CHAPTER 21.

An Act to further amend the Law relating to the Settlement and Removal of the Poor in Scotland.

[25th July 1898.]

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:

Repeal of 8 & 9 Vict. c. 83. s. 76.

Settlement by residence for three years.

1. Section seventy-six of the principal Act is hereby repealed, and in lieu thereof it is enacted as follows:—

From and after the commencement of this Act no person shall be held to have acquired a settlement in any parish in Scotland by residence therein unless such person shall, either before or after, or partly before and partly after, the commencement of this Act, have resided for three years continuously in such parish, and shall have maintained himself without having recourse to common begging, either by himself or his family, and without having received or applied for parochial relief; and no person who shall have acquired a settlement by residence in any such parish, shall be held to have retained such settlement if during any subsequent period of four years he shall not have resided in such parish continuously for at least one year and a day: Provided always, that nothing herein contained shall, until the expiration of four years from the commencement of this Act, be held to affect any persons who, at the commencement of this Act, are chargeable to any parish in Scotland.

Reference of cases of disputed settlement to determination of Local Government Board.

2. In any case where the parish councils of two or more parishes in Scotland have differed as to the settlement of a poor person but are agreed as to the facts on which such settlement depends, it shall be lawful for such parish councils to refer the case for determination by the Local Government Board, whose determination shall be final.

Appeal to Local Government Board against removal of paupers to another parish in Scotland.

3.—(1.) Whenever any parish council shall order the removal of any poor person who shall have applied for parochial relief in any parish in Scotland from such parish to another parish in Scotland, such poor person, if he or she shall have resided continuously in such first-mentioned parish for not less than one year before the date of the application for relief (her deceased husband's residence, if necessary, being reckoned as part of her residence in the case of a widow), may, within ten days after intimation of such order, and of the right to appeal in this section mentioned, appeal to the Local Government Board, which Board shall without delay investigate the grounds of such appeal, and determine whether it is reasonable and proper that such poor person shall be so removed. The inspector of poor of the parish whence the poor person is proposed to be removed shall be bound to intimate to the poor person the receipt of the order and the right of appeal; and no order of removal shall be carried out until the expiry of the

said ten days, or, if an appeal is taken, until it has been disposed of by the Board.

(2.) If the Board are of opinion that, having regard to the whole circumstances of the case, the removal is reasonable and proper they shall dismiss the appeal, and thereupon the order for the removal of the poor person may be carried out; but

(3.) If the Board are of opinion that, having regard to the whole circumstances of the case, the removal should not be carried out, they shall so determine, and if they think fit may fix the period during which such determination shall have effect, and thereupon the provisions of section seventy-two of the principal Act shall apply as if the poor person appealing were, owing to sickness or infirmity, incapable of being removed, in which case the parish in which he is shall be bound to relieve him, and shall be entitled to recover from the parish to which he belongs the amount so expended, provided that such amount has been approved by the Board.

Effect of five years residence on irremovability of English born or Irish born pauper.

4. Where an English born or Irish born poor person has resided continuously in Scotland for not less than five years (of which not less than one year shall have been continuously in the parish in which he applies for parochial relief) and shall have maintained himself without having recourse to common begging, either by himself or his family, and without having received parochial relief, he shall, on thereafter becoming chargeable to any parish in Scotland, be irremovable from Scotland and shall be maintained by the parish to which he has so become chargeable.

Provided that nothing in this section contained shall prevent such poor person from ceasing to be chargeable to such parish, if, as it shall be competent for him to do, he shall have acquired a settlement by residence in any other parish in Scotland in pursuance of section one of this Act.

Appeal to Local Government Board against removal of pauper to England or Ireland. 25 & 26 Vict. c. 113.

5.—(1.) Whenever any parish council shall have obtained in terms of the Poor Law Removal Act, 1862, a warrant for the removal from any parish in Scotland to England or Ireland of any English born or Irish born poor person who has not acquired a settlement by residence in Scotland and to whom the immediately preceding section does not apply, such poor person, if he or she shall have resided continuously in such parish for not less than one year before the date of the application for relief (her deceased husband's residence, if necessary, being reckoned as part of her residence in the case of a widow), may, within fourteen days after intimation of the granting of such warrant and of the right to appeal in this subsection mentioned, appeal to the Local Government Board, which Board shall without delay investigate the grounds of such appeal, and determine whether it is reasonable and proper that such poor person shall be so removed. The inspector of poor of the parish whence the poor person is proposed to be removed shall be bound to intimate to the poor person the granting of the warrant and the right of appeal; and no warrant in terms of the Poor Law Removal Act, 1862, shall be carried out until the expiry of the said fourteen days, or, if an appeal is taken, until it has been disposed of by the Board.

