



Local Government Act 1929

1929 CHAPTER 17

An Act to amend the law relating to the administration of poor relief, registration of births, deaths, and marriages, highways, town planning and local government; to extend the application of the Rating and Valuation (Apportionment) Act, 1928, to hereditaments in which no persons are employed; to grant complete or partial relief from rates in the case of the hereditaments to which that Act applies ; to discontinue certain grants from the Exchequer and provide other grants in lieu thereof; and for purposes consequential on the matters aforesaid. [27th March 1929.]

BE IT ENACTED by the King'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:—

PART I

POOR LAW.

Transfer and administration of Functions.

1 Transfer of functions of poor law authorities.

On the appointed day the functions of each poor law authority, shall, subject to the provisions of this Act and except as otherwise expressly provided by this Act, be transferred to the council of the county or county borough comprising the poor law area for which the poor law authority acts, or, if the poor law area is not wholly comprised within one county or county borough, the functions of the poor law authority so far as they relate to any county or county borough into which the area extends shall be transferred to the council thereof, and as from the appointed day all then existing poor law authorities shall cease to exist.

2 Special provisions as to functions of poor law authorities in respect of infant life protection and vaccination.

As from the appointed day the following provisions shall have effect with respect to functions relating to infant life protection and vaccination formerly discharged by poor law authorities:—

- (a) functions under Part I of the Children Act, 1908, shall be discharged by the councils of counties and county boroughs as functions under the Maternity and Child Welfare Act, 1918, except that where the council of a district have established a maternity and child welfare committee the said functions shall, in that district, be discharged by the council of the district and not by the county council; and
- (b) functions relating to vaccination shall be discharged by the councils of counties and county boroughs as functions relating to public health; and
- (c) the provisions of this Part of this Act relating to administrative schemes and accounts "and audit shall not apply as respects the functions aforesaid.

3 Power to combine councils for special purposes.

- (1) Where any two or more councils, whether councils of counties or county boroughs, consider that it is expedient that the areas of the councils should be combined for any purpose connected with the administration of the functions transferred or to be transferred under this Part of this Act and make application to the Minister for the purpose, the Minister may make an order for combining the areas of the councils for the purposes named therein.
- (2) Where it appears to the Minister that the combination of the areas of any two or more councils, whether councils of counties or county boroughs, for any purpose connected with the administration of the functions transferred or to be transferred under this Part of this Act, would tend to diminish expense, or would otherwise be of public or local advantage, the Minister may make an order for combining the areas of the councils for the purposes named therein :

Provided that an order shall not be made under this subsection except after a local inquiry, unless all the councils whose areas are to be so combined consent.

- (3) An order under this section may establish for the purposes of the order a joint committee of the councils, and may constitute the joint committee a body corporate with perpetual succession and a common seal and with power to hold land for the purposes of their functions without licence in mortmain.
- (4) Any such order shall define the functions of the joint committee, and regulate the election, meetings and business of the joint committee, the mode of defraying the expenses of the joint committee, and any other matter or thing which it appears necessary or proper to regulate for the better carrying into effect of the order, and may provide for making applicable, subject to the necessary modifications, to the joint committee any of the provisions of this Part or Parts VII or VIII of this Act (including the provisions as to administrative schemes).
- (5) An order under this section may be made either before or after the appointed day, and
 - (a) where the order takes effect on the appointed day, any functions which under the order are to be functions of the joint committee shall, as from the appointed day, be transferred to the joint committee, and shall not be transferred to any of the councils included in the combination; and

- (b) where the order takes effect after the appointed day, a council included in such a combination shall, save as otherwise provided by the order, cease to exercise any functions vested by the order in the joint committee.
- (6) An order under this section shall be laid before Parliament as soon as may be after it is made.

4 Administrative schemes.

The council of every county and county borough shall prepare, and within six months after the commencement of this Act submit to the Minister, a scheme (hereinafter referred to as an administrative scheme) of the administrative arrangements proposed to be made for discharging the functions transferred to the council under this Part of this Act:

Provided that the Minister may on the application of a council extend the time within which a scheme is to be submitted if he is satisfied that there is reasonable cause for such extension.

5 Provisions as to alternative powers of giving assistance.

- (1) A council in preparing an administrative scheme shall have regard to the desirability of securing that, as soon as circumstances permit, all assistance which can lawfully be provided otherwise than by way of poor relief shall be so provided, and accordingly any such scheme may declare that any assistance which could, after the appointed day, be provided either by way of poor relief or by virtue of any of the following Acts as amended by any subsequent enactment including this Act (that is to say)—
- (a) The Public Health Act, 1875 :
 - (b) The Local Government Act, 1888 :
 - (c) The Mental Deficiency Act, 1913:
 - (d) The Maternity and Child Welfare Act, 1918 :
 - (e) The Blind Persons Act, 1920:
 - (f) The Public Health (Tuberculosis) Act, 1921:
 - (g) The Education Act, 1921:

shall be provided exclusively by virtue of the appropriate Act and not by way of poor relief, but nothing in this subsection or in any scheme shall diminish or otherwise affect the duty of a council under section thirty-four of the Poor Law Act, 1927, to provide relief for the poor.

For the purposes of this subsection, the expression " assistance" includes maintenance and treatment at hospitals and other places, the education of children, and any other services which could, after the appointed day, be provided either by way of poor relief or by virtue of any of the above-mentioned Acts.

- (2) Where in the case of a county the scheme declares that the education of any children who are being maintained by the council in any institution shall be provided under the Education Act, 1921, the council may make arrangements for that purpose with the local education authority for elementary education for the area in which such institution is situated upon such terms and conditions (including the use by the local education authority of any buildings, premises or equipment belonging to the council) as may be agreed.

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- (3) Where in the case of a county the scheme declares that any assistance which could be provided by virtue of the Maternity and Child Welfare Act, 1918, shall be provided under that Act, the county council may make arrangements with the council of any district wholly or partly in the county, who have established a maternity and child welfare committee, for the provision of such assistance within the district by the council thereof upon such terms and conditions (including the use by the district council of any buildings premises or equipment belonging to the county council) as may be agreed, and any such arrangements may require the district council to furnish the county council with particulars of any assistance given by the district council under the Maternity and Child Welfare Act, 1918, whether in pursuance of the arrangements or otherwise.

6 Public assistance committee.

- (1) An administrative scheme shall provide for the constitution of a committee of the council (hereinafter referred to as the public assistance committee), and may provide—
- (a) that any other committee of the council shall act as the public assistance committee, or that the members for the time being of any other such committee, shall so act; and
 - (b) for the inclusion in the public assistance committee or among any members of another committee acting as such, of persons who are not members of the council, some of whom shall be women;

so, however, that of the whole number of members of the public assistance committee or committee or body acting as such, two-thirds at least shall be members of the council.

- (2) Subject to the provisions of the last foregoing section, all matters relating to the exercise by the council of the functions (other than those specified in section two of this Act) transferred to them under this Part of this Act, except the power of raising a rate or borrowing money, shall stand referred to the public assistance committee, and the council before exercising any such functions shall, unless in their opinion the matter is urgent, receive and consider the report of the public assistance committee with respect to the matter in question.
- (3) The scheme may provide for the delegation by the council to the public assistance committee, with or without any restrictions or conditions as they think fit, of any of the functions so transferred, except the power of raising a rate or borrowing money, and may provide for the discharge, on behalf of and subject to the general direction and control of the public assistance committee, of any of the functions of that committee by any of the other committees of the council.

7 Guardians committees and sub-committees.

- (1) In the case of a county the administrative scheme shall provide—
- (a) for the division of the county into areas, each area consisting of one or more districts, and for the constitution for each such area of a local sub-committee of the public assistance committee (to be called the guardians committee of the area) consisting of not more than thirty-six nor less than twelve members :
 - (b) for each guardians committee consisting of—

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- (i) members for the time being of the council of the district, or of every district, comprised in the area, as the case may be, nominated by the council thereof;
 - (ii) members for the time being of the county council representing electoral divisions wholly or partly comprised in the area;
 - (iii) persons (not being elected members of the county council, and including women as well as men) appointed by the county council, so, however, that the number of persons so appointed shall not exceed one-third of the total number of members of the committee;
- (c) for the discharge, subject to such general or special restrictions or conditions as the county council may from time to time impose, by each guardians committee or a sub-committee thereof of such of the functions transferred to the council under this Part of this Act as relate to the following matters—
- (i) the consideration and examination of applications for relief;
 - (ii) the determination of the nature and amount of the relief, if any, to be given to such applicants;
 - (iii) the determination of the amount, if any, to be paid by any recipient of relief, or the persons liable for his maintenance, towards reimbursing the council the amount expended by them on his relief;
 - (iv) the visiting inspection or management, if the public assistance committee so request, of any poor law institutions in the area for which the guardians committee is appointed:
- so, however, that the functions to be delegated under this subsection shall not include the appointment or dismissal of any officer :

Provided that upon representations made by the council of any county that special circumstances exist in that county or in any part thereof the Minister may, if he thinks fit, direct that the provisions of this section shall not apply as respects that county or part.

- (2) Where a district is not wholly comprised within one county, the portion of the district situate within any county shall, for the purposes of the last preceding subsection, be treated as if it were a separate district.
- (3) In appointing persons other than elected members of the county council to be members of any guardians committee a county council shall have regard to the desirability of including persons who are members of poor law authorities immediately before the appointed day and other persons of experience in the matters to be dealt with by the committee.
- (4) The scheme shall provide for effective consultation between the public assistance committee and the guardians committee of any area upon business relating specially to that area, and in particular shall empower every guardians committee to nominate their chairman or other representative to be present at any meeting of the public assistance committee at which business specially relating to the area of the guardians committee is to be transacted. Any person so nominated shall be entitled to take part in the proceedings at any such meeting so far as they relate specially to the area of the guardians committee by whom he was nominated but not to vote.
- (5) The scheme shall determine the place where a guardians committee shall sit, and any local authority shall allow a guardians committee or any sub-committee thereof to use free of charge for the purposes of their meetings, at any time when not required for the use of the local authority, any premises belonging to the authority.

