CHAPTER 39.

An Act to make provision for altering and varying Lunacy Districts in Scotland. [16th September 1887.]

WHEREAS by the operation of the Prisons, Scotland, Act, 1877, prison boards in counties have ceased to exist, and there is no existing authority having the power to make application for altering or varying lunacy districts in Scotland under the forty-ninth section of the Lunatics (Scotland) Act, 1857: 40 & 41 Vict. c. 53. 20 & 21 Vict. c. 71.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

General board may alter or vary districts subject to sanction of Secretary for Scotland.

1. The general board of Commissioners in Lunacy for Scotland shall have the power, on the application of the commissioners of supply of any county interested, or the magistrates of any burgh interested, or the parochial board of any parish or combination interested, to alter or vary the said districts either by combining counties or parts of counties, or dividing counties or parts of counties, or otherwise, as they may think fit; and the said general board shall have power to make and issue all such regulations as they may consider necessary, in consequence of any such alteration or variation of districts, in regard to the election and electors, the appointment, the number of the members, and times and places of meeting of district boards of lunacy, the apportionment and remitting of the expenses of and connected with district boards or district asylums, and in regard to all other matters arising out of or connected with the alteration or variation of districts, and where any such altered or varied district shall consist of one parish only or combination may, if they think fit, appoint the parochial board of such parish to be the district board of such district: Provided always, that no exercise by the said board of any of the powers conferred by this section shall have force or effect until the same shall have received the sanction of the Secretary for Scotland. In fixing the number of members of a district board to be elected by the commissioners of supply and magistrates of burghs respectively within a lunacy district, the said General Board shall not take into account the valuations of any part of a district that may be exempted from payment of assessments under the second above-recited Act.

Liability of new districts for proportion of debts, &c. of old district. In case of difference decision of general board to be final.

2. The district boards of districts formed by the alteration of a district or districts, shall jointly and severally be liable for all debts and obligations of the district board or boards of the district or districts out of which they are formed, and such district boards shall on separation forthwith proceed jointly to arrange the proportion of such debts and obligations to be borne by each, and for the discharge of all such debts and obligations as they may think fit, and shall also forthwith proceed to arrange for, and are hereby empowered to arrange for jointly, and to carry out the sale, division, or disposal otherwise of all heritable and movable property belonging to the district board or boards of the district or

districts out of which they are formed; and in the event of a difference arising as to the proportion of such debts and obligations to be borne by each district board, or as to the amount or value of such heritable or movable property to be assigned to each, such difference shall be referred to the general board, whose decision shall be final: Provided always, that where a county or parish has total relief from assessment under section ten of the Lunacy (Scotland) Act, 1862, this section shall not apply to a district formed of such county or parish.

25 & 26 Vict. c. 54.

Disposal of moneys possessed by districts if dissolved by 25 & 26 Vict. c. 54. s. 12.

3. If in any district formed under the provisions of this Act there shall be no district asylum, and the circumstances of the district are such as to make it expedient that the district board of such district shall dissolve itself under the provisions of section twelve of the Act of the twenty-fifth and twenty sixth Victoria, chapter fifty-four, and if such district board shall at the time of its proposed dissolution be possessed of means, it shall previous to dissolution pay over, under deduction of all liabilities and expenses, all moneys possessed by it, and the proceeds of all property sold by it, to the commissioners of supply and magistrates of burghs, by whom were laid on and collected the assessments from which such moneys or proceeds were derived, and the amount so paid over shall be applied in reduction of the county general assessments leviable within such district, and in reduction of any assessment leviable within such district in any burgh, and payable one-half by the owner and one-half by the tenant or occupier of the lands and heritages within such burgh, and if there be no such assessment, then in reduction of any other assessment in such burgh.

Power in certain cases to contract with existing asylum before erecting new asylum.

4. If there shall be in any district existing at the passing of this Act any established asylum to which the provisions of section fifty-nine of the Act of the twentieth and twenty-first Victoria, chapter seventy-one, are applicable, the district board of each of the separate districts into which such existing district may be hereafter divided shall, before proceeding to erect any district asylum, offer to contract with the proprietors or parties interested in such established asylum in terms and under the provisions of the said section.

Statutory provisions relating to district boards applicable to boards elected under this Act.

5. All statutory provisions relating to district boards, and their powers, duties, and obligations, and to the district asylums under their management, shall (so far as they are consistent with the provisions of this Act) be applicable in all respects to district boards elected or appointed in virtue of powers conferred by this Act, and to asylums under their management, and all assessments authorised to be raised and levied for lunacy purposes shall be collected and recovered in like manner and under like powers as are applicable to the collection and recovery of the land, assessed, and other public taxes or burgh assessments.

Short title.

20 & 21 Vict. c. 71.

6. This Act may be cited as the Lunacy Districts (Scotland) Act, 1887, and shall be construed with the Act of 1857, and any Acts amending the same, as one Act.