council may, for the purpose of giving publicity to the amenities and advantages of the county,—

(1) enter into and carry into effect agreements for the purpose aforesaid with any person approved by the Minister;

(2) make reasonable contributions towards the expenses incurred by any such person in giving effect to the agreement;

(3) incur reasonable expenditure on the use of suitable media of advertising;

(4) incur reasonable expenditure on the establishment and maintenance of office accommodation for the dissemination of information relating to the county:

PART X. —*cont.*

Provided that nothing in this section shall authorise the council—

(*a*) to give publicity to the commercial and industrial advantages of the county by advertisement or otherwise in the United Kingdom;

(*b*) to incur expenditure in advertising in any newspaper circulating exclusively or mainly within the county,

nor shall anything in paragraph (3) or paragraph (4) of this section authorise the council itself to advertise in any place outside the United Kingdom or to establish or maintain office accommodation outside the United Kingdom.

Expenses in connection with ceremonies, &c.

**191.**—(1) Subject to the provisions of this section, the county council may make payments for or in connection with—

(*a*) the reception and entertainment, by way of official courtesy, of distinguished persons residing in or visiting the county and persons representative of or connected with local government or other public services, and for the supply of information to any such persons;

(*b*) visits, by way of official courtesy, by or on behalf of the council;

(*c*) the arrangement and conduct of ceremonies relative to or arising out of the statutory functions of the council,

including payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of the council in connection with any of the matters aforesaid.

(2) The aggregate expenditure under this section in respect of any financial year shall not exceed the sum of two thousand five hundred pounds.

Power of county council to expend money on investigations.

**192.**—(1) Subject to the provisions of this section, the county council may expend money in investigating matters which are of importance generally to the inhabitants of the county.

(2) The aggregate expenditure under this section in respect of any financial year shall not exceed the sum of one thousand pounds.

PART X. —*cont.* Contributions by county council to funds of hospitals, &c.

**193.**—(1) The county council may contribute to the funds of any hospital, convalescent home, dispensary or other similar institution in which any officer of the council may receive treatment.

(2) The aggregate expenditure under this section in respect of any financial year shall not exceed the sum of five hundred pounds.

Fire insurance fund.

**194.**—(1) The county council may establish a fund (in this section called " the fire insurance fund ") with a view to providing a sum of money which shall be available for the purpose of making good any loss or damage occasioned by, or in consequence of, fire, lightning, or explosion, to any building, works or other property (in this section called " the insurable property ") belonging to, or under the care, custody or control of the council.

(2) The county council shall in each year pay into the fire insurance fund in respect of the insurable property insured in that fund such sum, not exceeding the amount of the annual premiums which would have been payable if the insurable property were insured for a like amount in a public insurance office in England, as it thinks necessary:

Provided that the council may discontinue such yearly payments for such period as it thinks fit if it appears to the council at any time that the insurance fund amounts to a sum in excess of what is reasonably necessary to cover the risks insured in the fund.

(3) Nothing in this section shall affect the power of the county council to insure the insurable property, or any part thereof, against such loss or damage as aforesaid in any public insurance office in England, or partly in such public insurance office and partly in the fire insurance fund, or compel the council to insure any of the insurable property to the full amount of the value thereof.

(4) The county council shall provide the yearly payments to the fire insurance fund as aforesaid from the respective revenues, funds, or rates which, if the insurable property were insured in a public insurance office, would be properly chargeable with the payment of the premiums on that insurance.

(5) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested

PART X. —*cont.*

may be necessary to meet any such loss or damage as aforesaid, all money for the time being standing to the credit of the fire insurance fund shall be invested, and the interest and annual proceeds arising therefrom shall be credited to the general county account of the county fund:

Provided that at the end of every year in which any interest and annual proceeds as aforesaid are credited to the general county account of the county fund the county council shall, out of that account, pay to the fire insurance fund (in addition to any sums payable under the next succeeding subsection) such sum, not exceeding the total amount carried to the said account during that year in respect of such interest and annual proceeds as aforesaid, as, in the opinion of the council, will be sufficient to maintain the fire insurance fund at an amount reasonably necessary to cover the risks insured in the fund.

(6) If at any time the fire insurance fund is insufficient to make good any such loss or damage as aforesaid occasioned to any part of the insurable property insured in that fund, the deficiency shall be made good by the council as a payment for general county purposes, or the council may, in accordance with the provisions of the London County Council (Finance Consolidation) Act, 1912, borrow or otherwise provide the money required for that purpose.

(7) Any insurance under this section shall, to the extent of the amount of the insurance, be deemed to satisfy any general covenant or obligation binding the county council to insure the insurable property.

Supply of goods by county council to other authorities.

**195.**—(1) The county council may purchase and store and supply to an authority any goods or materials required for the discharge of the functions of that authority, and for those purposes the council and any authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient.

(2) For the purposes of this section, the expression "authority" means—

(*a*) a borough council or a joint committee appointed by two or more borough councils:

PART X. —*cont.*

(*b*) a body of persons discharging functions relating to education or public health and receiving financial aid from the county council in relation to those functions:

(*c*) a body of persons concerned in the promotion of the welfare of blind persons ordinarily resident within the county:

(*d*) the committee appointed by the county council under section ten of the Old Age Pensions Act, 1936:

(*e*) the insurance committee appointed for the county under section ninety-one of the National Health Insurance Act, 1936: 26 Geo. 5. & 1 Edw. 8. c. 32.

(*f*) the British Postgraduate Medical School.

Power to apply provisions of Act to joint boards, &c.

**196.** 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, any constituent member of which is the county council or a borough council, for the discharge of any of the functions of those councils, 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 except the provisions enabling land to be acquired compulsorily by means of a compulsory purchase order.

Provisions as to Sundays, &c.

**197.**—(1) Where the day or the last day on which anything is required or permitted by or in pursuance of any enactment in this Act to be done is a Sunday, Christmas Day, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning, the said enactment shall have effect as if for the reference to the day aforesaid there were substituted a reference to the first day thereafter which is not one of the days aforesaid.

(2) Where by virtue of the foregoing provision 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 a 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.

PART X. —*cont.*

References to population.

**198.** For the purposes of any enactment passed after the commencement of this Act relating to local government, references to the last published census shall, as regards any area within the county, 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.

**199.** Any authority which, 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 it 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.

Exercise by Minister of certain powers conferred by local Acts on Treasury and Secretary of State.

**200.**—(1) The Minister shall exercise—

(*a*) as regards a borough council, any power conferred on the Treasury by a 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;

(*b*) any power of consent, sanction or confirmation conferred on a Secretary of State by a 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 a 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 subsection (1) of this section 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 regulations and orders.

**201.** Where any regulation or order 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 order 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 order:

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 authority.

**202.** A person holding office at the commencement of this Act as a member of a local authority, or as a member of any committee or sub-committee thereof, shall be deemed to have been elected or appointed to that office under this Act:

Provided that he shall retire from office on the date on which he would have retired if this Act had not passed, and until he so retires from that office he shall not be disqualified for holding the office by reason of any circumstances which occurred before the date of the commencement of this Act and which did not under the law in force at that date give rise to a disqualification for that office.

Restriction on alteration of parishes, &c.

**203.**—(1) A parish shall not be situate in more than one borough, or partly within a borough and partly within the City of London.

(2) The places known respectively as the Inner Temple and the Middle Temple shall not be added to a parish.

Saving for Crown rights.

**204.** Nothing in section seventeen of this Act shall prejudicially affect the powers exercisable by His Majesty by virtue of his royal prerogative:

Provided that the foregoing saving for the royal prerogative shall not be held to prejudice or affect, in

PART X. —*cont.*

relation to that or any other matter, the general application of any rule of law with respect to any estate, right, power, privilege or exemption of the Crown.