(2.) In the case of a poor person as in the preceding subsection mentioned, the inspector of poor shall also be bound to send by registered letter a notice to the clerk to the board of guardians of the union or parish in England or Ireland named in the warrant of removal, that if they desire they may, within fourteen days after receipt of such notice, appeal to the Local Government Board against the removal, and shall with such notice transmit a copy of the depositions taken before the sheriff granting the warrant; and if the board of guardians shall so appeal, the Local Government Board shall without delay investigate the grounds of such appeal, and determine whether it is reasonable and proper that such poor person shall be so removed. No warrant in terms of the Poor Law Removal Act, 1862, shall be carried out until the expiry of the said fourteen days, or, if an appeal is taken, until it is disposed of by the Board.

(3.) The Board, when deciding as to whether, in the whole circumstances of the case, such removal is reasonable and proper, shall have regard, inter alia, to—

(*a*) the length and character of the residence in Scotland;
(*b*) the causes why a settlement has not been acquired, or, if acquired, has not been retained; and
(*c*) any circumstances tending to show that the exercise of the power of removal would unduly injure the interests of the poor person on account of the industrial employment of his children or otherwise.

(4.) If the Board are of opinion that the removal should not be carried out they shall so determine, and their order to that effect shall be binding on any parish council in Scotland.

(5.) If the Board are of opinion that the removal is reasonable and proper they shall dismiss the appeal, and thereupon the warrant for the removal of the poor person may be carried out.

Provided also that if in consequence of a determination of the Board that a proposed removal of a poor person to England or Ireland is not reasonable and proper, such removal cannot be carried out, the Board shall determine, after due inquiry, which parish council or parish councils shall be liable for the expense of the maintenance of the poor person, and, if they think fit, in what proportions and under what conditions, and for what period, regard being had to the length and character of the poor person's residence in one or more of such parishes; and the determination of the Board shall be binding on any parish council in Scotland.

Amendment of 25 & 26 Vict. c. 113.

6. The power of granting warrants of removal under the Poor Law Removal Act, 1862, shall in Scotland be exerciseable by the sheriff only, and, in the case of a lunatic poor person proposed to be removed to Ireland, the warrant shall order his delivery at the district asylum of the place to which he is to be removed.

Board may make, &c. rules and regulations.

7. The Board may make, and from time to time may alter and vary, rules and regulations for giving effect to the provisions of this Act, and regulating the procedure thereunder; and a copy of such

rules and regulations, certified by the secretary of the Board, shall be evidence of such rules and regulations and alterations thereof in any court of law and for any purpose whatever.

Saving.

8. Except in so far as expressly provided, nothing contained in this Act shall prejudice or affect the provisions of the principal Act or of the Poor Law Removal Act, 1862.

Definitions.

9. In this Act, unless the subject or context otherwise requires—

The expressions "the Local Government Board" and "Board" mean the Local Government Board for Scotland;

The expression "parish" includes "combination";

The expression "the principal Act" means the Poor Law (Scotland) Act, 1845. 8 & 9 Vict. c. 83.

Short title, construction, and extent of Act.

10. This Act shall come into operation on the first day of October one thousand eight hundred and ninety-eight, and may be cited as the Poor Law (Scotland) Act, 1898, and, except in so far as expressly provided, shall be read and construed along with the principal Act and the Acts amending the same; and, except in so far as expressly provided, this Act shall apply to Scotland only.

CHAPTER 22.

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary.

[25th July 1898.]

WHEREAS it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal by Parliament, or have, by lapse of time or otherwise, become unnecessary, should be expressly and specifically repealed:

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:

Enactments in schedule repealed.

1. The enactments described in the first part of the schedule to this Act are hereby repealed, subject to the provisions of this Act and subject to the exceptions and qualifications in the said schedule mentioned; and every part of a title, preamble, or recital specified after the words "in part, namely," in connexion with an Act mentioned in the said schedule may be omitted from any revised edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary.