General.

8. Every Order under this Act shall be laid before both Houses of Parliament within ten days after the making thereof, if Parliament is then sitting, and if not, then within ten days after the next meeting of Parliament. Orders to be laid before Houses of Parliament.

9. The expenses of the execution of this Act, other than expenses and compensation paid by Local Authorities, shall be paid out of money to be provided by Parliament. Expenses of Act.

10. This Act may be cited as The Destructive Insects Act, 1877. Short title.

CHAPTER 69.

An Act to amend the Law with respect to the Grant of Municipal Charters.

[14th August 1877.]

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

1. This Act may be cited as "The Municipal Corporations (New Charters) Act, 1877." Short title.

2. In this Act the expression "Municipal Corporation Acts" means the Acts mentioned in the First Schedule to this Act, so far as they are unrepealed, and any Act hereafter to be passed amending those Acts, or any of them, and each of the Acts in the said schedule may be cited by the short title in that schedule mentioned. Definition of "Municipal Corporation Acts," and short titles.

3. If on the petition to Her Majesty of the inhabitant householders of any town or towns or district in England, or of any of those inhabitants, praying for the grant of a charter of incorporation, Her Majesty, by the advice of Her Privy Council, thinks fit by charter to create such town, towns, or district, or any part thereof specified in the charter, with or without any adjoining place, a municipal borough, and to incorporate the inhabitants thereof, it shall be lawful for Her Majesty by the charter to extend to that municipal borough and the inhabitants thereof so incorporated the provisions of the Municipal Corporation Acts. Power to Crown in granting charter to borough to extend to it the provisions of the Municipal Corporation Acts.

4. Every petition for a charter under this Act shall be referred to a Committee of the Lords of Her Majesty's Privy Council (in this Act referred to as the Committee of Council). Reference to Committee of Council and notice of petition for charter.

One month at least before the petition is taken into consideration by the Committee of Council, notice thereof and of the time when the same will be taken into consideration by the Committee of Council shall be published in the London Gazette, and otherwise in such manner as may be directed by the Committee of Council for the purpose of making the same known to all persons interested.

5. Where Her Majesty by a charter extends the Municipal Corporation Acts to a municipal borough it shall be lawful for Her Majesty, by the charter, to do all or any of the following things: Power by charter to settle wards and by fixing dates and otherwise to adapt the Municipal Corporation Acts to first constitution of new borough.

(1.) To fix the number of councillors, and to fix the number and boundaries of the wards (if any), and to assign the number of councillors to each ward; and

(2.) To fix the years, days, and times for the retirement of the first aldermen and councillors; and

(3.) To fix such days, times, and places, and nominate such persons to perform such duties, and make such other temporary modifications of the Municipal Corporation Acts, as may appear to Her Majesty to be necessary or proper for making those Acts applicable in the case of the first constitution of a municipal borough.

The years, days, times, and places fixed by the charter, and the persons nominated therein to perform any duties, shall, as regards the borough named in the charter, be

respectively substituted in the Municipal Corporation Acts for the years, days, times, places, officers, and persons therein mentioned, and the persons so nominated shall have the like powers and be subject to the like obligations and penalties, as the officers and persons mentioned in the said Acts for whom they are respectively substituted.

Subject to the provisions of the charter authorised by this section, the Municipal Corporation Acts shall, upon the charter coming into effect, apply to the municipal borough to which they are extended by the charter, in like manner as if it were a borough named in Schedule B. to the Municipal Corporation Act, 1835, and as if the date of the charter were substituted in the last-mentioned Act for the time of the passing of that Act and for the fifth day of June one thousand eight hundred and thirty-five, and where the first mayor, aldermen, and councillors, or any of them, are named in the charter shall apply as if they were elected under the said Acts, and where they are not so named shall apply to their first election.

5 & 6 W. 4. c. 76.

Scheme for continuance or abolition of and adjustment of rights of existing local authority.

6. Where a petition for a charter is referred to the Committee of Council, and it is proposed by the charter to extend the Municipal Corporation Acts to the municipal borough to be created by the charter, the Committee of Council may settle a scheme for the adjustment of the powers, rights, privileges, duties, property, and liabilities of any then existing local authority whose district comprises the whole or part of the area of that borough, either with or without any adjoining or other place, and also of any officer of that authority.

The scheme, so far as it appears to the Committee of Council to be necessary or proper for carrying into effect the said adjustment as regards any local authority existing at the time of the making of the scheme, may contain provisions for the continuance of that authority, or for the abolition, total or partial, of that authority, or for the creation of another authority or authorities, and the alteration of the district of the existing local authority, and the union or other relation of the existing local authority and the authority or authorities so created, and for the continuance, modification, transfer, vesting, and extension to the whole of the borough of all or any of the powers, rights, privileges, franchises, duties, property, and liabilities of the existing local authority, and may contain such provisions as appear to the Committee of Council to be necessary or proper for fully carrying into effect any such adjustment and provisions as aforesaid.

The scheme, when settled by the Committee of Council, shall be published in the London Gazette, and otherwise, as provided by the Second Schedule to this Act, and shall not be of any effect unless confirmed as herein-after mentioned.

Where, within one month after the publication of the scheme in the London Gazette, a petition against the scheme by any local authority affected thereby, or by not less than one twentieth of the owners and ratepayers of the borough (such twentieth to be one twentieth in number of the owners and ratepayers of the borough taken together, or the owners and ratepayers in respect of one twentieth of the rateable property in the borough) has been received by the Committee of Council, and is not withdrawn, the scheme shall require the confirmation of Parliament, and the Committee of Council may, if they think fit, submit it to Parliament for confirmation, but otherwise at any time after the expiration of the said month, or after the withdrawal of any petition that has been presented, the Committee of Council may, if they think fit, submit the scheme for confirmation, either to Parliament or to Her Majesty in Council, and in the latter case it shall be lawful for Her Majesty to confirm the scheme by Order in Council.

A scheme, when confirmed by Parliament or by Order in Council, shall have full operation, with, in the former case, such modifications, if any, as are made therein by Parliament, as if it were part of this Act.

A local authority for the purposes of this Act means a sanitary authority, (not being the mayor, aldermen, and burgesses of a borough subject to the Municipal Corporation Acts,) also the corporation of a borough, not subject to the Municipal Corporation Acts, a burial board, trustees, commissioners, or other persons who, as a public body and not for their own profit, act under any Act for paving, lighting, supplying with water or gas, cleaning, watching, regulating, or improving any town or place, or for providing or maintaining a cemetery or market in or for any town or place, and any commissioners, trustees,

or other persons (not being justices of the peace) maintaining any police force, and any other authority not above excepted, and not being a school board, and having powers of local government and of rating for public purposes.

The district of a local authority for the purposes of this Act means the area within which such authority can exercise any powers or rights.

Supplemental provisions as to scheme. 24 & 25 Vict. c. 47. s. 2.

7. A scheme under this Act shall, before being settled by the Committee of Council, be referred for consideration to a Secretary of State and the Local Government Board, and so far as it is intended to affect any authority which is a harbour authority within the meaning of the Harbours and Passing Tolls, &c. Act, 1861, to the Board of Trade.

A scheme shall in every case provide for placing the new borough within the jurisdiction of the council as the sanitary authority.

The provisions contained in the Second Schedule to this Act, with respect to schemes under this Act, shall have effect as if they were enacted in the body of this Act, and that schedule shall be deemed to be part of this Act.

If the Committee of Council are satisfied that a local authority or other petitioners have properly promoted or properly opposed a scheme before them, and that for special reasons it is right that the reasonable costs incurred by the authority or other petitioners in such promotion or opposition should be paid as expenses properly incurred by the local authority in the execution of their duties, the Committee of Council may order such costs to be so paid, and these costs shall be paid accordingly.

Provision as to police force in new borough.

8. Nothing in any scheme or in the Municipal Corporation Acts shall authorise the establishment in a borough to which a charter is granted under this Act of a new separate police force not consolidated with the county police force, unless the district incorporated by such charter contained not fewer than twenty thousand inhabitants, according to the census taken next before the date of such incorporation.

Validity of charters.

9. A charter creating a municipal borough which purports to be granted in pursuance of the royal prerogative, and in pursuance of or in accordance with this Act, shall after acceptance be deemed to be valid and within the powers of this Act and of Her Majesty's prerogative, and shall not be questioned in any legal proceeding whatever.