Cesser of certain enactments.

**205.** 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 Seventh 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.

**206.** In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

56 & 57 Vict. c. 73.

"Affairs of the church" has the same meaning as in the Local Government Act, 1894;

"Borough" means metropolitan borough;

"Borough council" means metropolitan borough council;

"Borough councillor" means a councillor for a borough;

"Clerk of the authority" means the clerk of the county council or the town clerk of the borough, as the case may require;

25 & 26 Vict. c. 89. 8 Edw. 7. c. 69. 19 & 20 Geo. 5. c. 23.

"Companies Acts" means the Companies Act, 1862, the Companies (Consolidation) Act, 1908, or the Companies Act, 1929;

"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;

"County council" means the London County Council;

"County of London" means the county exclusive of the City of London;

"Ecclesiastical charity" has the same meaning as in the Local Government Act, 1894;

"Electoral area" in relation to an election means the electoral division or ward for which the election is held;

"Enactment" includes an enactment in a provisional order confirmed by Parliament;

"Financial year" means the period of twelve months ending on the thirty-first day of March;

"Functions" includes powers and duties;

"Land" includes any interest in land and any easement or right in, to or over land;

"Local authority" means the county council or a borough council;

"Local government elector" or "elector" means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;

"Minister" means the Minister of Health;

"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 provisions of Rule 7 of No. V in 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 its functions in the relief of the poor; and

PART X. —*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 purpose, if any;

"Prescribed" means prescribed by regulations made, except where some other prescribing authority is specified, 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, whether a local authority for the purposes of this Act or for the purposes of the Local Government Act, 1933, 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 power to levy, or to issue a precept for, any rate for public purposes;

"Sale" includes a sale in consideration of a chief rent, rentcharge 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 for the county of London and the county council appointed under section thirty of the Local Government Act, 1888;

51 & 52 Vict. c. 41.

"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; PART X. —*cont.*

"The county" means the administrative county of London;

"Undertaking" means, in relation to a local authority, the provision of water, gas, electricity, transport or any other public service which the local authority is authorised to undertake.

**207.**—(1) The enactments mentioned in the Eighth Schedule to this Act are hereby repealed in their application to the county to the extent specified in the third column of that Schedule: Repeals.

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 the 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 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, or deemed to have been 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 X. —*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 and date of commencement.

**208.** This Act may be cited as the London Government Act, 1939, and shall come into operation on the first day of January nineteen hundred and forty.

# SCHEDULES.

## FIRST SCHEDULE.

Section 1

### METROPOLITAN BOROUGHS.

| | |
|---|---|
| Battersea. | Kensington. |
| Bermondsey. | Lambeth. |
| Bethnal Green. | Lewisham. |
| Camberwell. | Paddington. |
| Chelsea. | Poplar. |
| Deptford. | St. Marylebone. |
| Finsbury. | St. Pancras. |
| Fulham. | Shoreditch. |
| Greenwich. | Southwark. |
| Hackney. | Stepney. |
| Hammersmith. | Stoke Newington. |
| Hampstead. | Wandsworth. |
| Holborn. | Westminster. |
| Islington. | Woolwich. |

## SECOND SCHEDULE.

Sections 15, 29 and 45.

### RULES RELATING TO THE ELECTION OF COUNCILLORS.

### PART I.

### MATTERS PRECEDING THE POLL.

*Notice of Election.*

1.—(1) On or before the twentieth day preceding the day of election a notice of election shall be published in the form prescribed by the Secretary of State.

2ND SCH. —*cont.*

(2) The notice of election shall be prepared and signed by the returning officer, and he shall publish it—

(*a*) in the case of an election of county councillors, by causing it to be affixed to the town hall of the borough in which the electoral division for which the election is to be held is comprised or, if the electoral division comprises the City of London, at the Guildhall of the said City, and to be exhibited at such places in the electoral division as he may determine;

(*b*) in the case of an election of borough councillors, by causing it to be affixed to the town hall of the borough, and to be exhibited at such places in the ward for which the election is to be held as he may determine.

*Nomination of Candidates.*

2.—(1) Every candidate for election must be nominated by two local government electors for the electoral area 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, in the case of an election of county councillors, by eight other local government electors for the electoral division as assenting to the nomination.

(3) No person shall—

(*a*) sign more than one nomination paper in respect of the same candidate; or

(*b*) sign more nomination papers than there are vacancies to be filled in the electoral area; or

(*c*) in the case of an election of borough councillors, sign a nomination paper for more than one ward of the borough;

and if any person signs nomination papers in contravention of the foregoing provisions of this rule, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered.

(4) The returning officer shall provide nomination papers, and shall supply any local government elector for the electoral area 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.

*Candidate's Consent to Nomination.*

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 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 rule, 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 at such place within the electoral area as may be appointed for the purpose by the returning officer, not later than five o'clock in the afternoon on the twelfth day preceding the day of election.

(2) The returning officer shall number the nomination papers in the order in which they are received by him, and the first valid nomination paper received in respect of a candidate shall be deemed to be the nomination paper of that candidate.

*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 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 decides that a candidate has been so validly nominated, his decision shall be final and shall not be questioned in any proceeding whatsoever.

(3) Where the returning officer 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 under the last preceding paragraph of this rule shall be subject to review on an election petition questioning the election.

(5) Not later than five o'clock in the afternoon on the eleventh day preceding the day of election, the returning officer shall send notice of his decision to each candidate at his place of residence as stated on his nomination paper.

2ND SCH. —*cont.*

*Statement as to Persons Nominated.*

6. The returning officer shall, not later than five o'clock in the afternoon on the eleventh day preceding the day of election, 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 five o'clock in the afternoon on the ninth day preceding the day of election.

*Nomination in more than one Electoral Area.*

8. A candidate who is validly nominated for more than one electoral area must, by notice signed, attested and delivered as aforesaid, withdraw from his candidature in all those electoral areas except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all the electoral areas.

*Method of Election and Publication of Result of Uncontested Election.*

9.—(1) If the number of the persons who, after any withdrawals under the foregoing provisions of this Schedule, remain validly nominated exceeds the number of vacancies to be filled, the councillors shall be elected, in accordance with the rules contained in Part II of this Schedule, from among those persons.

(2) If the number of the persons who remain validly nominated as aforesaid is the same as the number of vacancies to be filled, the persons so remaining validly nominated shall be deemed to be elected.

(3) If the number of the persons who remain validly nominated as aforesaid is less than the number of vacancies to be filled, the persons so remaining validly nominated shall be deemed to be elected, and, if the election is an ordinary election, such of the retiring councillors for the electoral area 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 chairman of

the county council or of the mayor of the borough, as the case may require, shall be deemed to be elected to make up the required number.

(4) If at an ordinary election no person is or remains validly nominated, the retiring councillors for the electoral area shall be deemed to be elected.

10. If an election 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, in the case of an election of county councillors, to the clerk of the county council, and in the case of an election of borough councillors, to the town clerk of the borough.

*Supplemental Provisions.*

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 area if he is registered in the register of local government electors for that electoral area 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, a bank holiday or a 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.

## MATTERS RELATING TO CONTESTED ELECTIONS.

### THE POLL.

*General conduct of poll.*

1. At every contested election of councillors the votes shall be given by ballot, and the poll shall be conducted in accordance with the rules contained in this Part of this Schedule.