- (6) In the case of a county borough, the administrative scheme may provide for the appointment of sub-committees of the public assistance committee, consisting wholly or partly of members of the public assistance committee, and for the functions of any such sub-committee:

Provided that—

- (a) a majority of the members of every subcommittee appointed under this subsection shall be members of the council; and
- (b) where the scheme provides for the appointment as members of any such sub-committee of persons who are not members of the council, it shall provide for the inclusion of women as well as men, and regard shall be had to the desirability of including persons who are members of poor law authorities immediately before the appointed day and other persons of experience in the matters delegated or referred to the sub-committee.

8 Approval of schemes.

- (1) As soon as an administrative scheme has been submitted to the Minister, the council submitting the scheme shall publish in one or more newspapers circulating in their area a notice stating that the scheme has been so submitted and that a copy thereof is open to inspection at a specified place, and that representations thereon may be made to the Minister within four weeks after the publication of the notice, and in the case of a scheme submitted by a county council shall send a copy of the scheme to the council of each district wholly or partly within the county.
- (2) No scheme so submitted to the Minister shall be of any effect unless and until it is approved by the Minister, and the Minister, after considering any representations with respect to the scheme which may be submitted to him within four weeks after the publication of such notice as aforesaid by any local authorities and other parties who appear to him to be interested, and after consultation (if and so far as the scheme relates to education) with the Board of Education, may approve the scheme with or without modifications.
- (3) If a council fail to submit to the Minister an administrative scheme within the time allowed for the purpose, the Minister may, after consultation with such local authorities as appear to him to be interested, and (if and so far as the scheme relates to education) with the Board of Education, himself make an administrative scheme, but before making such a scheme the Minister shall publish in one or more newspapers circulating in the area to which the scheme VII relate a notice stating his intention to make the scheme, and that a copy of the draft scheme is open to inspection at a specified place and that representations thereon may be made to the Minister within four weeks after the publication of the notice, and shall consider any representations which may be submitted to him within that period, and any scheme so made shall have effect as if it were a scheme submitted by the council and approved by the Minister.

Miscellaneous Provisions.

9 Acquisition of land.

For the purposes of the functions transferred to them under this Part of this Act, a council shall have power to acquire, dispose of, or otherwise deal with land—

- (a) in the case of a county council, in like manner as for the purposes of their other functions and subsection (3) of section sixty-four and section sixty-five of the Local Government Act, 1888, shall apply accordingly;
- (b) in the case of a county borough council, in like manner as for the purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act shall apply accordingly.

10 Disqualifications.

- (1) A person shall, after the appointed day, be disqualified for becoming or being a member of the council of a county or county borough if he has within twelve months before becoming, or has since becoming, such a member received poor relief, except that he shall not be so disqualified by reason only that he or a member of his family has received medical or surgical treatment, or been an inmate of an institution for that purpose, or received relief which could have been granted under the Blind Persons Act, 1920, or been maintained in any place as a pauper lunatic :

Provided that a person who is at the date of the commencement of this Act a member of any such council and has received poor relief before that date, shall not be thereby disqualified for being such a member.

- (2) A person shall be disqualified for being a member of a committee or sub-committee thereof constituted under an administrative scheme who would be disqualified for becoming or being a member of the council by which the committee is appointed, and a person who acts as a member of such a committee or subcommittee when disqualified shall be liable to the like penalties as if he had acted as a member of the council.
- (3) Notwithstanding anything in section forty-six of the Local Government Act, 1894, a person shall not, on or after the appointed day, be disqualified for becoming or being a member of any local authority to which that section applies by reason that he or any member of his family has received poor relief, if by virtue of the provisions of this section the receipt of that relief would not disqualify him for becoming or being a member of a county or county borough council.

11 Amendment as to disqualification for pensions under 9 & 10 Geo. V., c.102, and 15 & 16 Geo. V., c.70.

On and after the appointed day a person who has become an inmate of any poor law institution for the purpose of obtaining medical or surgical treatment shall not, so long as he continues to require such treatment, be disqualified, on the ground only that he is such an inmate, for receiving or continuing to receive an old age pension under the Old Age Pensions Acts, 1908 to 1924, or under the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, and accordingly subsection (1) of section three of the Old Age Pensions Act, 1919, and paragraph one of the Third Schedule to the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, shall have effect as if the words " during a period of " three months from the date on which he becomes " such an inmate if he," were omitted therefrom, and as if after the words " so long " there were inserted the words " as he. "

12 Repeal of 5 Edw.7 c.18.

The Unemployed Workmen Act, 1905, shall, as from the appointed day, be repealed, but the Minister may, on such repeal taking effect, make such orders as were by section

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eight of that Act authorised to be made on the expiration of the period for which that Act as originally enacted was to continue in force, and any such order may provide for applying, subject to the necessary adaptations, to officers appointed under the said Act any of the provisions of this Act as to the transfer and compensation of officers.

13 Consultation as to the provision of hospital accommodation.

The council of every county and county borough shall, when making provision for hospital accommodation in discharge of the functions transferred to them under this Part of this Act, consult such committee or other body as they consider to represent both the governing bodies and the medical and surgical staffs of the voluntary hospitals providing services in or for the benefit of the county or county borough as to the accommodation to be provided and as to the purposes for which it is to be used.

14 Consequential amendments of certain Acts.

- (1) The Local Government Act, 1888, shall, as from the appointed day, have effect as if amongst the powers conferred by that Act on county councils (including the London County Council) there were included the like powers with respect to the provision of places for the reception of the sick as are conferred on local authorities by section one hundred and thirty-one of the Public Health Act, 1875, as amended by section sixty-four of the Public Health Act, 1925.
- (2) Section one hundred and thirty-one of the Public Health Act, 1875, as so amended, shall in its application to county councils and county borough councils have effect as if the power to provide places for the reception of the sick included power to provide places for the reception of pregnant women.
- (3) A committee appointed under the Public Health Act, 1875, by the council of a county borough for dealing with matters relating to public health, the committee appointed by the London County Council for similar purposes, and the public health and housing committee appointed by a county council under section seventy-one of the Housing, Town Planning &c, Act, 1909, may include members who are not members of the council by which the committee is appointed, so, however, that two-thirds at least of the members of the committee shall be members of the council; and any such committee may, subject to any directions of the council, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit.
- (4) So much of proviso (ii) to section thirty of the Mental Deficiency Act, 1913, as provides that local authorities under that Act shall not have any duties with respect to defectives who are for the time being provided for by poor law authorities shall as from the appointed day cease to have effect.
- (5) A committee for the care of the mentally defective constituted under the Mental Deficiency Act, 1913, may, subject to any directions of the local authority under that Act, appoint such and so many subcommittees, consisting either wholly or partly of members of the committee, as the committee thinks fit.

15 Consequential alteration of constitution of assessment committees.

- (1) For subsection (3) of section seventeen of the Rating and Valuation Act, 1925 (which relates to the constitution of assessment committees) the following subsection shall, as from the appointed day, be substituted—

- “(3) In the case of an assessment area being a county borough, the assessment committee shall consist of such number of persons to be appointed by the council of the borough as may be determined by the council, but not less than one-third of the members of the committee shall be persons who are not members of the council, and if any member of the committee not being a member of the council becomes a member thereof, his term of office as a member of the committee shall thereupon expire.”
- (2) As from the appointed day, in subsection (4) of the said section seventeen the words "boards of guardians" shall be repealed, and any scheme under the said Act constituting an assessment area and determining the proportion in which the various authorities entitled to representation on the assessment committee for the area are to be represented thereon shall, subject to the provisions of any new or amending scheme, have effect as if the references to the members of the committee representing boards of guardians were omitted therefrom.
- (3) Notwithstanding anything in the foregoing provisions of this section, the following provisions shall have effect with respect to members of assessment Committees holding office immediately before the appointed day:—
- (a) a member appointed by, or on the nomination of, a board of guardians shall not vacate his office by reason of the dissolution of that board or of the fact that he himself ceases to be a guardian; and
- (b) in the case of an assessment area being a county borough, a member of the assessment committee who is on the appointed day a member also of the council of the borough shall not vacate his office by reason of the fact that more than two-thirds of the members of the committee are members of the council, but after the appointed day no person being a member of the council shall be appointed to be a member of the committee if on his appointment the number of the members of the committee who are members of the council would exceed two-thirds of the total number of the committee.

16 Recovery of expenses.

- (1) As from the appointed day, it shall be the duty of the council of every county and county borough and of every other local authority to recover from any person who has been maintained by them in any institution, other than a person who has become an inmate of an institution for the purpose of receiving treatment for infectious disease, or from any person legally liable to maintain that person, the whole of the expenses incurred by the council or authority in the maintenance of that person, or, if the council or authority are satisfied that the persons from whom the expenses are recoverable cannot reasonably, having regard to their financial circumstances, be required to pay the whole of those expenses, such part, if any, of the expenses as they are in the opinion of the council or authority able to pay:

Provided that any such council or authority may, by agreement with the governing body of any association or fund established for the purpose of providing benefits to members or other beneficiaries thereof, accept from the association or fund, in respect of the expenses incurred by the council or authority in the maintenance of any member or beneficiary of the association or fund, payment of such sums as may be provided by the agreement, in lieu of recovering the whole or any part of the said expenses from the member or beneficiary, or from any person legally liable to maintain him.

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- (2) Any expenses recoverable under this section shall, without prejudice to any other remedy, be recoverable summarily as a civil debt.
- (3) For the purposes of this section—
- " Institution " means any hospital, maternity home or other residential institution accommodation wherein is provided by the council of a county or county borough or other local authority under the powers conferred by the Public Health Acts, 1875 to 1926, or the corresponding enactments relating to London, the Local Government Act, 1888, as amended by this Act, or the Maternity and Child Welfare Act, 1918.
- The expenses incurred by the council or authority in providing for the maintenance of a person in an institution shall, in respect of each day of maintenance in the institution, be deemed to be a sum representing the average daily cost per patient of the maintenance of the institution and the staff thereof and the maintenance and treatment of the patients therein.
- (4) Nothing in this section shall affect any right which a local authority may have under any enactment or otherwise to recover expenses other than those to which the foregoing provisions of this section apply.

17 Accounts and audit.

Separate accounts shall be kept by the council of every county borough of their receipts and expenditure in respect of the functions (other than those specified in section two of this Act) transferred to them under this Part of this Act, and discharged by the council as such, and those accounts shall be made up and audited in like manner and subject to the same provisions as in the case of a county council, and the enactments relating to the audit of the accounts of a county council and to all matters incidental thereto and consequential thereon, including penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit.

Application to London.