Every such charter shall be laid before both Houses of Parliament within one month after it is granted, if Parliament be then sitting, or if not, within one month after the beginning of the then next sitting of Parliament.

Saving for other enactments and royal prerogative.

10. The provisions of this Act shall be deemed to be in addition to, and not in derogation of, the powers and provisions contained in any enactment not repealed by this Act, and the powers exerciseable by Her Majesty by virtue of her royal prerogative.

Repeal of Acts.

11. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that—

(1.) This repeal shall not affect any charter granted, or anything done or suffered under any enactment hereby repealed; or

(2.) Any right acquired or accrued under any enactment hereby repealed; or

(3.) Any legal proceeding or remedy in respect of any such charter, thing, right, or liability.

Pending petitions.

12. Where a petition for a charter of incorporation presented to Her Majesty is pending at the passing of this Act, the same shall be proceeded with as if such petition had been presented after the passing of this Act, and this Act shall apply accordingly; but where an Order in Council has before the passing of this Act been made directing the grant of a charter, the petition for that charter shall not be deemed to be a pending petition within the meaning of this section, and the charter granted in pursuance of such order shall for the purposes of this Act be deemed to have been granted at the date of the order, in pursuance of the enactments repealed by this Act, as if they had not been repealed.

Application of Act to past charters.

13. All charters purporting to have been granted in pursuance of the royal prerogative, and in pursuance of or in accordance with any enactment repealed by this Act, shall, except so far as before the passing of this Act they have been declared by the judgment of

a competent court to be invalid, be as valid as if they had been granted in pursuance of this Act.

Where any such charter has been granted to a borough within seven years before the passing of this Act, the Committee of Council, on the petition to Her Majesty of the mayor, aldermen, and burgesses of such borough acting by the council, or of any existing local authority whose district comprises the whole or any part of the area of that borough, either with or without any adjoining or other place, may settle a scheme under this Act in like manner as if the petition for the grant of a charter to such borough had been referred to the Committee of Council after the passing of this Act, and the provisions of this Act with respect to a scheme shall apply accordingly, with the necessary modifications; and if within one month after the publication of the scheme in the London Gazette a petition against the scheme from the council of the borough has been received by the Committee of Council and is not withdrawn, the scheme shall require the confirmation of Parliament.

FIRST SCHEDULE.

Municipal Corporation Acts.

Session and Chapter.	Title of Act.	Short Title.
5 & 6 Will. 4. c. 76. -	An Act to provide for the regulation of municipal corporations in England and Wales.	The Municipal Corporation Act, 1835.
6 & 7 Will. 4. c. 103.	An Act to make temporary provision for the boundaries of certain boroughs.	The Municipal Corporation (Boundaries) Act, 1836.
6 & 7 Will. 4. c. 104.	An Act for the better administration of the borough fund in certain boroughs.	The Municipal Corporation (Borough Fund) Act, 1836.
6 & 7 Will. 4. c. 105.	An Act for the better administration of justice in certain boroughs.	The Municipal Corporation (Justices, &c.) Act, 1836.
7 Will. 4. & 1 Vict. c. 78.	An Act to amend an Act for the regulation of municipal corporations in England and Wales.	The Municipal Corporation (General) Act, 1837.
7 Will. 4. & 1 Vict. c. 81.	An Act to provide for the levying of rates in boroughs and towns having municipal corporations in England and Wales.	The Municipal Corporation (Watch Rate) Act, 1837.
1 & 2 Vict. c. 31. -	An Act for facilitating the sale of church patronage belonging to municipal corporations in certain cases.	The Municipal Corporation (Benefices) Act, 1838.
2 & 3 Vict. c. 27. -	An Act for regulating the proceedings in the borough courts of England and Wales.	The Municipal Corporation (Borough Courts) Act, 1839.
2 & 3 Vict. c. 28. -	An Act for the more equally assessing and levying watch rates in certain boroughs.	The Municipal Corporation (Watch Rate) Act, 1839.
3 & 4 Vict. c. 28. -	An Act to explain and amend an Act of the second and third years of Her present Majesty for more equally assessing and levying watch rates in certain boroughs.	The Municipal Corporation (Watch Rate) Act, 1840.
5 & 6 Vict. c. 104. -	An Act to explain and amend certain enactments contained respectively in the Acts for the regulation of municipal corporations in England and Wales and in Ireland.	The Municipal Corporation Act, 1842.
6 & 7 Vict. c. 89. -	An Act to amend the Act for the regulation of municipal corporations in England and Wales.	The Municipal Corporation Act, 1843.
8 & 9 Vict. c. 110. -	An Act for the better collecting borough and watch rates in certain places.	The Municipal Corporation (Rates) Act, 1845.
13 & 14 Vict. c. 42. -	An Act to confirm the incorporation of certain boroughs, and to provide for the payment of the expenses of the incorporation of new boroughs.	The Municipal Corporation (Incorporation) Act, 1850.
13 & 14 Vict. c. 64. -	An Act to provide for more effectually maintaining, repairing, improving, and rebuilding bridges in cities and boroughs.	The Municipal Corporations (Bridges) Act, 1850.
13 & 14 Vict. c. 91. -	An Act to authorise justices of any borough having a separate gaol to commit assize prisoners to such gaol, and to extend the jurisdiction of borough justices to all offences and matters arising within the borough for which they act.	The Municipal Corporation (Justices) Act, 1850.
15 & 16 Vict. c. 5. -	An Act further to explain and amend the Acts for the regulation of municipal corporations in England and Wales and in Ireland.	The Municipal Corporation Act, 1852.