*Notice of poll.*

2.—(1) The returning officer shall, on or before the fifth day preceding the day of election, give notice of the poll, specifying—

(*a*) the day and hours fixed for the poll;

2ND SCH. —*cont.*

(*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) A notice of poll required to be published under this rule 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.—(1) The poll at an election shall commence at eight o'clock in the morning and, subject as hereinafter provided, be kept open till eight o'clock in the afternoon of the same day and no longer:

Provided that if notice in writing is given to the returning officer not later than the time hereinafter mentioned by candidates who remain validly nominated for election and to a number not less than the number of vacancies to be filled that they wish the poll to be kept open until nine o'clock in the afternoon, the poll shall be kept open until that hour but no longer.

(2) The notice aforesaid must be given not later than five o'clock in the afternoon on the ninth day preceding the day of election.

*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; or

(*b*) a room the expense of maintaining which is payable out of any rate.

(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 before commencement of poll.*

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. The returning officer 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*) provide each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;

(*d*) provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer 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 area 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 III of this Schedule, or as near thereto as circumstances admit, giving directions for the guidance of electors in voting, shall be printed in conspicuous characters and exhibited outside every polling station and in every compartment in the polling station.

10. Every ballot box shall be so constructed that the ballot papers can be put into it, but cannot be withdrawn from it, without the box being unlocked.

2ND SCH. —*cont.*

11. Every ballot paper shall be in the form set forth in Part III 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 stated 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;

(*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 county or for the same borough, as the case may be.

*Polling agents.*

13.—(1) At an election of county councillors each candidate may appoint agents to attend at the polling stations for the purpose of detecting personation.

(2) At an election of borough councillors the candidates may severally or jointly appoint agents to attend at the polling stations for the purpose of detecting personation:

Provided that—

(*a*) not more than one agent shall be appointed to attend at any polling station on behalf of the same candidate;

(*b*) not more than three, or if the number of candidates exceeds twenty not more than four, agents shall be appointed to attend at any polling station.

(3) An agent appointed under this rule is in this Schedule referred to as " a polling agent ".

(4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate or candidates to the returning officer two clear days at least before the day of election; and if at an election of borough councillors the number of polling agents appointed to attend at any polling station exceeds the number permitted by this rule to attend thereat, only those polling agents, up to the permitted number, whose appointments are signed by the greater number of candidates or, in the event of an equality in the number of signatures, only such of those polling agents as may be determined by the returning officer, shall be deemed to have been validly appointed.

2ND SCH. —*cont.*

(5) If a polling agent dies, or becomes incapable of acting, the candidate or candidates 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.

(6) Subject to the provisions of this rule, 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 rule shall affect the provisions of the Police Disabilities Removal Act, 1887, as applied to elections of county councillors and of borough councillors 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 are present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal on 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 electors or by a candidate or his polling agent, shall, at the time when a person applies for a ballot paper, but not afterwards, put to that person the following questions, or either of them, that is to say :—

(*a*) In the case of an election of county councillors—

(i) 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*] ?

2ND SCH. —*cont.*

(ii) Have you already voted at the present election of county councillors 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]?

(*b*) In the case of an election of borough councillors—

(i) Are you the person registered in the register of local government electors now in force for this ward as follows [*read the whole entry from the register*]?

(ii) Have you already voted at the present election of borough councillors for this ward [*adding in the case of an ordinary election or a first election of an additional councillor*, or for any other ward of the borough]?

(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) Except as authorised by this rule no inquiry shall be made as to the right of any person to vote.

*Challenge of elector by polling agent.*

17.—(1) If at the time when a person applies for a ballot paper, or if at any time after a person 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 to do so.

(2) A person against whom such a declaration as aforesaid is made 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 rule 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 of electors 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;

(*d*) a mark shall be placed in the register of electors 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.—(1) The elector, on receiving the ballot paper, shall forthwith proceed to one of the compartments in the polling station and there secretly mark his ballot 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.

(2) 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—

(*a*) of 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 orally 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 in writing 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 in the register of electors of every elector whose vote is marked in pursuance of this rule 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 ").

2ND SCH. —*cont.*

21.—(1) If an elector makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied (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 rule 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.

(3) For the purposes of this rule, 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 in the register of electors of every elector whose vote is given in accordance with this rule 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 respectively in Form D and Form E in Part III of this Schedule, or in a form 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.

23. If a person, representing himself to be a particular elector named in the register of electors, applies for a ballot paper after another person has voted as that particular elector, the applicant shall, on satisfactorily answering the questions set out in Rule 16 of this Part of this Schedule, and subject as hereinafter provided, be entitled to mark a ballot paper (in this Schedule called " a tendered ballot paper ") in the same manner as any other elector:

Provided that—

(*a*) a tendered ballot paper shall be of a colour differing from the other ballot papers; and

(*b*) a tendered ballot paper, 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

(*c*) the name of the elector and his number in the register of electors, together with the distinctive letter of the parliamentary polling district in which the elector is registered, shall be entered on a list (in this Schedule called " the tendered votes list ").

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 to his satisfaction the fact of the inadvertence, 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;

2ND SCH. —*cont.*

(*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 used 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) At an election of county councillors each candidate may appoint an agent to attend at the counting of the votes.

(2) At an election of borough councillors the candidates may severally or jointly appoint an agent to attend at the counting of the votes:

Provided that—

(*a*) not more than one agent shall be appointed to attend on behalf of the same candidate;

(*b*) the total number of agents appointed to attend shall not exceed nine or, if the number of candidates exceeds twenty, twelve.

(3) An agent appointed under this rule is in this Schedule referred to as " a counting agent ".

(4) Notice in writing of the appointment of a counting agent, stating the name and address of the person appointed, shall

be given by the candidate or candidates to the returning officer two clear days at least before the day of election; and if at an election of borough councillors the number of counting agents appointed exceeds the number permitted by this rule to attend at the counting of the votes, only those counting agents, up to the permitted number, whose appointments are signed by the greater number of candidates or, in the event of an equality in the number of signatures, only such of those counting agents as may be determined by the returning officer, shall be deemed to have been validly appointed.

(5) The returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address have not been so given notwithstanding that his appointment may be otherwise valid, and any notice required to be given by this Part of this Schedule to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice.

(6) If a counting agent dies, or becomes incapable of acting, the candidate or candidates 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.

2ND SCH. —*cont.*

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 take proper precautions for the security of the ballot papers and other documents.

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 for uncertainty 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 rule 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 rule, the words "rejected in part" and a memorandum specifying the votes counted.

(2) The returning officer shall add to the endorsement the words "rejection objected to" if an objection is made by a 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 on any question arising in respect of a 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 shall determine by lot which of the candidates whose votes are equal shall be declared to be elected.

*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 has 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 county councillors to the clerk of the county council, and in the case of an election of borough councillors to the town clerk of the borough.

*Disposal of ballot papers, &c.*

39.—(1) On 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.

(2) The returning officer 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 rule 31 of this Part

2ND SCH. —*cont.*

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.

(3) 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 county councillors, or to the town clerk of the borough, in the case of an election of borough councillors, 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 it relates, and the name of the electoral area 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

(*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 the election, may make an order for the inspection or production of any such ballot papers as aforesaid or the opening of the sealed packet of counterfoils.

(2) An order made under this rule may be made subject to such conditions as to persons, time, place and mode of the inspection or production of ballot papers or of the opening of 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 rule may be exercised by a judge of the county court otherwise than in open court.

(4) In making and carrying into effect an order under this rule, 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 an order of a county court made under this rule.

42. Except by order of a court made under the last preceding rule, no person shall be allowed to inspect any ballot papers in the custody of the clerk of the county council or a town clerk, or to open the sealed packet of counterfoils.

43.—(1) Where an order is made for the production by the clerk of the county council or a town clerk of any document in his possession relating to a 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 a 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.

