CHAPTER 56.

An Act to amend the Law respecting Children in Workhouses, and respecting the borrowing of Money by Guardians and Managers of District Schools, and respecting the Managers of the Metropolitan Asylum District. [30th August 1889.]

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:

Control of guardians over child deserted by parent.

1.—(1.) Where a child is maintained by the guardians of any union and was deserted by its parent, the guardians may at any time resolve that such child shall be under the control of the guardians until it reaches the age, if a boy, of sixteen, and if a girl of eighteen years, and thereupon until the child reaches that age all the powers and rights of such parent in respect of that child shall, subject as in this Act mentioned, vest in the guardians;

Provided that the guardians may rescind such resolution, if they think that it will be for the benefit of the child that it should be rescinded, or may permit such child to be either permanently or temporarily under the control of such parent, or of any other relative, or of any friend.

(2.) A court of summary jurisdiction, if satisfied on complaint made by a parent of the child, that the child has not been maintained by the guardians, or was not deserted by such parent, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the guardians should be determined, may make an order accordingly, and any such order shall be complied with by the guardians, and if the order determines the resolution, the resolution shall be thereby determined as from the date of the order, and the guardians shall cease to have the rights and powers of the parent as respects such child.

(3.) For the purposes of this Act a child shall be deemed to be maintained by the guardians if it is wholly or partly maintained by them in a workhouse or in any district school, separate school, separate infirmary, sick asylum, hospital for infectious diseases, institution for the deaf, dumb, blind, or idiots, or any certified school under the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter forty-three, or is boarded out by the guardians, whether within or without the limits of the union.

(4.) Where a parent is imprisoned under a sentence of penal servitude or imprisonment in respect of an offence committed against a child, this section shall apply as if such child had been deserted by that parent.

(5.) Nothing in this section shall relieve any person from any liability to contribute to the maintenance of a child, but the fact of such contribution being made shall not deprive the guardians of any of the powers and rights conferred on them by this section.

(6.) Nothing in this section shall authorise the guardians to cause a child to be educated in any religious creed other than that in which

the child would have been educated but for any resolution of the guardians under this section, nor affect the enactments respecting the religious education of a child maintained by the guardians, or respecting the right of any minister of the same religious persuasion as the child to visit and instruct the child, nor affect any of the enactments specified in the Schedule to this Act, which enactments relate to the religious education of children maintained by guardians.

Borrowing by guardians and managers of district schools, &c.

2. Whereas it is expedient to simplify and to express in one enactment the purposes and amount for and to which guardians of unions and managers of district schools and asylums have powers to borrow and otherwise to amend those powers: Be it therefore enacted as follows:—

(1.) The guardians of any union may, with the sanction of the Local Government Board, borrow for the purpose of raising the expenses incurred, or proposed to be incurred, for any permanent work or object, or any other thing the costs of which ought in the opinion of the Local Government Board to be spread over a term of years.

(2.) A loan shall not be of such amount as exceeds, or will make the total debt of the guardians under the Acts relating to the relief of the poor exceed one fourth of the total annual rateable value of the union.

(3.) The Local Government Board may, by Provisional Order, extend the said maximum to double the amount above authorised, and sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875, shall apply to every such Provisional Order in like manner as if they were herein re-enacted and the guardians were a local authority.

(4.) The unapplied balance of any loan raised by any guardians may, with the consent of the Local Government Board, be applied to any purpose for which a loan can be raised under this Act by such guardians.

(5.) This section shall apply to the managers of any school district and to the managers of any asylum district, not being the metropolitan asylum district, in like manner as if they were guardians and this section were in terms made applicable thereto, but with the substitution of one sixteenth of the annual rateable value of the district for one fourth of the annual rateable value of the union.

(6.) All enactments in the Acts relating to the relief of the poor touching the purposes for which and the amount to which guardians of unions and managers of any school or asylum district to whom this section applies may borrow, shall be repealed without prejudice to anything done thereunder, but every loan under this section shall be made on the like security and be paid off in the like time and manner, and be borrowed and re-borrowed in the like manner as is provided by the enactments in force at the passing of this Act with respect to loans of such guardians and managers.

Reception of fever, small-pox, and

3.—(1.) The managers of the metropolitan asylum district (herein-after referred to as the asylum managers), subject to such

regulations and restrictions as the Local Government Board from time to time make, may admit any person who is not a pauper, and is reasonably believed to be suffering from fever or small-pox or diphtheria, into an asylum provided by the managers. diphtheria patients into asylums in metropolitan district.

(2.) The expenses incurred by the asylum managers for the maintenance of any such person shall be paid by the guardians of the union from which he is received, and those guardians may recover the amount of those expenses as a simple contract debt from the said person or from any person liable by law to maintain him.

(3.) The said expenses, so far as the same are not so recovered by the guardians, shall be repaid to them out of the metropolitan common poor fund.

(4.) After the date of an order of the Local Government Board authorising the asylum managers to receive diphtheria patients into their hospitals, sub-section two of section sixty-nine of the Metropolitan Poor Act, 1867, shall apply as if diphtheria were therein mentioned as well as fever and small-pox. 30 & 31 Vict. c. 6.

4. The asylum managers may, if they think fit, allow the asylums provided by them for fever, small-pox, and diphtheria, to be used for purposes of medical instruction, subject to any rules and regulations which the Local Government Board may from time to time make with regard to such use of the said asylums. Use of metropolitan asylums for medical instruction.

5. The asylum managers shall have full power, with the consent of the Local Government Board, to purchase such land adjacent to an asylum provided by them as is required for the purposes of any such asylum; and for the purpose of such purchase sections one hundred and seventy-six and two hundred and ninety-six to two hundred and ninety-eight, both inclusive, of the Public Health Act, 1875, shall apply as if they were herein re-enacted, and in terms made applicable to the asylum managers and to the purposes of this section. Power to purchase land adjoining asylum. 38 & 39 Vict. c. 55.

6. The asylum managers may allow their carriages to be used for the conveyance of persons suffering from any dangerous infectious disorder to and from hospitals and places other than asylums provided by the asylum managers, and may make reasonable charge for that use. Use of ambulances provided by asylum managers. 42 & 43 Vict. c. 54.

7. The provision by the asylum managers of buildings for the purposes of section sixteen of the Poor Law Act, 1879, shall be a purpose for which the managers are authorised to borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts altering and amending the same. Power to asylum managers to borrow for ambulance stations.

8. No consent other than that of the Local Government Board shall be required to the sale or exchange or letting by the board of guardians of any separate parish of any workhouse, tenements, buildings, or land belonging to such parish. Amendment of 5 & 6 Will. 4. c. 69. s. 3.

9. The section of this Act relating to the control of the guardians of a union over a child deserted by its parents, but no other section, shall apply to Ireland, and in such application of the said section to Ireland,— Application to Ireland.

(*a.*) The word "guardians" means the board of guardians of the poor for a union, under the provisions of the Act of the session, of the first and second years of the reign of Her present Majesty, chapter fifty-six, intituled "An Act for the more 1 & 2 Vict. c. 56.

"effectual relief of the destitute Poor in Ireland," and the Acts amending the same:

The word "union" means a union for the relief of the destitute poor under the provisions of the said Acts;

(*b.*) A court of summary jurisdiction shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace, and sitting at some court or other place appointed for the administration of justice.

Short title and construction. 42 & 43 Vict. c. 54.

10. This Act may be cited as the Poor Law Act, 1889.

Expressions in this Act when used with reference to England shall have the same meaning as in the Poor Law Act, 1879.

SCHEDULE.

ACTS RELATING TO ENGLAND.

Session and Chapter.	Title or Short Title.	Enactments referred to.
4 & 5 Will. 4. c. 76 -	Poor Law Amendment Act, 1834.	Section nineteen.
25 & 26 Vict. c. 43 -	An Act to provide for the education and maintenance of pauper children in certain schools and institutions.	Section nine.
29 & 30 Vict. c. 113 -	Poor Law Amendment Act of 1866.	Section fourteen.
31 & 32 Vict. c. 122 -	Poor Law Amendment Act, 1868.	Sections sixteen to twenty-three, both inclusive.

ACTS RELATING TO IRELAND.

Session and Chapter.	Title of Act.	Section referred to.
1 & 2 Vict. c. 56 -	An Act for the more effectual relief of the destitute poor in Ireland.	Section forty-nine.
25 & 26 Vict. c. 83 -	An Act to amend the laws in force for the relief of the destitute poor in Ireland, and to continue the powers of the Commissioners.	Sections eight and eleven.
39 & 40 Vict. c. 38 -	An Act to extend the limits of age up to which, with the assent of boards of guardians, orphan and deserted pauper children may be supported out of workhouses in Ireland.	Section two.

CHAPTER 57.

An Act to amend the Regulation of Railways Acts; and for other purposes. [30th August 1889.]

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:

Power to order certain provisions to be made for public safety.

1.—(1.) The Board of Trade may from time to time order a railway company to do, within a time limited by the order, and subject to any exceptions or modifications allowed by the order, any of the following things:

(*a.*) To adopt the block system on all or any of their railways open for the public conveyance of passengers;

(*b.*) To provide for the interlocking of points and signals on or in connexion with all or any of such railways;

(*c.*) To provide for and use on all their trains carrying passengers continuous brakes complying with the following requirements, namely:

(i.) The brake must be instantaneous in action, and capable of being applied by the engine-driver and guards;

(ii.) The brake must be self-applying in the event of any failure in the continuity of its action;

(iii.) The brake must be capable of being applied to every vehicle of the train, whether carrying passengers or not;

(iv.) The brake must be in regular use in daily working;

(v.) The materials of the brake must be of a durable character, and easily maintained and kept in order.

In making any order under this section the Board of Trade shall have regard to the nature and extent of the traffic on the railway, and shall, before making any such order, hear any company or person whom the Board of Trade may consider entitled to be heard.

Enforcement of orders of Board of Trade.

2. If default is made in compliance with any order made by the Board of Trade in pursuance of the last foregoing section, the Railway and Canal Commission may, on the application of the Board of Trade, enjoin obedience to the order, and thereupon the order may be enforced as if it were made by the Commission for the purpose of carrying into effect any of the provisions of the Acts under which the Commission have jurisdiction.

Issuing debenture stock to meet expenses incurred under this Act.

3. Whenever any railway company shall be ordered by the Board of Trade to provide any appliances, or execute any works, or incur any expenditure under the provisions of this Act which would properly be chargeable to capital account, it shall be lawful for such company to furnish to the Board of Trade an estimate of the cost of providing such appliances, executing such works, and carrying out such order generally, and thereupon the Board of Trade shall, upon the application of the company, fix and determine the amount which would properly be capital expenditure, and the company may from time to time issue debentures or debenture stock in priority to or ranking pari passu with any existing debentures or debenture stock of such company bearing interest at a rate