Session and Chapter.	Title of Act.	Short Title.
16 & 17 Vict. c. 79.	An Act for making sundry provisions with respect to municipal corporations in England.	The Municipal Corporation Act, 1853.
20 & 21 Vict. c. 50.	An Act to amend the Acts concerning municipal corporations in England.	The Municipal Corporation Act, 1857.
22 Vict. c. 35.	An Act to amend the law relating to municipal elections.	The Municipal Corporation Act, 1859.
23 & 24 Vict. c. 16.	An Act to make further provision concerning mortgages and other dispositions of property belonging to municipal corporations in England and Ireland.	The Municipal Corporation (Mortgages, &c.) Act, 1860.
24 & 25 Vict. c. 75.	An Act for amending the Municipal Corporations Act.	The Municipal Corporations Act Amendment Act, 1861.
32 & 33 Vict. c. 23.	An Act to extend the power of recorders to appoint deputies in certain cases.	The Municipal Corporation (Recorders) Act, 1869.
32 & 33 Vict. c. 55.	An Act to shorten the term of residence required as a qualification for the municipal franchise, and to make provision for other purposes.	The Municipal Corporation (Elections) Act, 1869.

SECOND SCHEDULE.

Procedure for Schemes under the Act.

1. The Committee of Council may, if they think fit, require the draft of a proposed scheme to be submitted to them, either together with the petition for a charter, or at any subsequent period.

2. The draft of a proposed scheme, and also the scheme when settled, shall be published by advertisement or placards or handbills, or otherwise, as the Committee of Council think best calculated for giving notice thereof to all persons interested.

3. Before settling the scheme the Committee of Council shall consider any objections which may be made thereto by any local authority or persons affected thereby.

4. Where a scheme is submitted to Parliament for confirmation, the Committee of Council may introduce a Bill for the confirmation of the scheme, which Bill shall be a Public Bill.

5. Before such Bill is introduced into Parliament the Committee of Council may alter the scheme in such manner as they think proper.

6. If while the Bill confirming a scheme is pending in either House of Parliament a petition is presented against the scheme, the Bill, so far as it relates to such scheme, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Private Bill.

7. A scheme shall come into operation at the date of its confirmation or any later date mentioned in the scheme.

8. The confirmation of a scheme shall be conclusive evidence that all the requirements of this Act with respect to proceedings required to be taken previously to the making of the scheme have been complied with, and that the scheme has been duly made, and is within the powers of this Act.

THIRD SCHEDULE.

Enactments repealed.

Session and Chapter.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4. c. 76.	An Act to provide for the regulation of municipal corporations in England and Wales.	Section one hundred and forty-one.
7 Will 4. & 1 Vict. c. 78.	An Act to amend an Act for the regulation of municipal corporations in England and Wales.	Section forty-nine.