(2) The production from proper custody of a ballot paper purporting to have been used at an 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 in use 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 rule 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 Part of this Schedule to the clerk of the county council or to a town clerk, 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 borough council, as

2ND SCH. —*cont.*

the case may require, 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 making a demand therefor on payment of such fees, and subject to such conditions, as may be determined by the county council or borough council 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 borough council, 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 a partner or clerk of any such officer, shall act as a polling or counting agent.

(2) If a returning officer or officer appointed under this Part of this Schedule, or a partner or clerk of any such officer, acts as a polling or counting agent in contravention of the provisions of this rule, 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.

52. Where by 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.

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 voted.

54.—(1) Every returning officer, every candidate who proposes to attend at a polling station or at the counting of the votes, 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 III 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 a candidate or 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 returning officer, candidate, officer or agent as aforesaid 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 candidate, 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 a candidate, or an officer appointed under this Part of this Schedule, or a polling agent or a 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 electors of any elector who has or has not applied for a ballot paper or voted at a polling station; or

(ii) the official mark;

(*b*) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;

(*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, candidate, polling agent or counting agent as aforesaid, shall—

(*a*) interfere with or attempt to interfere with an elector when recording his vote;

2ND SCH. —*cont.*

(*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;

(*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;

(*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 whom he has or has not voted.

(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 any of the provisions of this rule, he shall in respect of each offence 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.

56.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If a 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 rule 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.

57. The forms set forth in Part III of this Schedule, or forms as near thereto 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.

PART III. 2ND SCH. —*cont.*

FORMS FOR USE AT A CONTESTED ELECTION.

FORM A.

*Form of Ballot Paper.*

Form of Front of Ballot Paper.

Counterfoil No.

*The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*

| | | |
|---|---|---|
| 1 | BROWN<br>(John Brown, of 52 George Street, Bristol, merchant.) | |
| 2 | JONES<br>(William David Jones, of High Elms, Wilts, gentleman.) | |
| 3 | MERTON<br>(Hon. George Travis, commonly called Viscount Merton, of Swanworth, Berks.) | |
| 4 | SMITH<br>(Mary Smith, of 72 High Street, Bath, married woman.) | |

Form of Back of Ballot Paper.

No.

Election for the [ electoral division of the administrative county of London] [ ward of the metropolitan borough of ].

*Note.*—The number on the ballot paper is to correspond with that on the counterfoil.

2ND SCH. —*cont.*

*Directions as to printing ballot paper.*

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 those 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 electors in voting.*

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 fraudulently puts into the ballot box any paper other than the ballot paper given him by the officer, he will 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.

FORM C.

*Form of declaration of secrecy.*

I solemnly promise and declare, that I will at this election maintain and aid in maintaining secrecy of the voting and will not do anything forbidden by paragraphs (5), (6) and (8) of rule 54 in Part II of the Second Schedule to the London Government Act, 1939, which have been read by me.

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 administrative county of London] [ ward of the metropolitan 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 administrative county of London] [ ward of the metropolitan 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 .

*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.

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 administrative county of London] [ ward of the metropolitan borough of ], to record his vote at the election now being held for the said [electoral division] [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 administrative county of London] [ ward of the metropolitan 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 ,

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.

Section 50.

# THIRD SCHEDULE.

## MEETINGS AND PROCEEDINGS.

### PART I.

*County Council.*

Days and hours of meetings.

1.—(1) The county council shall in every year hold an annual meeting and such other meetings as it considers necessary for the transaction of its 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 council may determine;

(*b*) in any other year, on such day in the month of March, April or May as the council may determine;

and at such hour as the council may determine.

(3) The other meetings shall be held on such other days and at such hour as the council may determine.

(4) Meetings of the county council shall be held at such place, either within or without the county, as the council may determine.

Convening meetings.

2.—(1) The chairman of the 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 twenty members of the council, has been presented to him, or if, without so refusing, he does not within seven days after the requisition has been presented to him call a meeting, any twenty members of the council may forthwith on his so refusing or on the expiration of the seven days, as the case may be, call a meeting of the council.

(3) Forty-eight hours at least before a meeting of the county council—

(*a*) notice of the time and place of the intended meeting, signed by the chairman of the council or by the members calling the meeting, shall be published at the county hall, and where the meeting is called by members of the council the notice 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 county council, shall be left at, or sent by

post to, the last-known place of residence of every member of the council: 3RD SCH. —*cont.*

Provided that—

(i) want of service of the summons on any member of the council shall not affect the validity of a meeting; and

(ii) if a member of the council gives notice in writing to the clerk of the council that he desires summonses to attend meetings of the council to be sent to him at some address (to be specified in the notice) other than his place of residence, any summons addressed to him and delivered at or sent by post to the address so specified shall be deemed sufficient service of the summons.

(4) Except in the case of business required by this Act to be transacted at the annual meeting of the county council, or except in the case of a matter of urgency brought before the meeting in accordance with any standing order made by 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 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 or, in his absence, the deputy chairman (if any), of the council, if present, shall preside.

(3) If the chairman, vice-chairman and deputy chairman (if any) are all absent from a meeting of the council, such member of the council as the members present shall choose shall preside.

Quorum.

4. No business shall be transacted at a meeting of the county council unless at least one-fourth of the whole number of members of the council are present thereat:

Provided that, where more than one-third of the members of the council become disqualified at the same time, the foregoing provision shall, until the number of members in office is increased to not less than two-thirds of the whole number of members of the council, have effect as if for the reference to the whole number of members of the council there were substituted a reference to the number of members of the council remaining qualified.

## PART II.

### *Borough Councils.*

Days and hours of meetings.

1.—(1) A borough council shall in every year hold an annual meeting and such other meetings as it considers necessary for the transaction of its business.

3RD SCH. —*cont.*

(2) The annual meeting shall be held on the ninth day of November at such hour as the council may determine.

(3) The other meetings shall be held on such other days and at such hour as the council may determine.

Convening meetings.

2.—(1) The mayor of a borough may call a meeting of the borough council at any time.

(2) If the mayor refuses to call a meeting after a requisition for that purpose, signed by one-fourth of the whole number of members of the council, has been presented to him, or if, without so refusing, the mayor does not within seven days after the requisition has been presented to him call a meeting, any members of the council, not being less than one-fourth of the whole number thereof, may forthwith on his so refusing, or on the expiration of those seven days, as the case may be, call a meeting of the council.

(3) Three clear days at least before a meeting of a borough 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 town clerk, shall be left at, or sent by post to, the last-known 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 a borough 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 borough council the mayor of the borough, if present, shall preside.

(2) If the mayor is absent from a meeting of the borough council, the deputy mayor, if present, shall preside.

(3) If both the mayor and the deputy mayor are absent, 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. No business shall be transacted at a meeting of a borough council unless at least one-third of the whole number of members of the council are present thereat:

Provided that, where more than one-third of the members of the council become disqualified at the same time, the foregoing provision shall, until the number of members in office is increased to not less than two-thirds of the whole number of members of the council, have effect as if for the reference to the whole number of members of the council there were substituted a reference to the number of members of the council remaining qualified. 3RD SCH. —*cont.*

## PART III.

*General.*

Decisions 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 authority present and voting thereon at a meeting of the authority.

(2) In the case of an equality of votes, the person presiding at the meeting, whether or not he voted, or was entitled to vote, in the first instance, may give a casting vote.

Names of members present to be recorded.

2. The names of the members present at a meeting of a local authority shall be recorded.

Minutes.

3.—(1) Minutes of the proceedings of a meeting of a local authority shall be drawn up and printed, and shall be signed at the same or next ensuing meeting of the authority 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 meeting of a local authority in respect of the proceedings of which a minute has been so 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.

