CHAPTER 38.

An Act to amend the Law relating to School Boards so far as affected by the incorporation of a Municipal Borough and as respects the divisions of the Metropolis.

[31st July 1885.]

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:

Provision as to school boards affected by incorporation of municipal borough. 45 & 46 Vict. c. 50.

1. Whereas by sub-section one of section two hundred and thirteen of the Municipal Corporations Act, 1882, it is enacted as follows:

"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, "franchises, 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:"

And whereas sub-section six of the same section two hundred and thirteen provides that a local authority for the purposes of the above enactment shall mean the authorities therein mentioned, "and "any other authority not in this section excepted and not being "a school board, and having powers of local government and of "rating for public purposes:"

And whereas difficulties have arisen respecting the effect of the creation by a charter of a municipal borough, where the whole or part of the area of such borough is comprised in the district of a school board, and it is expedient to authorize the removal of such difficulties by a scheme under the said Act:

Be it therefore enacted as follows:—

(1.) The words "and not being a school board" in sub-section six of section two hundred and thirteen of the Municipal Corporations Act are hereby repealed;

A scheme under that section if affecting a school board—

(*a*) shall before being settled by the Committee of Council be referred to the consideration of the Education Department; and

(*b*) shall not place the new borough under more than one school board; and

(*c*) may provide for the continuance of any byelaws in force at the date of the scheme.

(2.) Where within seven years before the passing of this Act a charter has extended the Municipal Corporations Act, 1882, or the Acts thereby consolidated to the municipal borough created by the charter, any scheme relating to a school board which might have been made under the said Acts if this Act had passed at the date of the said charter may be made after the passing of this Act, and Part Eleven of the Municipal Corporations Act, 1882, shall apply accordingly: Provided that—

(*a*) such scheme may be made on the petition either of the council of the said borough or of the persons who composed the school board, or any of them; and

(*b*) the council of the borough may petition against such scheme in accordance with sub-section four of section two hundred and thirteen of the Municipal Corporations Act, 1882; and

(*c*) any such scheme may validate any acts done by the Education Department or the school board or the council of the borough or any justice since the date of the charter.

(3.) This section shall be in addition to and not in derogation of any powers in relation to school boards for the time being vested in the Committee of the Lords of the Privy Council on Education (who are in this section referred to as the Education Department).

Division of Lambeth division of London.

2. Whereas by the Elementary Education Act, 1870, it was enacted that the School Board for London should consist of such number of members elected by the divisions of the metropolis specified in the Fifth Schedule to that Act as the Education Department might by order fix, and power was given to the Education Department from time to time to alter by way of increase or decrease the number of members of any of the said divisions, but no power was given to alter the said divisions, and it is expedient to divide the Lambeth division into two divisions;

Be it therefore enacted as follows:—

(1.) The Lambeth division of the metropolis for the purpose of the Elementary Education Acts, 1870 and 1873, shall be divided into two divisions, named East Lambeth and West Lambeth, and the Fifth Schedule to the Elementary Education Act, 1870, shall be construed as if for "Lambeth" there were substituted "East Lambeth" and "West Lambeth."

33 & 34 Vict. c. 75.

(2.) The Education Department shall, so soon as may be after the passing of this Act, by order determine the boundaries of the divisions of East Lambeth and West Lambeth for the purposes aforesaid and the number of members to be elected by each of such divisions, subject nevertheless to any subsequent alteration of the number of members in pursuance of the said Acts.

(3.) At the first election of the School Board for London which is held after the passing of this Act, members shall be elected for the two divisions constituted by this Act; but nothing in this Act shall affect the School Board for London until such members come into office.

Short title and construction.

3. This Act may be cited as the School Boards Act, 1885.

This Act, so far as relates to school boards on the incorporation of a municipal borough, shall be construed as one with the Municipal Corporations Act, 1882, and together with that Act may be cited as the Municipal Corporation Acts, 1882 and 1885.

This Act, so far as regards the divisions of the metropolis, shall be construed as one with the Elementary Education Acts, 1870 and 1873, and may be cited together with those Acts as the Elementary Education Acts, 1870 to 1885.

33 & 34 Vict. c. 75.
36 & 37 Vict. c. 86.