Standing Orders.

4. Subject to the provisions of this Act, a local authority may make standing orders for the regulation of its proceedings and business, and may vary or revoke any such orders.

Vacancies, &c., not to invalidate proceedings.

5. The proceedings of a local authority shall not be invalidated by any vacancy among its number, or by any defect in the election or qualification of any of its members.

Sections 101 and 102.

# FOURTH SCHEDULE.

## COMPULSORY PURCHASE OF LAND.

### PART I.

*Provisions to be incorporated in orders for compulsory purchase.*

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.

### PART II.

*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 which compensation is to be assessed determines that, 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 determines, 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 any sum 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. 4TH SCH. —*cont.*

## FIFTH SCHEDULE.

Section 114.

### ENACTMENTS CONTAINING PROVISIONS AS TO THE ACQUISITION OF AND OTHER DEALINGS IN LAND NOT AFFECTED BY THE PROVISIONS OF PART V OF THIS ACT.

| | |
|---|---|
| The Metropolis Management Acts, 1855 to 1893. | |
| The Electricity (Supply) Acts, 1882 to 1936. | |
| The Lunacy and Mental Treatment Acts, 1890 to 1930. | |
| The Technical and Industrial Institutions Act, 1892. | 55 & 56 Vict. c. 29. |
| The Military Lands Acts, 1892 to 1903. | |
| The Public Libraries Acts, 1892 to 1919. | |
| The Allotments Acts, 1908 to 1931. | |
| The Small Holdings and Allotments Acts, 1908 to 1931. | |
| The Development and Road Improvement Funds Act, 1909. | 9 Edw. 7. c. 47. |
| The Air Navigation Acts, 1920 and 1936. | |
| The Education Acts, 1921 to 1937. | |
| The Town and Country Planning Act, 1932. | 23 & 24 Geo. 5. c. 48. |
| Parts II and VII of the Public Health (London) Act, 1936. | |
| The Housing Acts, 1936 and 1938. | |
| The Air-Raid Precautions Act, 1937. | 1 & 2 Geo. 6. c. 6. |
| Any local Act. | |

Section 152.

# SIXTH SCHEDULE.

## PROVISIONS AS TO MEETINGS AND POLLS OF ELECTORS IN CONNECTION WITH THE PROMOTION OF BILLS BY BOROUGH COUNCILS.

1. Where a borough council has deposited a Bill in Parliament, notice shall be given by placards and by advertisement in one or more local newspapers circulating in the borough in two successive weeks giving brief particulars of the objects of the Bill and stating—

(*a*) the title of the Bill;

(*b*) that the Bill has been deposited;

(*c*) that copies of the Bill may be inspected and purchased at a specified place within the borough 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

(*d*) that a public meeting of the electors of the borough 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 of Parliament, and the placards giving notice under this Schedule shall be posted within the same time.

3. A public meeting of the electors of the borough shall be held in accordance with the notice, and the mayor of the borough or, in the event of his being unable or unwilling to preside, a person appointed by the borough council to perform that duty, shall preside at the meeting; but, if neither the mayor 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 the meeting the person presiding thereat, or a member or officer of the borough council, shall give such explanation of the Bill as he thinks expedient.

6TH SCH. —*cont.*

6.—(1) 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 respectively in favour of the promotion of any provisions of the Bill, but together covering the promotion of the whole Bill, and the meeting shall decide for or against any such resolution.

(2) 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 resolution is put, the meeting decides 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, if the decision of the meeting on a resolution is against the resolution, by the borough 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 of the borough within seven days after the date of the meeting or any adjournment thereof.

10. A requisition for a poll by a borough 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 the resolution must be delivered to the mayor.

11. The mayor 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 shall cause the votes given at a poll under this Schedule to be counted and shall as soon as practicable declare the result.

14. The decision of the mayor on any question arising in respect of a voting paper shall be final.

6TH SCH. —*cont.*

15. 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.

16. If the mayor is unable or unwilling to perform any duty or do any act or thing with respect to a poll under this Schedule, the borough council shall appoint some other person to perform the duty or do that act or thing.

17.—(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.

18. Any person who at, or for the purposes of, a poll under the provisions of this Schedule—

(1) fraudulently signs or forges any signature to a requisition of electors; or

(2) 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

(3) having voted once, applies for a second voting paper in his own name; or

(4) forges or counterfeits, or fraudulently defaces or fraudulently destroys, a voting paper; or

(5) without due authority supplies a voting paper to any person; or

(6) fraudulently puts into any box or other receptacle any paper other than a voting paper supplied to him for the purpose; or

(7) fraudulently takes out of the polling station any voting paper; or

(8) 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

(9) causes any disturbance or disorder in or near any polling station;

shall in respect of each offence 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 the offence.

## SEVENTH SCHEDULE.

Section 205.

ENACTMENTS CEASING TO HAVE EFFECT.

| Session and Chapter. | Title or Short Title. | Extent to which enactment shall cease to have effect. |
|---|---|---|
| 9 Anne, c. 25 | The Municipal Offices Act, 1710. | The whole Act, except so far as it relates to the City of London. |
| 57 Geo. 3. c. xxix. | An Act for better paving, improving, and regulating the streets of the Metropolis, and removing and preventing nuisances and obstructions therein. | Section fifty-one (which relates to the accountability of the legal representatives of deceased officers).<br>Section ninety-six (which relates to the sale of land) so far as it requires the land to be sold to be offered in the first instance to the person from whom it was acquired. |
| 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. |
| 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). |
| 18 & 19 Vict. c. 120. | The Metropolis Management Act, 1855. | Section fifty-seven (which relates to the revocation of resolutions).<br>Section sixty-six (which relates to the provision of offices) so far as it requires daily attendance to be given at offices.<br>Section one hundred and thirty-nine (which relates to the joint appointment of officers for parishes or districts).<br>Section one hundred and ninety-one (which relates to the mode of paying off mortgages). |

7TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent to which enactment shall cease to have effect. |
|---|---|---|
| 18 & 19 Vict. c. 120—*cont.* | The Metropolis Management Act, 1855—*cont.* | Section two hundred and two (which confers powers to make byelaws) so far as it relates to the making of byelaws for regulating the business and proceedings at meetings of a local authority and of committees thereof, and for the appointment, removal, duties, conduct, and remuneration of officers.<br>Section two hundred and thirty-five (which relates to joint action by vestries, &c.). |
| 24 & 25 Vict. c. 125. | The Parochial Offices Act, 1861. | Section one (which authorises the provision of offices for parishes). |
| 25 & 26 Vict. c. 102. | The Metropolis Management Amendment Act, 1862. | Sections five to eight and thirteen (which relate to the assessment of sums required to meet certain expenses).<br>Section twenty (which authorises the Public Works Loan Commissioners to lend money to a vestry or district board).<br>Section twenty-three (which requires certain votes for sums exceeding twenty thousand pounds to be confirmed at a subsequent meeting). |
| 35 & 36 Vict. c. 91. | The Borough Funds Act, 1872. | Section ten (which provides that the Act shall not extend to a bill for an object which can be authorised by provisional order). |
| 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). |
| 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 except so far as it relates to the City of London. |

7TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent to which enactment shall cease to have effect. |
|---|---|---|
| 42 & 43 Vict. c. 54. | The Poor Law Act, 1879. | Sections four to seven (which relate to the adjustment of parish boundaries). |
| 51 & 52 Vict. c. 41. | The Local Government Act, 1888. | Section four (which relates to the transfer of certain powers under local Acts).<br>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.<br>Section fifty-four (which relates to alterations of boundaries).<br>Section fifty-seven (which relates to alteration of parishes).<br>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).<br>In section eighty (which relates to payments out of the county fund), subsection (4). |
| 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), except so far as it relates to the City of London.<br>Section two hundred and fifty-six (which relates to contracts made by a visiting committee), except so far as it relates to the City of London. |

7TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent to which enactment shall cease to have effect. |
|---|---|---|
| 62 & 63 Vict. c. 14. | The London Government Act, 1899. | In section eight (which relates to committees of borough councils), subsection (3).<br>In section nine (which relates to payments to and by borough councils), so much of subsection (1) as requires all cheques for payment of moneys issued in pursuance of an order of a borough council to be countersigned by the town clerk or by a deputy approved by the council. |
| 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). |
| 26 Geo. 5. & 1 Edw. 8. c. 50. | The Public Health (London) Act, 1936. | In section fifty-seven (which relates to the discharge of offensive liquid refuse into the county council's sewers), so much of subsection (2) as requires the recommendation of a committee to the institution of legal proceedings. |

## EIGHTH SCHEDULE.

Section 207.

### ENACTMENTS REPEALED.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 22 Hen. 8. c. 5. | An Acte coñcnyng the amendment of Bridge in Highe Wayes. | In section three, the words from "and that the same justices" to the end of the section.<br>Section six. |
| 9 Anne, c. 25 | The Municipal Offices Act, 1710. | The whole Act except so far as it relates to the City of London. |
| 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".<br>Sections seven to nine and eleven.<br>In section fourteen, the words from "such contractor or contractors" to the end of the section. |
| 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".<br>In section five, the words from "Provided nevertheless" to the end of the section. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 57 Geo. 3. c. xxix. | An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein. | Sections forty-five to fifty-one.<br>In section ninety-six, the words from " provided the said freehold " to " (mutatis mutandis) ".<br>Sections ninety-seven to one hundred and eight.<br>In section one hundred and nine, the words from " assemble and meet " to " and also may", and the words from " and may appoint any person " to " deposit as aforesaid ".<br>Sections one hundred and ten to one hundred and twenty and one hundred and twenty-four.<br>In section one hundred and twenty-nine, the words from " and shall or may be served " 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. |
| 7 Will. 4. & 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. & 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. |
| 4 & 5 Vict. c. 38. | The School Sites Act, 1841. | In section six, the words from " Provided also that the justices " to the end of the section. |
| 7 & 8 Vict. c. 101. | The Poor Law Amendment Act, 1844. | Section sixty-one. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 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. |
| 13 & 14 Vict. c. 101. | The Poor Law Amendment Act, 1850. | Section six. |
| 15 & 16 Vict. c. 85. | The Burial Act, 1852 | Sections thirteen to fifteen.<br>In section sixteen, the words from the beginning of the section to "contrary be proved; and".<br>Sections seventeen, nineteen, twenty and twenty-four.<br>In section twenty-six, the words from "to contract for and purchase" to "think fit, or".<br>Section twenty-eight.<br>In section thirty-one, the words from "which contracts" to the end of the section. |
| 18 & 19 Vict. c. 120. | The Metropolis Management Act, 1855. | Sections eight to ten, twenty-eight, thirty, fifty-seven, sixty to sixty-six, ninety-two and one hundred and thirty-nine.<br>In section one hundred and forty-four, the words from "and such Board" to the end of the section.<br>Sections one hundred and forty-nine, one hundred and fifty-five, one hundred and fifty-six, one hundred and eighty-three and one hundred and eighty-five to one hundred and ninety-one.<br>In section two hundred and two, the words from the beginning of the section to "such officers and servants; and".<br>In section two hundred and six, the words from "or wilfully damage" to "Metropolitan Board".<br>In section two hundred and seven, the words "or other such property as aforesaid",<br>Section two hundred and twenty. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 18 & 19 Vict. c.120—*cont.* | The Metropolis Management Act, 1855—*cont.* | In section two hundred and twenty-two the words from "and shall be" to the end of the section.<br>Sections two hundred and twenty-three and two hundred and thirty-five.<br>Schedules E and F. |
| 19 & 20 Vict. c. 112. | The Metropolis Management Amendment Act, 1856. | Sections nine and ten. |
| 20 & 21 Vict. c. 81. | The Burial Act, 1857 | Sections nineteen to twenty-one. |
| 24 & 25 Vict. c. 125. | The Parochial Offices Act, 1861. | The whole Act. |
| 25 & 26 Vict. c. 102. | The Metropolis Management Amendment Act, 1862. | Sections five to eight, thirteen, nineteen, twenty, twenty-three, thirty-seven and thirty-nine.<br>In section seventy-two, the words from "and the expenses" to "under the firstly-recited Act", and the words from "Provided also" to "such improvements".<br>In section ninety, the words from "or who shall remove" to "board or vestry" where those words last occur.<br>Section one hundred and fourteen.<br>Schedule C. |
| 26 & 27 Vict. c. 13. | The Town Gardens Protection Act, 1863. | Section three. |
| 29 & 30 Vict. c. 122. | The Metropolitan Commons Act, 1866. | Section twenty-six. |
| 33 & 34 Vict. c. 23. | The Forfeiture Act, 1870. | Section two, so far as relates to membership of a local authority. |
| 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. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 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 "defrayed out of the local rate" so far as relates to the county council. |
| 39 & 40 Vict. c. 61. | The Divided Parishes and Poor Law Amendment Act, 1876. | Sections one to nine. |
| 39 & 40 Vict. c. 62. | The Sale of Exhausted Parish Lands Act, 1876. | The whole Act, except so far as it relates to the City of London. |
| 39 & 40 Vict. c. 75. | The Rivers Pollution Prevention Act, 1876. | In section fourteen, the words from the beginning of the section to "such order and". Section fifteen. |
| 42 & 43 Vict. c. 54. | The Poor Law Act, 1879. | Sections four to seven. |
| 45 & 46 Vict. c. 56. | The Electric Lighting Act, 1882. | In section eight, the words from "on such security" to "such stock as aforesaid". In the Schedule, the entries in the fourth, fifth, sixth and seventh columns. |
| 46 & 47 Vict. c. 52. | The Bankruptcy Act, 1883. | In section thirty-two, in subsection (1), paragraph (*d*), except so far as relates to the City of London, and paragraph (*e*). Section thirty-four, except so far as relates to the City of London. |
| 48 & 49 Vict. c. 10. | The Elections (Hours of Poll) Act, 1885. | The whole Act, except so far as it relates to parliamentary elections. |
| 48 & 49 Vict. c. 33. | The Metropolis Management Amendment Act, 1885. | Sections seven and eight. |
| 51 & 52 Vict. c. 41. | The Local Government Act, 1888. | Sections one and two. In section three, in paragraph (i) the words from "and the making of orders" to "county fund", paragraph (iii), in paragraph (iv) the words "shire |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 51 & 52 Vict. c. 41—*cont.* | The Local Government Act, 1888—*cont.* | 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".<br>Section four.<br>In section five, subsection (7).<br>Sections ten and fifteen.<br>In section forty, subsections (1), (4) and (5).<br>In section forty-one, subsection (6).<br>Sections fifty-four and fifty-seven.<br>In section fifty-nine, subsections (1) and (3) to (6).<br>Sections sixty to sixty-two.<br>In section sixty-four, in subsection (3) the words from "shall have full power" to "in the council, but".<br>Sections sixty-five, sixty-eight and seventy-four.<br>In section seventy-five, the words from "Part Two" to "1884", the words from "the Second Schedule" to "Eighth Schedule", provisos (2) to (4), in proviso (5) the words from "so far as respects" to "subsequent to the election", provisos (7), (8), (10), (11) and (15), in proviso (16) the words from "any of the provisions" to "auditors, nor" and the words "subsection five of section fifteen, section sixteen" in paragraph (*b*), and paragraphs (*e*) and (*g*), and provisos (17) to (21).<br>In section seventy-nine, subsection (1), and in subsection (3) the words "lunatic asylums, or".<br>Section eighty. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 51 & 52 Vict. c. 41—*cont.* | The Local Government Act, 1888—*cont.* | In section eighty-three, in subsection (4) the words " or clerk of the county council ", subsection (6), in subsection (11) the words from " and the clerk of the county council " to the end of the subsection, and subsection (12).<br>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).<br>Section eighty-eight.<br>In section ninety-two, subsection (1).<br>In section one hundred the words from " In relation to the election " to the end of the section.<br>Sections one hundred and eighteen to one hundred and twenty, one hundred and twenty-two, and one hundred and twenty-four. |
| 53 & 54 Vict. c. 5. | The Lunacy Act, 1890 | Section one hundred and seventy-four, except so far as relates to the City of London.<br>In section two hundred and twenty-four, in subsection (3) the words " under the Local Government Act, 1888 ".<br>In section two hundred and forty the words " respectively " constituted under the Local " Government Act, 1888 ".<br>Section two hundred and fifty-six, except so far as relates to the City of London. |
| 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. |
| 53 & 54 Vict. c. cxliii. | The London Council (General Powers) Act, 1890. | Section twenty-three. |
| 54 & 55 Vict. c. 68. | The County Councils (Elections) Act, 1891. | The whole Act. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 55 & 56 Vict. c. 15. | The Charity Inquiries (Expenses) Act, 1892. | In section one, subsection (2). |
| 55 & 56 Vict. c. 43. | The Military Lands Act, 1892. | Section four.<br>In section eleven, in subsection (1), paragraphs (*b*) and (*d*). |
| 55 & 56 Vict. c. 53. | The Public Libraries Act, 1892. | In section fifteen, in subsection (2) the words "also appoint "salaried officers and servants "and dismiss them, and", and subsection (3), except so far as relates to the City of London.<br>In section nineteen, in subsection (1) the words from "on the security" to the end of the subsection, and subsection (2), except so far as relates to the City of London.<br>Section twenty-three. |
| 56 & 57 Vict. c. 55. | The Metropolis Management (Plumstead and Hackney) Act, 1893. | In section three, in subsection (2) the words from "and the vestries" to the end of the subsection, in subsection (3) the words from "and the Board" to the end of the subsection, and subsection (4).<br>Sections four to nine and eleven to thirteen. |
| 56 & 57 Vict. c. ccxxi. | The London County Council (General Powers) Act, 1893. | Sections ten to twelve and twenty-four.<br>The Schedule. |
| 56 & 57 Vict. c. 73. | The Local Government Act, 1894. | Section thirty-one.<br>Part III.<br>Sections forty-six, forty-eight, sixty - eight, sixty - nine, seventy - two, seventy - three, eighty, eighty-three and eighty-five to eighty-nine. |
| 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, except so far as relates to the City of London.<br>In section forty, subsection (1), except so far as it relates to the City of London, and in subsection (2), paragraph (i). |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 58 & 59 Vict. c. 32. | The Local Government (Stock Transfer) Act, 1895. | The whole Act. |
| 58 & 59 Vict. c. cxxvii. | The London County Council (General Powers) Act, 1895. | Section forty-four. |
| 61 & 62 Vict. c. ccxxi. | The London County Council (General Powers) Act, 1898. | Section sixty. |
| 62 & 63 Vict. c. 14. | The London Government Act, 1899. | Sections one to three.<br>In section four, in subsection (1) the words from " and the clerk of the council " to the end of the subsection.<br>In section five, subsections (3) and (4).<br>In section six, subsections (5) and (6).<br>Sections seven to nine.<br>In section ten, in subsection (1) the words from " for all the expenses " to " general rate, and ", and subsection (3).<br>In section eleven, in subsection (1) the words from " and shall appoint " to " duties of overseers ".<br>Sections fifteen to eighteen.<br>In section nineteen, subsections (1) and (2).<br>Sections twenty, twenty-one and twenty-four to twenty-seven.<br>In section twenty-eight, subsection (1).<br>In section thirty-one, subsection (4).<br>Sections thirty-two and thirty-three.<br>The First Schedule.<br>In the Second Schedule, so much of Part II as relates to section sixty-five of the Local Government Act, 1888. |
| 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 (10) the words " and " those Acts shall apply with " the necessary modifications". |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 63 & 64 Vict. c. 13. | The County Councils (Elections) Amendment Act, 1900. | The whole Act. |
| 2 Edw. 7. c. 17. | The Midwives Act, 1902. | Section fifteen. |
| 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. |
| 3 Edw. 7. c. lxxxvii. | The London County Council (General Powers) Act, 1903. | In section fifty-two the words from " and for the purpose " to the end of the section.<br>Part X. |
| 6 Edw. 7. c. 25. | The Open Spaces Act, 1906. | In section seventeen, paragraphs (*a*) and (*b*).<br>In section eighteen the words from " in the case of a metropolitan 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 ". |
| 6 Edw. 7. c. cl. | The London County Council (General Powers) Act, 1906. | Section thirty. |
| 7 Edw. 7. c. 27. | The Advertisements Regulation Act, 1907. | In section three, subsection (6) except so far as relates to the City of London.<br>In section four the words " in " the case of a county out " of the county fund ". |
| 7 Edw. 7. c. 33. | The Qualification of Women (County and Borough Councils) Act, 1907. | The whole Act. |
| 7 Edw. 7. c. clxxv. | The London County Council (General Powers) Act, 1907. | In section three, in subsection (2) the words from " In Part VII " to " by the Council ".<br>Part VII. |
| 8 Edw. 7. c. 13. | The Polling Districts (County Councils) Act, 1908. | The whole Act. |
| 9 Edw. 7. c. 34. | The Electric Lighting Act, 1909. | Section twenty-one. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 10 Edw. 7. & 1 Geo. 5. c. cxxix. | The London County Council (General Powers) Act, 1910. | Section forty-five. |
| 2 & 3 Geo. 5. c. cv. | The London County Council (Finance Consolidation) Act, 1912. | Section forty-six. |
| 3 & 4 Geo. 5. c. 28. | The Mental Deficiency Act, 1913. | In section thirty-eight, subsection (3). |
| 4 & 5 Geo. 5. c. 21. | The County and Borough Councils (Qualification) Act, 1914. | The whole Act. |
| 5 & 6 Geo. 5. c. 64. | The Notification of Births (Extension) Act, 1915. | In section two, subsection (2). |
| 5 & 6 Geo. 5. c. ciii. | The London County Council (General Powers) Act, 1915. | Section sixty. |
| 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, except so far as relates to the City of London. |
| 7 & 8 Geo. 5. c. 64. | The Representation of the People Act, 1918. | Section ten.<br>In the Sixth Schedule, paragraph 5. |
| 9 & 10 Geo. 5. c. 59. | The Land Settlement (Facilities) Act, 1919. | In section twenty-four the words from "and the expenses" to the end of the section. |
| 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.<br>In section ten the words "The "minutes of the proceed- "ings of a local education "authority, and".<br>Section one hundred and forty-five.<br>In section one hundred and fifty-seven the words "and (5)".<br>In the First Schedule, Parts II and III. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 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 borough councils.<br>Sections four and six, so far as relates to borough councils. |
| 11 & 12 Geo. 5. c. l. | The London County Council (General Powers) Act, 1921. | Section thirty. |
| 12 & 13 Geo. 5. c. 46. | The Electricity (Supply) Act, 1922. | In section two the words "or by a local authority" except so far as relates to the City of London.<br>In section five, in subsection (2), paragraph (*b*) and the words from "Section twenty-one" to the end of the subsection. |
| 12 & 13 Geo. 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 subsection (2). |
| 13 & 14 Geo. 5. c. 24. | The Housing, &c. Act, 1923. | In section twenty-two, paragraph (*f*). |
| 14 & 15 Geo. 5. c. lvii. | The London County Council (General Powers) Act, 1924. | In section four the definition of "statutory borrowing power".<br>Sections fifty-five and sixty. |
| 14 & 15 Geo. 5. c. lx. | The London County Council (Money) Act, 1924. | Section six. |
| 15 & 16 Geo. 5. c. 11. | The Borough Councillors (Alteration of Number) Act, 1925. | The whole Act. |
| 15 & 16 Geo. 5. c. 50. | The Theatrical Employers Registration Act, 1925. | In section twelve, in subsection (2) the words from "and in the case" to the end of the subsection. |
| 16 & 17 Geo. 5. c. 59. | The Coroners (Amendment) Act, 1926. | In section one, subsection (3), except so far as relates to the City of London. |
| 16 & 17 Geo. 5. c. xcviii. | The London County Council (General Powers) Act, 1926. | Sections thirty-six and forty-three. |
| 17 & 18 Geo. 5. c. 14. | The Poor Law Act, 1927. | The whole Act so far as unrepealed. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 17 & 18 Geo. 5. c. 31. | The Audit (Local Authorities) Act, 1927. | The whole Act. |
| 17 & 18 Geo. 5. c. xxii. | The London County Council (General Powers) Act, 1927. | Sections fifty-seven and sixty-two. |
| 18 & 19 Geo. 5. c. lxxvii. | The London County Council (General Powers) Act, 1928. | Section thirty-one. |
| 19 & 20 Geo. 5. c. 17. | The Local Government Act, 1929. | Sections nine, ten and forty-eight.<br>Section fifty-one, except so far as relates to the City of London.<br>Section sixty-four.<br>In section one hundred and fifteen, subsection (2), and in subsection (6) the words "and "the Seventh Schedule to "this Act", except so far as relates to the City of London.<br>In section one hundred and twenty-nine, in subsection (1) the words from "and such inspectors" to the end of the subsection, and subsection (4).<br>The Seventh Schedule, except so far as relates to the City of London. |
| 19 & 20 Geo. 5. c. lxxxvii. | The London County Council (General Powers) Act, 1929. | Sections fifty-nine, sixty-one and sixty-two. |
| 20 & 21 Geo. 5. c. 17. | The Poor Law Act, 1930. | Section seven.<br>In section ten, in subsection (3) the words from "and the amount and nature" to "give security".<br>Sections one hundred and ten and one hundred and fourteen.<br>In section one hundred and thirty-six, in subsection (1), paragraph (*e*).<br>Sections one hundred and forty, one hundred and forty-four and one hundred and fifty-five.<br>In section one hundred and sixty, subsections (2), (4), (5) and (7). |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 21 & 22 Geo. 5. c. lix. | The London County Council (General Powers) Act, 1931. | Section forty-nine. |
| 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.<br>In section fifty, in subsection (8) the words from "in like manner" to the end of the subsection. |
| 23 & 24 Geo. 5. c. 12. | The Children and Young Persons Act, 1933. | In section twenty-seven, subsection (3).<br>In section ninety-six, in subsection (5), paragraph (*a*).<br>In section ninety-eight, subsection (2). |
| 23 & 24 Geo. 5. c. xxviii. | The London County Council (General Powers) Act, 1933. | Section sixty-five.<br>In section sixty-seven, subsection (1). |
| 24 & 25 Geo. 5. c. xl. | The London County Council (General Powers) Act, 1934. | In section three, in subsection (1) the definition of "British consular officer" and "local government elector".<br>Parts IV, V and VI.<br>Sections sixty-two and seventy-six.<br>The Schedule. |
| 25 & 26 Geo. 5. c. xxxiii. | The London County Council (General Powers) Act, 1935. | Sections sixty-two, sixty-three and sixty-five. |
| 26 Geo. 5. & 1 Edw. 8. c. 49. | The Public Health Act, 1936. | In section three hundred and forty-two, in subsection (2), paragraph (ii). |
| 26 Geo. 5. & 1 Edw. 8. c. 50. | The Public Health (London) Act, 1936. | Sections seven and eight.<br>In section nine, subsections (1), (2), (3) and (6).<br>Sections ten to twelve.<br>In section fifty-seven, in subsection (2) the words from "in pursuance of" to "of the sewers".<br>Section seventy-four. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 26 Geo. 5. & 1 Edw. 8. c.50—*cont.* | The Public Health (London) Act, 1936 —*cont.* | In section ninety-six, subsection (5).<br>In section one hundred and sixty-seven, subsections (3) and (4).<br>In section one hundred and sixty-eight, subsection (1).<br>Sections one hundred and seventy-five and one hundred and seventy-six.<br>In section one hundred and ninety-two, subsection (10) so far as it relates to membership of a local authority.<br>In section two hundred and thirty, in subsection (1), paragraph (*a*).<br>In section two hundred and sixty-seven, in subsection (2), paragraph (*a*).<br>Section two hundred and seventy-three, so far as it relates to borough councils.<br>In section two hundred and seventy-five, in subsection (1), paragraphs (*b*) and (*c*) so far as they relate to a local authority.<br>Section two hundred and eighty-four, so far as it relates to a local authority.<br>In section two hundred and eighty-seven, subsection (2).<br>Section two hundred and eighty-eight.<br>In section two hundred and ninety, subsection (1).<br>In section two hundred and ninety-seven, subsections (2) to (4).<br>In section three hundred, subsection (1), so far as it relates to a local authority.<br>Section three hundred and one, so far as it relates to a local authority.<br>Section three hundred and three, so far as it relates to section thirty-four of the Public Health Act, 1872. |

8TH SCH. —*cont.*

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 26 Geo. 5. & 1 Edw. 8. c. 50—*cont.* | The Public Health (London) Act, 1936 —*cont.* | In the First Schedule, Part V.<br>In the Second Schedule, so much of Part I as applies sections sixty-two, one hundred and thirty-nine, one hundred and forty-nine and one hundred and fifty-six of the Metropolis Management Act, 1855, and section twenty of the Metropolis Management Amendment Act, 1862. |
| 26 Geo. 5. & 1 Edw. 8. c. 51. | The Housing Act, 1936. | In section eight, subsection (5).<br>In section eighty-four, subsection (6).<br>In section one hundred and seventeen, in subsection (1) the words "or by the council of a metropolitan borough".<br>In section one hundred and nineteen, paragraph (*c*) and proviso (ii).<br>In section one hundred and eighty-three, subsection (1).<br>Section one hundred and eighty-five, except so far as it relates to the City of London.<br>Section one hundred and eighty-six. |
| 26 Geo. 5. & 1 Edw. 8. c. lx. | The London County Council (General Powers) Act, 1936. | Sections forty-two, forty-four, fifty and fifty-five. |
| 1 Edw. 8. & 1 Geo. 6. c. xci. | The London County Council (General Powers) Act, 1937. | Section one hundred and thirty-one. |
| 1 & 2 Geo. 6. c. 56. | The Food and Drugs Act, 1938. | In section seventeen, subsection (4) so far as it relates to a local authority.<br>In section seventy-five, in subsection (1) the words "or by "the council of a metropolitan "borough".<br>In section ninety-six, paragraph (*b*) of subsection (2). |

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