18 Application to London.

This Part of this Act shall apply to the county of London subject to the following modifications :—

- (a) the provisions of subsections (2) and (3) of section six and section seven of this Act shall not apply:
- (b) the administrative scheme may make provision for the reference or delegation by the London County Council to any committee of that council (including the public assistance committee) of any of the functions transferred to the council under this Part of this Act except the power of raising a rate or borrowing money:
- (c) the administrative scheme may make provision for the appointment—
 - (i) of sub-committees of the public assistance committee (in this section referred to as " local committees ") consisting wholly or partly of members of that committee; and
 - (ii) of sub-committees of local committees, consisting wholly or partly of members of the local committees;

for the functions of such local committees and for the discharge by the sub-committees thereof of any of the functions which, under the foregoing provisions of this Part of this Act, are to be discharged by guardians committees or subcommittees thereof:

- (d) the London County Council may make arrangements with the common council of the City of London, or the council of any metropolitan borough, for the provision by the common council or metropolitan borough council under the Maternity and Child Welfare Act, 1918, of any assistance which could be provided either by way of poor relief or by virtue of that Act, and the provisions of this Part of this Act relating to arrangements between a county council and the council of a district for the provision of assistance under the Maternity and Child Welfare Act, 1918, shall apply accordingly :
- (e) the functions of the Metropolitan Asylum Board under the Public Health (London) Act, 1891, and section forty-two of the Divided Parishes and Poor Law Amendment Act, 1876, shall, as from the appointed day, be transferred to the London County Council:
- (f) as from the appointed day, any expenses of sanitary authorities in the county of London which under the Public Health (London) Act, 1891, are repayable out of the metropolitan common poor fund, shall be repaid by the London County Council, and any payments which under the Valuation (Metropolis) Act, 1869, are to be made from or to that fund shall be made from or to the county fund:
- (g) the functions of boards of guardians in the county of London in respect of vaccination, and the officers employed in connection with those functions, shall as from the appointed day be transferred to the common council of the City of London and to the councils of the several metropolitan boroughs instead of to the London County Council, and the appropriate provisions of this Act with respect to the transfer of property and liabilities and the transfer, superannuation and compensation of officers shall apply subject to the necessary adaptations:
- (h) as from the appointed day, the City of London (including the Inner Temple and the Middle Temple) and every metropolitan borough shall be an assessment area, and there shall be for every such area an assessment committee who shall have as regards valuation lists for each parish within their area the same functions as assessment committees had immediately before the appointed day with regard to valuation lists for the parishes in their areas.

The assessment committee shall as from the appointed day consist of such number of persons appointed, in the case of the City of London by the common council, and in the case of a metropolitan borough by the council of the borough, being members of the council, as the council may think fit, together with, in the case of the assessment committee for a metropolitan borough, one person appointed by the London County Council; and the members of the said committees shall be appointed in every year in the month of November or December, and shall hold office until their successors are appointed, so, however, that the first such committee may be appointed at any time before the appointed day, but shall not continue in office after the month of December next following :

Provided that—

- (i) no person who is a member of any committee to which the duties of a rating authority with respect to the preparation of a valuation list are

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referred or delegated shall be qualified for appointment as a member of the assessment committee;

- (ii) the London County Council may appoint a person to act for all purposes as a member of the assessment committee in substitution for the person appointed by them as aforesaid at any time when that person is unable to act;
- (iii) neither the person nor the substitute to be appointed as aforesaid by the London County Council shall be an officer of that council.

The quorum of the assessment committee shall be such number as the committee may determine, not being less than three.

No member of the assessment committee or person acting as such a member shall receive any remuneration or other like payment in respect of his services as such. The town clerk, or in the City of London such other officer as the council may designate or appoint, shall be the clerk to the assessment committee:

- (i) the functions transferred to the London County Council under this Part of this Act shall be exercisable throughout the county of London.

Application to local Act and Appointed Guardians.

19 Application to local Act guardians.

- (1) Where a board of guardians is a board constituted or acting under a local Act, the functions transferred to the council of the county or county borough under this Part of this Act shall be the functions of a board of guardians under the Poor Law Act, 1927, and not the functions of the board under the local Act.
- (2) Where any property vested in a board of guardians constituted or acting under a local Act is held by them for charitable purposes, nothing in this Act shall transfer such property to the council of any county or county borough; but -the Charity Commissioners may, in accordance with their ordinary jurisdiction under the Charitable Trusts Acts, 1853 to 1925, establish a scheme providing for the constitution of a body of trustees to administer the charitable property, and for the vesting or transfer of such property in or to the Official Trustee of Charity Lands, or the Official Trustees of Charitable Funds, as the case may require, or in or to the body of trustees so constituted, or any members thereof, as if the charity were a charity within the jurisdiction of the Commissioners under those Acts, but without the necessity of any application being made for the purpose.

20 Application to unions with appointed guardians.

- (1) The provisions of this Act shall apply as respects any poor law union with respect to which an order under the Boards of Guardians (Default) Act, 1926, or section two hundred and twenty of the Poor Law Act, 1927, constituting an appointed board of guardians for the union is in force at the commencement of this Act, or is made thereafter, subject to the provisions of this section.
- (2) The Minister may by order declare that as respects the whole or any part of any such union the provisions of this Part and Parts VII and VTII of this Act except such as may be specified in the order shall not come into operation until the first day of April, nineteen hundred and thirty-five; and where such an order is made, then, as respects the

poor law union or part thereof to which the order relates and subject to any exceptions contained in the order—

- (a) the said first day of April shall be the appointed day for the purposes of this Part and Parts VII and VIII of this Act;
 - (b) the Poor Law Act, 1927, and any other enactment relating to the relief of the poor, shall, until the said first day of April, remain in full force and effect;
 - (c) the administrative scheme shall be prepared and submitted to the Minister between the thirty-first day of March and the thirty-first day of October, nineteen hundred and thirty-four.
- (3) An order made under this section—
- (a) may provide for the continuance in office till the said first day of April of the persons who are appointed guardians at the date of the order or of any persons who may from time to time be appointed in their place;
 - (b) may provide for making such adaptations in the provisions of this Act relating to grants, expenses, the transfer of property and liabilities, and the transfer, superannuation and compensation of officers, as may be necessary and may provide for applying to the appointed guardians with the necessary adaptations the provisions of this Act relating to the mitigation of the liability of councils for temporary loans;
 - (c) may authorise the appointed guardians to make arrangements with the council of any county, county borough or district for the provision by that council of any assistance which could be provided, either by the guardians or by the council;
 - (d) may provide that for the purposes of the provisions of this Part of this Act relating to combinations of councils for special purposes the appointed guardians shall be treated as if they were the council of a county or county borough.
- (4) An order under this section shall be laid before Parliament as soon as may be after it is made.

PART II

REGISTRATION OR BIRTHS, DEATHS AND MARRIAGES.

21 Transfer of functions under Registration Acts.

- (1) On the appointed day the functions of boards of guardians under the Registration Acts in relation to a registration district and to any sub-districts comprised therein shall—
- (a) if the registration district is wholly comprised within one county or county borough, be transferred to the council of that county or county borough;
 - (b) if the registration district is not wholly comprised within one county or county borough, be transferred to the council of the county or county borough which is estimated by the Registrar-General to contain on the first day of January preceding the appointed day the larger or largest part of the population of the registration district;

and the functions so transferred are in this Part of this Act referred to as "transferred functions."

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- (2) Until such schemes as are hereinafter in this Part of this Act mentioned are made, nothing in this Act shall affect the area of any existing registration district or sub-district, without prejudice, however, to the exercise of the powers contained in the Registration Acts as to the alteration thereof:

Provided that, where as respects the part of a registration district comprised in a county or county borough the transferred functions in relation thereto are exercised by a council other than the council of that county or county borough, and in pursuance of such powers of alteration as aforesaid an order is made whereby that part is constituted a separate registration district, or is added to a registration district comprised in that county or county borough, the order shall provide for transferring to the council of that county or county borough the transferred functions in relation to that part of the registration district and to any sub-districts comprised in that part.

22 Conversion of registration officers into salaried officers.

- (1) On a vacancy occurring on or after the appointed day in the office of a registration officer, the office shall become a salaried office.
- (2) On application for the purpose being made after the appointed day to the responsible council by a registration officer appointed before that day, the office which he holds shall, as from such date (not later than the beginning of the next financial year) as may be fixed by the council become a salaried office.
- (3) Where the office of a registration officer becomes a salaried office—
- (a) the officer holding the office shall be entitled to receive from the responsible council such salary or remuneration and office and other allowances as may be fixed, and shall hold office on such conditions as may be determined, under this section;
 - (b) every such officer shall, at such times and in such manner as may be prescribed, account to the Registrar-General for all fees and allowances received by or payable to him in respect of the execution of his duties under the Registration Acts, and upon the direction of the Registrar-General shall pay to the responsible council such sum as the Registrar-General may certify to be due to the council in respect of such fees and allowances;
 - (c) the fees payable under sections twenty-nine and thirty-four of the Births and Deaths Registration Act, 1836, as amended by any subsequent enactment shall cease to be payable in respect of the office.
- (4) Subject to the approval of the Registrar-General, the council of any county or county borough may, as respects the salaried officers for whom the council are the responsible council, determine and from time to time vary—
- (a) the salary or remuneration to be attached to any salaried office, and the allowances (if any) to be paid for travelling, the provision of office accommodation, and other expenses;
 - (b) the conditions on which any salaried office is to be held, including a requirement that an officer shall give such security as may be considered necessary to guard against any malfeasance or misappropriation of fees.
- (5) In this and the next following section " the responsible council " means, as respects any registration officer, the council of the county or county borough by whom the transferred functions in relation to the registration district or sub-district for which the officer acts are discharged.

23 Power to increase statutory fees.

- (1) It shall be lawful for the Minister by order to increase any of the fees fixed by the Registration Acts to an extent not exceeding fifty per cent., and from time to time to vary the amount of the increase, subject to such limitation as aforesaid.
- (2) Where such an order has been made, it shall be the duty of every officer who is not a salaried officer, at such times and in such manner as may be prescribed, to account to the Registrar-General for, and pay to the responsible council, so much of the fees received by or payable to him as the Registrar-General may certify to represent the increase effected by the order, subject to such deduction as the Registrar-General may allow as remuneration to him for the trouble and expense of collecting and accounting for such increased amounts.
- (3) An order under this section shall be laid before Parliament as soon as may be after it is made.

24 Schemes for the administration of Registration Acts in counties and county boroughs.

- (1) Before the first day of April, nineteen hundred and thirty-two, or such later date as the Minister may allow, it shall be the duty of the council of every county and county borough to prepare and submit to the Minister a scheme for—
 - (a) the division into registration districts and sub-districts for the purposes of the Registration Acts of the whole of the county or county borough, including any portion of the county or county borough forming part of a registration district the transferred functions in relation to which are at the time of the making of the scheme discharged by the council of some other county or county borough;
 - (b) determining the number of superintendent registrars, registrars of births and deaths, and registrars of marriages, and other officers required for the purposes of the Registration Acts within the county or county borough;
 - (c) determining the location of offices and stations in the various registration districts and sub-districts;
 - (d) conferring and imposing on registrars of births and deaths all or any of the functions of registrars of marriages;
 - (e) providing, where two or more officers are appointed to act for a single registration district or sub-district, for the distribution between them of the registration functions to be discharged within the registration district or sub-district ; so, however, that such distribution shall not render any such officer disqualified from acting at any time or at any place in the registration district or sub-district as the case may be;
 - (f) fixing (subject to such power of revision as may be provided by the scheme) the salary and other remuneration (if any) to be attached to each office, and the allowances (if any) to be paid for travelling, the provision of office accommodation and other expenses;
 - (g) fixing (subject as aforesaid) the conditions on which an office is to be held, so, however, that nothing in the scheme shall affect the power of the Registrar-General to remove from office an officer in any case in which the Registrar-General is satisfied that the officer has been guilty of serious default in the performance of the duties imposed on him by the Registration Acts or any regulations made thereunder;

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- (h) applying with the necessary modifications and adaptations any of the provisions of this Act relating to the transfer, superannuation and compensation of officers.
- (2) Every scheme under this section shall provide for conferring on the clerk of the county council or the town clerk of the county borough such general powers of supervising the administration within the county or county borough of the provisions of the Registration Acts as may be specified in the scheme, and in particular powers with respect to—
 - (a) the fixing of the hours of attendance of officers;
 - (b) the distribution of business between officers;
 - (c) the transfer of officers from one registration district or sub-district to another;
 and section five of the Births and Deaths Registration Act, 1836, shall have effect as if amongst the officers with respect to whose duties under the Registration Acts regulations may be made under that section there were included clerks of county councils, town clerks, and such other officers as may be appointed under the scheme.
- (3) Every scheme under this section shall fix the date or dates on which the scheme is to come into operation and may fix different dates for different provisions of the scheme or for different areas, and the dates so fixed may be made dependent on the happening of specified events.
- (4) No scheme submitted to the Minister under this section shall be of any effect unless and until it is approved by the Minister and the Minister, after considering any representations with respect to the scheme which may be submitted to him by any officer affected, may approve the scheme with or without modifications.
- (5) If a council fail to submit to the Minister a scheme under this section within the time mentioned in this section, the Registrar-General may, after consultation with the council, make a scheme for the purpose, and any scheme so made, if approved by the Minister, shall have effect as if it were a scheme submitted by the council and approved by the Minister.
- (6) Where a scheme has been made and approved under this section, the Registration Acts shall have effect subject thereto.

25 Salary of Registrar-General.

The salary of the Registrar-General shall be such as may be determined by the Minister with the approval of the Treasury.

26 Amendment of law as to method of giving information of birth or death.

- (1) Any person required by the Registration Acts to give information concerning a birth may, within three months from the date of the birth, give the information by making and signing in the presence of and delivering to such officer as may be prescribed a declaration in writing of the particulars required to be registered concerning the birth.
- (2) The officer in whose presence the declaration S3 so made shall send the declaration to the registration officer whose duty it is to make the entry in the register, who shall in the prescribed manner enter the birth in the register.
- (3) An entry so made shall be deemed for the purposes of the Registration Acts to have been signed by the person who signed the declaration, and a person making a

declaration in pursuance of this section shall be deemed to comply with the provisions of the Registration Acts as to the giving of information concerning a birth, and with any requisition of the registration officer made under the Registration Acts to attend and give information concerning the birth.

- (4) Section six of the Births and Deaths Registration Act, 1874, shall cease to have effect:

Provided that the fee fixed by that Act for the purposes of that section shall be deemed to be the fee fixed by the Registration Acts for the purposes of this section and shall be subject to be increased under this Act accordingly.

- (5) The Minister or the Registrar-General with the consent of the Minister may by regulations extend this section subject to the necessary modifications to the registration of deaths and still births.

27 Application to London.

This Part of this Act shall apply to the county of London subject to the following modifications—

- (a) the functions of boards of guardians under the Registration Acts shall be transferred to the common council of the City of London and to the councils of the several metropolitan boroughs and not to the London County Council;
- (b) references to counties and county boroughs and the councils thereof shall be construed as references to the City of London and metropolitan boroughs and to the common council and the councils of metropolitan boroughs;
- (c) references to clerks of county councils and town clerks shall be construed as references to the town clerks of the City of London and metropolitan boroughs.

28 Construction and citation.

- (1) The Births and Deaths Registration Act, 1926, shall be construed as one with the Births and Deaths Registration Acts, 1836 to 1901, and this Part of this Act, so far as it relates to the registration of births and deaths, shall be construed as one with the Births and Deaths Registration Acts, 1836 to 1926, and, so far as it relates to marriages shall be construed as one with the Marriage Acts, 1811 to 1898, and accordingly in this Part of this Act the expression " prescribed " shall mean prescribed by regulations made by the Minister, or by the Registrar-General with the approval of the Minister, under the Registration Acts.
- (2) The Births and Deaths Registration Acts, 1836 to 1926, and this Part of this Act may be cited together as the Births and Deaths Registration Acts, 1836 to 1929, and the Marriage Acts, 1811 to 1898, and this Part of this Act may be cited together as the Marriage Acts, 1811 to 1929.

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PART III

ROADS AND TOWN PLANNING.

Roads.

29 County roads.

- (1) The council of every county shall be the highway authority as respects every road in the county which at the appointed day is a main road, or which would, apart from this section, at any time thereafter have become a main road, and every such road and every other road as respects which a county council become by virtue of this Part of this Act the highway authority, shall be termed a county road, and all enactments relating to main roads shall as from the appointed day have effect as if for references therein to main roads there were substituted references to county roads.
- (2) The council of every county shall, in relation to county roads in the county (not being roads with respect to which an urban district council have claimed or are deemed to have claimed to exercise the functions of maintenance and repair) have the like functions as with respect to main roads and all roads in relation to which they have those functions and the materials thereof and all drains belonging thereto shall vest in the county council, and where any other drain or any sewer is used for any purpose in connection with the drainage of any such road, the county council shall continue to have the right of using the drain or sewer for such purpose.
- (3) , If any difference arises between the county council and any district council as respects the council in whom a drain is vested, or as to the use of any drain or sewer, the difference shall, if either council so require, be determined by the Minister.
- (4) As from the appointed day, the council of every county shall exercise the functions of maintenance, repair and improvement of, or other dealing with, every bridge in the county repairable by the inhabitants at large which carries a county road, and section one hundred and nineteen of the Municipal Corporations Act, 1882 (which relates to the maintenance of borough bridges), shall cease to have effect as respects any bridge which carries a county road, and notwithstanding anything in subsection (2) of section thirty-five of the Local Government Act, 1888, no borough shall be exempt from contributing towards the costs incurred by a county council for the purpose of the maintenance, repair and improvement of, or other dealing with, bridges.

30 Transfer to county councils of functions with respect to highways in rural districts.

- (1) As from the appointed day, every county council shall be the highway authority as respects such part of the county as is for the time being comprised in any rural district and as respects the highways therein, and as such shall have all such functions under the Highway Acts, 1835 to 1885, as were exercisable by rural district councils who by virtue of the Local Government Act, 1894, became successors of highway boards, and rural district councils shall cease to be highway authorities:

Provided that nothing in this section shall affect the functions of rural district councils under the Local Government Act, 1894, as respects rights of way and encroachments on roadside wastes, or any functions not being functions with respect to highways

exercisable at the appointed day by rural district councils as successors to surveyors of highways or highway boards.

- (2) As from the appointed day, a county council shall with respect to such part of the county as is for the time being comprised in any rural district have the functions of an urban district council or a local authority under the enactments mentioned in the first column of Parts I and II of the First Schedule to this Act, as amended by any subsequent enactment, subject however to such modifications as are mentioned in the second column of that Schedule; and those enactments shall apply accordingly.
- (3) Functions under section one hundred and fifty of the Public Health Act, 1875, and under the enactments mentioned in the first column of Part I of the First Schedule to this Act shall as from the appointed day cease to be exercisable by rural district councils, and any rural district council who for the time being are invested with functions under any of the enactments mentioned in the first column of Part II of that Schedule shall not be entitled to exercise those functions except with the consent of the county council.
- (4) Nothing in this section shall affect the right of any rural district council having such power to exercise the power of making byelaws under section one hundred and fifty-seven of the Public Health Act, 1875, with respect to the level, width and construction of new streets :

Provided that a rural district council before making any such byelaws shall consult with the county council, and if a rural district council do not within six months after a notice from the county council requiring them to do so exercise the power of making such byelaws, the county council may themselves exercise the power.

31 Transfer of classified roads in urban districts to county council.

- (1) As from the appointed day, the county council shall be the highway authority as respects all classified roads which, immediately before the appointed day, were vested in the councils of urban districts within the county.
- (2) When after the appointed day any road vested in an urban district council becomes a classified road, the county council shall thereupon become the highway authority as respects that road.
- (3) It shall not be lawful for the Minister of Transport on or after the appointed day to make an order declaring that a road which is for the time being a classified road has ceased to be a county road.
- (4) Section four of the Highways and Bridges Act, 1891, shall as from the appointed day cease to have effect so far as it provides that no order declaring that a county road within a municipal borough has ceased to be a county road and has become an ordinary road shall be made without the consent of the council of the borough having been first obtained; but before any such order is made by the Minister of Transport he shall consider any representation which the council of the borough may make with reference thereto and shall, if so requested by the council of the borough, hold a local inquiry.
- (5) As from the appointed day, a county council shall, with respect to county roads, and roads which, when constructed, are intended to become county roads (not being roads with respect to which an urban district council have claimed or are deemed to have claimed to exercise the functions of maintenance and repair), have within an urban district in the county the functions of an urban district council or a local authority

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under the enactments mentioned in the first column of Parts III, IV and V of the First Schedule to this Act, as amended by any subsequent enactment, subject, however, to such modifications as are mentioned in the second column of that Schedule; and those enactments shall apply accordingly.

As respects such roads as aforesaid, functions under the enactments mentioned in the first column of Part III of the said Schedule shall, as from the appointed day, cease to be exercisable by an urban district council, and functions under the enactments mentioned in the first column of Parts IV and V of the said Schedule shall, as from the appointed day, be exercisable by the urban district council as well as by the county council; but as respects the functions mentioned in the first column of Part V of that Schedule, only with the consent of the county council.

- (6) Where after the appointed day any area, being or forming part of a rural district, is by a provisional or other order constituted an urban district, the order may provide that any unclassified roads within that area shall continue to be county roads and where the order contains such a provision as respects any roads the order may provide for contributions being made by the urban district council to the county council towards the cost of the maintenance and repair of those roads of such amounts as may be agreed between the councils or, in default of agreement, determined by the Minister of Transport.

32 Rights of certain urban district councils to maintain county roads.

- (1) Where an urban district has a population exceeding twenty thousand, the urban district council may claim to exercise the functions of maintenance and repair of any county road within their district, and if a claim is made within the time hereinafter limited, then, as from such date as is hereinafter mentioned, the urban district council shall be entitled to exercise those functions, and the road shall vest in that council, and for the purpose of the maintenance, repair and improvement of, and other dealing with, any such road, that council shall have the same functions as if they were as respects that road the highway authority and the road were an ordinary road vested in them.
- (2) Such claim as aforesaid must be made—
- (a) in the case where the population of the urban district exceeds twenty thousand at the appointed day and the road is a road which will by virtue of the foregoing provisions of this Part of this Act become a county road on the appointed day, before the appointed day;
 - (b) in the case where the population of the urban district is found by the Registrar General's preliminary report on any census subsequent to the appointed day to exceed for the first time twenty thousand and the road is a county road at the date of the publication of the report, within twelve months after that date;
 - (c) in the case of any enactment adding an area to an existing urban district of which the population exceeds twenty thousand, within twelve months after the date when the enactment takes effect;
 - (d) in the case of any enactment constituting a new urban district or adding an area to an existing urban district, in consequence whereof the urban district becomes an urban district of which the population exceeds twenty thousand, within twelve months after the date when the enactment takes effect;
 - (e) in the case of any road which becomes a county road after the appointed day, or after the date mentioned in any of the last three foregoing paragraphs, as the case may require, within twelve months after the date when it so becomes a county road.

- (3) The date as from which the right of maintenance and repair shall be exercisable shall—
- (a) where the claim is made before the appointed day, be the appointed day;
 - (b) in any other case be the first day of April in the year following the calendar year in which the claim is made:

Provided that as respects any county roads which—

- (a) may be declared by the Minister of Transport to be roads towards the construction or improvement of which by the county council advances have been made under the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment, and to be roads the maintenance and repair of which should, having regard to the best means of promoting economy and efficiency in highway administration, remain vested in the county council; or
- (b) being situate in a county within which at the commencement of this Act there was in force a local Act empowering urban district councils to relinquish any functions of maintenance and repair retained by them in pursuance of a claim made under subsection (2) of section eleven of the Local Government Act, 1888, are roads as respects which the urban district council were not exercising the functions of maintenance and repair at the commencement of this Act;

the date as from which the right of maintenance and repair claimed under this section shall be exercisable shall be deferred until such date as the Minister of Transport may by order determine, and every such order shall be laid before Parliament as soon as may be after it is made.

- (4) Any urban district council for the time being so responsible for the maintenance and repair of any county road within their district may at any time, with the consent of the county council, relinquish their functions as regards the maintenance and repair of the county road, and as from the first day of April next after the date of relinquishment the county road and the functions of maintaining and repairing it shall vest in the county council in like manner as if the urban district council had made no claim under subsection (1) of this section.

In the event of the county council withholding consent under this subsection, the urban district council may appeal to the Minister of Transport, who may make such order thereon as he thinks fit, and the order shall be binding on the county council and the urban district council.

- (5) Where at the appointed day any urban district council are in pursuance of subsection (2) of section eleven of the Local Government Act, 1888, exercising the functions of maintaining and repairing any main road, then—
- (a) if the population of the urban district exceeds twenty thousand at the appointed day the council thereof shall be deemed to have duly made a claim under this section as respects the road, unless before the appointed day they give to the county council notice in writing to the contrary;
 - (b) in any other case the right of the urban district council to maintain and repair the road shall as from the appointed day determine, and the road and the functions of maintaining and repairing it shall vest in the county council.
- (6) For the purposes of this section—
- (a) the expression " road" does not include county bridges; and
 - (b) the population of an urban district shall, subject as hereinafter provided, be ascertained according to the last census for the time being:

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Provided that the population of an urban district at the appointed day shall be taken to be the estimated population of that district for the year nineteen hundred and twenty-eight.

33 Contributions by county councils to county roads maintained by urban district councils.

- (1) Where an urban district council are in pursuance of the last foregoing section of this Act responsible for the maintenance and repair of a county road within their district, the county council shall—
 - (a) make annual payments (by quarterly instalments) towards the cost of the maintenance and repair of the road and any reasonable improvement connected with the maintenance and repair thereof, of such amount as may be determined in manner hereinafter provided; and
 - (b) contribute towards the expenses of any improvement of the road, not being expenses in connection with the maintenance and repair of the road, in any such case and to such extent, if any, as, failing agreement between the urban district council and the county council, may be determined by the Minister of Transport; and the Minister of Transport in making his determination shall have regard to the extent to which the improvement is required for the purposes of through traffic and local traffic respectively, and to the extent to which the improvement is of the nature of a town improvement,
- (2) Every urban district council so responsible for the maintenance and repair of a county road shall, on or before the fifteenth day of December in each year, submit to the county council for their approval (which shall not be unreasonably withheld) a detailed estimate of the cost of maintenance and repair and reasonable improvement connected with the maintenance and repair of the road for the ensuing financial year, and on such estimate being so approved, either with or without modifications, the amount to be paid by the county council under the last foregoing subsection in respect of such maintenance, repair and improvement shall be the amount of that estimate, or of that estimate as amended by any supplementary estimate submitted and approved as hereinafter provided, or such less sum as may have been actually expended thereon by the urban district council during the said financial year:

Provided that in no case shall a county council be liable to make a payment towards such costs until they are satisfied by a report of their surveyor or such other person as they may appoint for the purpose that the works of maintenance, repair or improvement are being or have been properly executed.

- (3) The urban district council may at any time and from time to time submit a detailed supplementary estimate for the approval of the county council, which approval shall not be unreasonably withheld.
- (4) Any question whether the approval of the county council has been unreasonably withheld, or whether any works of maintenance, repair or improvement are being or have been properly executed, or as to the liability of a county council to make a payment under this section shall be determined by the Minister of Transport.

34 Agreements between county councils and urban district councils with respect to unclassified roads.

As from the appointed day, a county council may by agreement with the council of any urban district within the county undertake, in consideration of such payments as may be agreed, the maintenance, repair and improvement of any unclassified road within the urban district, and any road with respect to which such an agreement is for the time being in force shall be vested in the county council, and that council and the urban district council, respectively, shall have in regard to it the same functions as they would have if it were a county road.

35 Delegation of road functions by county councils to district councils.

- (1) The council of any district wholly or partly within a county may within three months after the commencement of this Act apply to the county council for the delegation to them as from the appointed day of the functions of the county council with respect to the maintenance, repair and improvement of, and other dealing with—
 - (a) the whole of the unclassified roads, exclusive of county bridges, within the district or such part of the district as is within the county;
 - (b) all or any of the classified roads, exclusive of county bridges, within the district or such part of the district as is within the county;
 - (c) all or any of the county bridges within the district or such part of the district as is within the county.
- (2) In so far as the application is in respect of unclassified roads, the county council shall grant the application unless they are satisfied that having regard to the best means of promoting economy and efficiency in highway administration throughout the county and to the particular circumstances of the district in respect of which the application is made the application ought not to be granted.
- (3) In so far as the application is in respect of classified roads or county bridges, the county council shall have unfettered discretion whether or not to grant the application.
- (4) Before the first day of October, nineteen hundred and twenty-nine, every county council shall prepare and submit to the Minister of Transport a statement specifying the applications made under this section and the council's decisions thereon, and in any case in which an application for the delegation of functions in respect of unclassified roads has been refused, the grounds on which the refusal was based and shall send to the council of every district who have made application under this section a copy of so much of the statement as affects the district, and the council of any district whose application for the delegation of functions relating to unclassified roads has not been granted by the county council may within one month after the receipt of such copy, or, if the county council have failed to comply with the provisions of this subsection, before the first day of November, nineteen hundred and twenty-nine, appeal to the Minister of Transport, who, if satisfied that the application should have been granted, may by order direct the county council to grant the application, and the county council shall comply with any direction so given.
- (5) After the appointed day the council of any district wholly or partly within a county to whom any such functions as are mentioned in subsection (1) of this section are not for the time being delegated may apply to the county council for the delegation of those functions, and in the event of the county council refusing or failing within three months to grant the application so far as it relates to unclassified roads, the district council may within one month of such refusal or failure appeal to the Minister of Transport,

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who, if satisfied that the application should have been granted, may by order direct the county council to grant the application so far as it relates to unclassified roads; and the county council shall comply with any direction so given:

Provided that an application under this subsection shall not, without the consent of the Minister of Transport, be made except in the year nineteen hundred and thirty-four, the year nineteen hundred and thirty-nine or any succeeding year being the fifth year after the last year in which such an application might have been made.

- (6) The council of any district wholly or partly within a county to whom any functions have been delegated under this section may, by giving notice in writing to the county council, relinquish those functions.
- (7) The county council by whom any functions have been delegated to a district council under this section may, by giving notice in writing to the district council, determine the delegation:

Provided that, if and so far as the notice relates to unclassified roads, the district council shall be entitled within one month after receiving the notice, to appeal to the Minister of Transport who, if satisfied that the delegation of functions as respects unclassified roads should not be determined, may by order cancel the notice given by the county council.

- (8) An application for the delegation of functions and a notice of the relinquishment of the delegation of functions or of the determination of the delegation of functions under the three last foregoing subsections of this section must be made before the first day of October in any year, and the delegation, relinquishment or determination shall take effect as from the first day of April in the next following year.

36 Conditions and effect of delegation of functions.

- (1) Where in pursuance of the last foregoing section functions are delegated to a district council, the district council, in the discharge of those functions, shall act as agents for the county council, and it shall be a condition of any such delegation—
- (a) that the works to be executed and the expenditure to be incurred by the district council in the discharge of those functions shall be subject to the approval of the county council; and
 - (b) that the district council shall comply with any requirement of the county council as to the manner in which and the persons by whom any works are to be carried out and with any general directions of the county council as to the terms of contracts to be entered into for such purposes; and
 - (c) that the works shall be completed to the satisfaction of the county council;
- and if at any time the county council are satisfied on the report of their surveyor or other person appointed for the purpose that any portion of a road with respect to which functions are so delegated is not in proper repair and condition, the county council may cause notice to be given to the district council requiring them to place the road in proper repair and condition, and if such notice is not complied with within a reasonable time, the county council may do anything that seems to them necessary to place the road in proper repair and condition.
- (2) Where in pursuance of the foregoing section functions are delegated to a district council, then, so long as the, delegation is in force, the district council shall discharge as agents for the county council the functions of the county council within the district under the enactments mentioned in Part I or Part III of the First Schedule to this Act,

as the case may require, except so far as those functions relate to roads with respect to which functions are not delegated to the district council:

Provided that—

- (a) the county council may impose on the district council such conditions as they think fit with respect to any action to be taken by the district council in the discharge of such functions as aforesaid, and with respect to any work being completed to their satisfaction;
- (b) if for the purpose of making any contribution towards the cost of private street works or for any other purpose in connection with such functions as aforesaid the district council desire to incur expenditure which in the opinion of the county council would not be properly chargeable as general county expenses, the district council shall have the same powers of raising money for the purposes of any such expenditure as they would have had if the functions under the said enactments had been directly vested in them;
- (c) the surveyor of the district council shall be the surveyor for the purposes of the Private Street Works Act, 1892.

37 Amendment of law with respect to declaring roads to be county roads.

- (1) The grounds on which an application by an urban district council can be made under section fifteen of the Highways and Locomotives (Amendment) Act, 1878, for an order declaring a road to be a county road shall include the ground that the road is a road situate in a part of the urban district which is of a rural character.
- (2) If on an application made under section fifteen of the said Act a county council refuse to make an order declaring the highway which is the subject of the application to be a county road, or fail for a period of six months after the application to make such an order, or if, having made such an order, the county council refuse or fail to confirm the order within six months of the making thereof, the applicant authority may appeal to the Minister of Transport who may, after considering any representations made by the county council, and, if the council so require, after holding a local inquiry, make an order declaring the highway to be a county road.
- (3) An order of the Minister of Transport under this section shall have effect as if it were an order made and confirmed by the county council under the said section fifteen, and shall come into operation on such date as may be fixed by the order.

38 Saving as to highways repairable by persons other than highway authorities.

- (1) Nothing in this Act with respect to main roads or county roads shall affect the liability of any person or body of persons to maintain and repair any highway or part of a highway not repairable by the inhabitants at large, or, subject as hereinafter provided, affect any exemption from a highway rate granted under section thirty-three of the Highway Act, 1835, or under any other enactment, as continued by any scheme in force under section sixty-four of the Rating and Valuation Act, 1925:

Provided that for the purpose of securing the continued operation of any such exemption as aforesaid—

- (a) the council of every county in which any such exemption is in force shall submit to the Minister a scheme making provision for the purpose aforesaid; and

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- (b) the provisions contained or incorporated in paragraphs (b), (c) and (d) of subsection (2) of the said section sixty-four and in the proviso to such subsection with respect to the making, approval and effect of schemes to be made thereunder shall apply to schemes to be made under this section with the substitution of references to county councils for references to rating authorities.
- (2) For the purposes of this section, the expression " highway " includes any bridge carrying the highway.

39 Application of 38 & 39 Vict. c.55 s.308 in certain cases.

- (1) In any case in which a public utility undertaking sustains damage by reason of the exercise by a county council, in relation to any road vested in them by virtue of this Part of this Act, of functions which before the road was so vested were only exercisable in relation thereto by district councils under the powers of the Public Health Act, 1875, section three hundred and eight of that Act (which relates to compensation) shall apply as if for the reference therein to a local authority there were substituted a reference to the county council, and as if the functions had been exercised under the powers of that Act.
- (2) In this section " public utility undertaking " means any company or authority which carries on a gas, water, hydraulic power, electricity, tramway, light railway or trolley vehicle undertaking, and the expression " trolley vehicle " has the same meaning as in the Road Transport Lighting Act, 1927.

Town Planning.

40 Power of county councils to act jointly with other local authorities in preparation or adoption of a town planning scheme.

- (1) Where after the appointed day the council of a county and any local authority or local authorities under the Town Planning Act, 1925, are desirous of acting jointly in the preparation or adoption of a town planning scheme, they shall be entitled to do so, and the council and the local authority or authorities may concur in appointing out of their respective bodies a joint committee for the purpose, and in conferring, with or without restrictions, on such a joint committee any powers which the local authority or local authorities might exercise for the purpose.
- (2) Where a joint committee of two or more local authorities has been constituted under proviso (ii) to subsection (1) of section two of the Town Planning Act, 1925, or under any corresponding enactment repealed by that Act, and at any time after the appointed day the council of the county of which the district of any of the local authorities forms part are desirous of being represented on the committee, they shall be entitled to appoint such number of members of the committee on such terms as may be agreed with the local authorities or, failing agreement, as may be determined by the Minister; but neither the identity of the committee, nor the validity of any previous proceedings of the committee, shall be thereby affected.
- (3) The provisions of sections fifty-seven and fifty-eight of the Local Government Act, 1894, with regard to joint committees shall, with the necessary modifications, apply to any joint committee appointed under this section as if county councils were included amongst the councils in those sections mentioned; subject, however, to this

modification, that any difference as to the proportions in which costs incurred by a joint committee are to be defrayed by the councils by whom it is appointed shall be determined by the Minister.

(4) This section shall extend to the county of London.

41 Power to combine councils for the purposes of town planning schemes.

(1) Where it appears to the Minister that it is expedient that two or more local authorities (including county councils) should be combined for purposes connected with the preparation or adoption of a town planning scheme, it shall be lawful for the Minister, by order, to provide for the constitution of a joint committee for the purpose, and to confer on such a joint committee any powers which a local authority under the Town Planning Act, 1925, might exercise in relation to the preparation or adoption of a town planning scheme:

Provided that the Minister, before making such an order, shall hold a local inquiry unless all the local authorities whom it is proposed to combine, assent.

(2) The order may provide for the apportionment of the representation on the committee to the several authorities, as to the functions of the joint committee, and as to their expenses.

(3) The order may, where necessary for the purposes of the order, provide for the dissolution of any joint committee which may have been constituted under proviso (ii) to subsection (1) of section two of the Town Planning Act, 1925, or under any corresponding enactment repealed by that Act.

42 Power to constitute county council responsible authority.

(1) A town planning scheme may provide for the county council being after the appointed day the authority responsible for enforcing the observance of any of the provisions of the scheme, or for the execution of any works which under the scheme or the Town Planning Act, 1925, are to be executed by a local authority.

(2) Where a town planning scheme has been approved by the Minister before the appointed day, and under the scheme a rural district council are the responsible authority as regards any functions exercisable under the scheme which relate to roads, streets, or bunding lines, the county council shall as from the appointed day become the responsible authority as regards those functions in place of the rural district council:

Provided that the Minister may by order provide for excepting from the functions so to be transferred to the county council such functions as he thinks fit, or for the discharge, subject to such conditions as may be imposed by the order, by the rural district council on behalf of the county council of any of the functions transferred to the county council under this subsection.

43 Power of district councils to relinquish functions to county council.

The council of any district wholly or partly within any county may at any time after the appointed day by agreement with the council of the county relinquish in favour of the council of the county any of their functions under the Town Planning Act, 1925, or any scheme made thereunder, upon such terms and subject to such conditions (if any) as may be specified in the agreement, and the relinquishment may be made

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either for a specified term, or pending the rescission or variation of the agreement, and the agreement may apply with such modifications and adaptations, if any, as may be agreed, any of the provisions of this Act relating to the transfer of property and liabilities and the transfer, superannuation and compensation of officers. A copy of an agreement made under this section shall forthwith be sent to the Minister.

44 Amendment of 15 Geo. 5 c.16 s.3.

Section three of the Town Planning Act, 1925 (which required the councils of certain boroughs and urban districts to prepare town planning schemes before the first day of January, nineteen hundred and twenty-nine) shall have effect as if for that date there were substituted the first day of January, nineteen hundred and thirty-four, or such later date before the thirty-first day of December, nineteen hundred and thirty-eight, as the Minister may in any case allow.

45 Extent of Part III.

Save as therein otherwise expressly provided, this Part of this Act shall not extend to the county of London.

PART IV

MISCELLANEOUS LOCAL GOVERNMENT PROVISIONS.

Rearrangement of County Districts.

46 First general review of districts by county councils.

(1) The council of every county shall as soon as may be after the commencement of this Act, after conferences with representatives of the councils of the several districts wholly or partly within the county, review the circumstances of all such districts and consider whether it is desirable to effect any of the following changes:—

- (a) any alteration or definition of the boundaries of any such district or of any parish;
- (b) the union of any such district or parish with another such district or parish;
- (c) the transfer of any part of such district or parish to another district or parish;
- (d) the conversion of any such district or any part thereof, if it is a rural district, into an urban district, or if it is an urban district, into or so as to form part of a rural district;
- (e) the formation of any new district or parish;

and shall forthwith after the review is completed as respects the whole or any part of the county, and before the first day of April, nineteen hundred and thirty-two, or such later date as the Minister may in any case allow, send to the Minister a report of the review, together with proposals as to the changes, if any, which they consider desirable:

Provided that, before making any such proposals the county council shall consult with the councils of the county boroughs adjoining the county, and the Minister shall give those councils an opportunity of laying before him their views on the proposals made by the county council.

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- (2) The proposals may include proposals for the transfer of a part of a non-county borough to another district, or of another district or part of another district to a non-county borough, and, if the council of the county borough concerned agree, for an alteration of boundaries between a county borough and the county and any district therein; but, save as aforesaid, the proposals shall not affect any borough.
- (3) As soon as any such proposals are made to the Minister, the council making the proposals shall send copies thereof to the councils of the several districts affected thereby and shall publish in one or more newspapers circulating in those districts a notice stating that proposals have been made and that a copy thereof is open to inspection at a specified place, and that representations with respect thereto may be made to the Minister within six weeks after the publication of the notice.
- (4) The Minister shall consider the proposals and any representations with respect to the proposals, or any of them, which may have been made by any local authorities (including parish councils and parish meetings) or any local government electors affected thereby, and either may make an order giving effect to the proposals, or any of them, with or without modifications, or may refuse to make such an order:

Provided that, if an objection with respect to any proposal is made by a local authority affected thereby, and is not withdrawn, the Minister shall not make an order giving effect to the proposal without first holding a local inquiry into the objection.
- (5) If, either on representations made by a district council or otherwise it appears to the Minister, after consultation with such authorities as appear to him to be interested, that there is a prima facie case for making any such change as aforesaid, and that the county council have failed to make a proposal for the purpose within the time allowed, the Minister shall publish in one or more newspapers circulating in the districts affected a notice stating that he proposes to make the change, and that a copy of his proposals is open to inspection at a specified place, and that representations with respect thereto may be made to him within six weeks after the publication of the notice; and the Minister after considering any representations which may be made within that period, and, if any objections are made by any local authority and are not withdrawn, after holding a local inquiry with respect to the proposals to which the objections relate, may make an order effecting the change or such modified change as appears to him to be expedient.
- (6) If it appears to the Minister that the council of a county have within three years before the commencement of this Act undertaken a general review of the circumstances of districts within the county, the Minister may direct that such review, whether completed before or after the commencement of this Act, shall for the purposes of this Part of this Act be treated as a review for which provision is made under subsection (1) of this section.
- (7) An order under this section shall be laid before Parliament as soon as may be after it is made.

47 Subsequent periodical reviews.

- (1) A county council may subsequently whenever they think it desirable, and shall if so required by the Minister, review generally the circumstances of the districts within the county, so, however, that the interval between the original review and the first review under this section, or between any two reviews under this section, shall in no case be less than ten years.

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- (2) The provisions of the last foregoing section shall apply to every review under this section with such modifications as are necessary, and with this modification that if within four weeks after the making by the Minister of an order under this section objection thereto is made by the council of a borough to which the order relates and is not withdrawn, the order of the Minister shall be provisional only and shall not have effect unless and until confirmed by Parliament.

48 Saving of powers under and amendments of s.57 of 51 & 52 Vict. c.41.

- (1) Nothing in this Part of this Act shall affect the power of making orders under section fifty-four or section fifty-seven of the Local Government Act, 1888, but the said section fifty-seven shall have effect subject to the following amendments:—
- (a) it shall be lawful for a county council to make an order under the section without a proposal having been made to the council:
 - (b) the county council on making, and the Minister on confirming, an order may make such modifications in the original proposals or the order as the county council or Minister think fit; but before any such modifications are made, notice of the intention to make them shall be given to all local authorities concerned, and such local authorities shall be given an opportunity of making representations thereon:
 - (c) it shall be lawful for the Minister either to modify or to refuse to confirm an order under the section whether or not a petition against the order has been presented, but before doing so the Minister shall, if so requested by the county council or the council or parish meeting, if any, by whom the proposals were made, cause a local inquiry to be held:
 - (d) if a proposal under the section has been made by the council of a district or parish, or by a parish meeting, and the county council refuse or neglect to hold a local inquiry or to make an order under the section, the council or meeting which made the proposal may apply to the Minister, and the Minister may, after giving the county council an opportunity of making representations, hold a local inquiry, or make any such order as the county council might have made, as the case may be.
- (2) The said section fifty-seven shall in its application to county borough councils have effect subject to the amendments effected by this section so far as applicable, and as if for references to county councils there were therein substituted references to county borough councils.
- (3) This section so far as it amends the said section fifty-seven shall extend to the county of London.

49 Adjustment of boundaries of counties and county boroughs.

- (1) Where at the commencement of this Act any district or parish is not wholly comprised within one county, or where a part of a county is wholly detached therefrom, the county councils concerned shall as soon as may be take the case into consideration, and if as a result of such consideration a joint representation is made to the Minister by those councils, the Minister may, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order make such alteration of the counties as may be necessary to secure that the whole of the district or parish shall be within a single county, or to provide that such detached part shall be included in or divided amongst the county or counties surrounding it.

- (2) The Minister may, on a joint representation being made by the council of a county and the council of a county borough, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order alter or define the boundary between the county and the county borough.
- (3) An order under this section shall be laid before Parliament as soon as may be after it is made.

Review of Electoral Divisions.

50 Review by county councils of electoral divisions.

- (1) The council of every county, as soon as may be after completing the first general review of the circumstances of districts wholly or partly within the county made or treated as having been made by them under this Part of this Act, shall review the electoral divisions of the county and shall consider whether any alteration of the boundary of any such division, or of the number of county councillors and electoral divisions in the county, is desirable, and shall forthwith, after the review is completed and before the first day of January, nineteen hundred and thirty-three, or such later date as the Secretary of State may in any case allow, send to the Secretary of State a report of the review, together with proposals as to the alterations (if any) which they consider desirable, and any such proposals shall have effect as if they had been a representation made to the Secretary of State under section fifty-four Of the Local Government Act, 1888:

Provided that, if in the case of any county the Secretary of State is satisfied after considering such representations, if any, as may be made by local authorities in the county, that it is unnecessary to make any such review as aforesaid, he may direct that this section shall not apply as respects that county.

- (2) If either on representations made by a local authority or otherwise it appears to the Secretary of State, after consultation with such authorities as appear to him to be interested, that there is a prima facie case for making any such alteration as aforesaid and that the county council have failed to make a proposal for the purpose within the time allowed, the Secretary of State shall publish in one or more newspapers circulating in the county a notice that he proposes to make the alteration, and that a copy of his proposals is open to inspection at a specified place, and that representations with respect thereto may be made to him within six weeks after the publication of the notice, and the Secretary of State, after considering any representations which may be made within that period, and if any objections are made by any local authority and are not withdrawn, after holding a local inquiry with respect to the proposals to which the objections relate, may make an order effecting the alteration or such modified alteration as appears to him to be expedient.
- (3) An order made under this section shall be laid before Parliament as soon as may be after it is made.

Status: This is the original version (as it was originally enacted).

Miscellaneous.

51 Reports and returns.

- (1) The council of any county or county borough, or of any district, and the common council of the City of London and the council of any metropolitan borough and any joint committee or joint board appointed jointly by two or more such councils as aforesaid shall make to the Minister such reports and returns and give him such information with respect to their functions as he may require.
- (2) This section shall extend to the county of London.

52 Travelling expenses.

- (1) As from the appointed day it shall, subject to the provisions of this section, be lawful for the council of any county to defray any expenses necessarily incurred by members of the council or of any committee thereof to which this section applies in travelling to and from meetings of the council or committee or in travelling by direction of the council or committee for the purpose of carrying out any inspection necessary for the discharge of the functions of the council or committee.
- (2) No expenses which a county council have, apart from this section, power to defray shall be defrayed under this section, and this section shall not affect any such power.
- (3) No expenditure by a county council under this section shall be taken into account for the purpose of determining the amount of any sum payable to the council out of moneys provided by Parliament.
- (4) This section shall apply to any committee of a county council appointed for the discharge of functions throughout the whole area for which the county council is charged with those functions, and shall also apply to any sub-committee or joint committee so appointed as if it were a committee of the council.
- (5) In this section the expression " sub-committee " means a sub-committee of a committee of a county council, and the expression " joint committee " means a joint committee or joint board appointed by a county council jointly with the council of another county or of a borough or with a court of quarter sessions.

53 Borrowing and appropriation of land by councils of counties and boroughs.

- (1) Subsection (5) of section sixty-nine of the Local Government Act, 1888, and subsection (1) of section one hundred and twelve of the Municipal Corporations Act, 1882, which fix respectively the maximum period within which loans by county councils and by councils of boroughs are to be repaid, shall have effect as if for " thirty years " there were substituted " sixty years. "
- (2) A county council may, subject to the approval of the Minister and subject to the like restrictions as are contained in section ninety-five of the Public Health Acts Amendment Act, 1907, with respect to the appropriation of land by local authorities under that section, appropriate for any purpose for which they are authorised to acquire land any land acquired by the council for some other purpose and not required for that purpose:

Provided that, where powers of appropriation of land are conferred on a county council by any other enactment, nothing in this subsection shall affect the powers under that

enactment or dispense with the necessity for complying with any conditions imposed by any such enactment.

54 Repeal of 45 & 46 Vict. c.50 s.236.

Section two hundred and thirty-six of the Municipal Corporations Act, 1882 (which contains provisions as to the publication of notices and correspondence with respect to the approval of sales, loans, and other financial arrangements proposed to be effected by certain councils) shall cease to have effect.

55 Application of Borough Funds Acts to rural district councils.

Subject as hereinafter provided, the council of a rural district shall have the like powers of promoting and opposing Bills in Parliament and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of their district as are conferred on councils of urban districts by the Borough Funds Acts, 1872 and 1903, and accordingly in those Acts, the expressions "governing body" and "council" shall include the council of a rural district, and the expression "chairman" shall include the chairman of such a council:

Provided that section one of the Borough Funds Act, 1903, and the other provisions of that Act relating to meetings and polls of electors, shall not apply as respects rural district councils.

56 Provisions as to expenses of rural district councils.

- (1) Where any expenses of a rural district council, whether incurred before or after the commencement of this Act, are payable as special expenses, the council may determine to contribute as part of their expenditure for general purposes such sums as appear to them to be reasonable in or towards defraying such expenses, and to treat the remainder, if any, as special expenses.
- (2) A rural district council may apportion in such proportions as they think just between any two or more contributory places any expenses, whether incurred before or after the commencement of this Act, which are chargeable as special expenses, and any expenses so apportioned to any contributory place shall be deemed to be special expenses legally incurred in respect of that contributory place.
- (3) Any determination or apportionment by a rural district council under this section shall be binding and conclusive on all parties concerned, notwithstanding any enactment conferring a right of appeal to quarter sessions.

57 Relations between county councils and district councils in respect of public health functions.

- (1) The council of a county may agree to contribute towards the expenditure incurred, whether before or after the commencement of this Act, by the council of a district wholly or partly within the county in the provision or maintenance of any sewers or sewage disposal works, or of a supply of water, or in the improvement of an existing supply of water, such sums as appear to them to be reasonable having regard to the resources of the district and the circumstances of the case.

Status: This is the original version (as it was originally enacted).

- (2) The council of any district may at any time by agreement with the council of the county relinquish in favour of the council of the county any of their functions relating to public health upon such terms and subject to such conditions, if any, as may be specified in the agreement, and the relinquishment may be made either for a specified term, or pending the rescission or variation of the agreement, and any agreement made under this subsection may apply with such modifications and adaptations, if any, as may be agreed any of the provisions of this Act relating to the transfer of property and liabilities and the transfer, superannuation and compensation of officers.

A copy of an agreement made under this subsection shall forthwith be sent to the Minister.

- (3) Where it appears to the Minister that the council of any district wholly or partly within a county have made default in providing their district or any part thereof with a sewerage system or sewage disposal works or an adequate supply of Water, or in discharging any other function relating to public health which it is their duty to discharge, the Minister may cause a local inquiry to be made into the matter, and—
- (a) if after such inquiry the Minister is satisfied that there has been such default, he may make an order limiting a time for the discharge of the function by the council of the district; and
 - (b) if the function is not discharged by the time limited in the order, the Minister may by order transfer to the county council the function with respect to which default has been made either for a definite period or until he may otherwise direct, and the order may apply, with such modifications and adaptations, if any, as appear necessary or expedient, any of the provisions of this Act relating to the transfer, superannuation and compensation of officers and any of the provisions of section sixty-three of the Local Government Act, 1894.
- (4) Sections two hundred and ninety-nine to three hundred and two of the Public Health Act, 1875, shall cease to have effect as respects district councils.

58 Provisions as to medical officers of health.

- (1) The council of every county shall, after consultation with the councils of districts wholly or partly within the county, formulate arrangements for securing, whether by means of a combination of districts or otherwise, that every medical officer of health subsequently appointed for a district shall be restricted by the terms of his employment from engaging in private practice as a medical practitioner.
- (2) The county council shall, as soon as may be, send a copy of the instrument embodying the arrangements to the Minister and to the council of every such district, and every such council shall be at liberty to make representations thereon to the Minister.
- (3) If a county council within six months after being required to do so by the Minister fail to formulate such arrangements as aforesaid, the Minister after consulting the county council and the councils of all such districts may formulate any such arrangements as the county council might have formulated.
- (4) Where such arrangements as aforesaid have been formulated, then, on a vacancy occurring in the office of medical officer of health for any such district, it shall be a term of the appointment of a person to fill the vacancy that he shall not engage in private practice as a medical practitioner:

Provided that, if upon application made to him by the council of the district in connection with any such proposed appointment the Minister, after considering the arrangements formulated and any representations which may be made to him by the county council or by the councils of other districts concerned, is satisfied that such a term cannot conveniently form part of the terms of the proposed appointment, he may dispense with the foregoing requirement as respects that appointment on such conditions as he may think fit.

59 Qualifications of certain medical officers and health visitors.

- (1) The Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed by a local authority under the Maternity and Child Welfare Act, 1918, the Public Health (Tuberculosis) Act, 1921, or any regulations for the treatment of venereal disease made under the Public Health Acts, 1875 to 1926, and the Public Health (London) Act, 1891; and no person shall be appointed as such a medical officer or health visitor whose qualifications are not in accordance with the regulations.
- (2) This section shall extend to the county of London.

60 Maternity and child welfare services.

Where in any district any services under the Maternity and Child Welfare Act, 1918, are being provided by a council who are not the local education authority for elementary education for the district, and the Minister, on representations being made to him by the council who are such local education authority for the district, is satisfied that the transfer of the services to the council who are such local education authority would conduce to the more efficient administration in the district of the functions relating to public health and education, the Minister may, by order—

- (a) withdraw his sanction to any arrangements made under the Maternity and Child Welfare Act, 1918, by the council who are providing the services, and
- (b) provide for the transfer of the services to the council who are such local education authority, and any such order may apply with the necessary modifications any of the provisions of this Act relating to the transfer of property and liabilities and the transfer, superannuation and compensation of officers.

61 Notification of births.

- (1) The Minister may, if he thinks fit, make an order under proviso (6) of subsection (4) of section two of the Notification of Births Act, 1907, declaring that that Act shall take effect as if it had been adopted by the council of a district or by the council of a county, as the case may be, notwithstanding that no application has been made to him for that purpose.
- (2) Where an order has been made under the said proviso, the Minister may at any time if he is satisfied that it is expedient to do so, make a further order revoking the original order, and thereupon the county council or the district council, as the case may be, shall again become the authority for the purposes of the Notification of Births Act, 1907.

Status: This is the original version (as it was originally enacted).

62 Supervision of midwives.

- (1) If the council of any district have established a maternity and child welfare committee and employ a medical officer of health who, by the terms of his appointment, is restricted from engaging in private practice, the council may apply to the Minister to be made the local supervising authority under the Midwives Acts, 1902 to 1926, and the Minister, if he is satisfied that the district council are in a position to discharge the whole of the functions of a local supervising authority under those Acts, may, by order, direct that the council shall become the local supervising authority for the district in place of the county council, and provide for the manner in which the expenses of the district council and the county council under those Acts are to be defrayed.
- (2) Before making an order under the last foregoing subsection, the Minister shall consult with the county council and shall, if requested by them, hold a local inquiry.
- (3) Where an order has been made under subsection (1) of this section, the Minister may at any time, if he is satisfied that the functions of the local supervising authority should be retransferred to the county council, make a further order revoking the original order, and thereupon the county council shall again become the local supervising authority under the said Acts.

63 Provision of hospital accommodation for infectious disease.

- (1) For the purpose of securing the provision in every county of suitable means for the proper isolation and treatment of persons suffering from infectious disease, the council of the county shall, as soon as may be after the commencement of this Act, make a survey of the hospital accommodation for the treatment of infectious disease provided by the council and by the councils of any districts wholly or partly within the county.
- (2) Upon the completion of the survey, the county council shall prepare, in consultation with the councils of all such districts and if necessary with the council of any county borough adjoining the county, and submit to the Minister for his approval, a scheme for the provision of adequate hospital accommodation for the treatment of infectious disease within the county.
- (3) The scheme may provide—
 - (a) for the arrangements under which and the terms upon which accommodation in any existing hospital belonging to the council of a district shall be made available for the use of the inhabitants of the county other than those resident in the district;
 - (b) for the provision by the county council or by the council of any district of new accommodation for the treatment of infectious disease;
 - (c) for embodying arrangements made between the county council or the council of any district and the council of any adjoining county borough for the reception of persons residing in the county borough into hospitals provided by the county council or district council, and for the reception of persons residing within the county into hospitals provided by the council of the county borough.
- (4) No scheme submitted to the Minister under this section shall be of any effect unless and until it is approved by the Minister, and the Minister, after considering any representations with respect to the scheme which may be submitted to him by any council affected, may approve the scheme with or without modifications.

- (5) If a county council fail to submit to the Minister a scheme under this section within six months after being required by the Minister to do so, the Minister may, after consulting the county council and the councils of all such districts, himself make a scheme for the purpose, and any scheme so made shall have effect as if it were a scheme submitted by the county council and approved by the Minister.
- (6) In any case in which the Minister is satisfied that the council of a district have failed to provide accommodation in accordance with a scheme under this section, or have otherwise failed to discharge their functions under the scheme, the Minister, after giving to the council of the district and the county council an opportunity of being heard, may, if he thinks fit, by order, transfer to the county council the functions of the council of the district under the scheme, and the order may, for the purpose of enabling the county council to give effect thereto, apply, with such modifications and adaptations, if any, as appear necessary or expedient, any of the provisions of this Act relating to the transfer, superannuation and compensation of officers and any of the provisions of section sixty-three of the Local Government Act, 1894.
- (7) For the purposes of this section—
 - (a) references to councils of districts shall be construed as including references to combinations of such councils; and
 - (b) the expression "infectious disease" shall not include tuberculosis or venereal disease.

64 Power of London County Council to transfer or delegate functions to metropolitan borough councils.

- (1) The Minister may, if he thinks fit, on the application of the London County Council or of any association or committee which is in his opinion representative of the metropolitan borough councils, by order provide—
 - (a) for the transfer to all the metropolitan borough councils of any functions exercisable by the county council other than functions transferred to them under Part I of this Act; or
 - (b) for the exercise by any of the metropolitan borough councils as agents for the county council of any functions of the county council other than functions transferred as aforesaid.
- (2) Before making an order under this section, the Minister shall, in the case of an application made by the London County Council, consult such association or committee as aforesaid, and in the case of an application made by the association or committee, consult the London County Council.
- (3) An order under this section may, if the common council of the City of London consent, apply to that council in like manner as it applies to metropolitan borough councils.
- (4) An order under this section shall be laid before Parliament as soon as may be after it is made.

65 Saving for municipal corporations and charters.

Save in so far as may be necessary to give effect to any alteration or definition of boundaries made thereunder, nothing in this Part of this Act shall prejudicially alter or affect the powers, rights, privileges or immunities of any municipal corporation or the operation of any municipal charter.

Status: This is the original version (as it was originally enacted).

66 Provisions as to orders, and extent of Part IV.

- (1) Sections fifty-nine and sixty-two of the Local Government Act, 1888, shall apply as if an order made under this Part of this Act were an order made under that Act.
- (2) An order made under this Part of this Act shall not be construed as affecting the limits of any parliamentary county or parliamentary borough.
- (3) Save as therein otherwise expressly provided, this Part of this Act shall not extend to the county of London.

PART V

RATING AND VALUATION.

Relief from Rates.

67 Total exemption of agricultural land and buildings from rates.

- (1) No person shall, in respect of any period beginning on or after the appointed day, be liable to pay rates in respect of any agricultural land or agricultural buildings or be deemed to be in occupation thereof for rating purposes, and notwithstanding anything in the principal Act, or in the Rating and Valuation (Apportionment) Act, 1928, no such land or buildings shall be included in any rate made in respect of a period beginning on or after that date.
- (2) For the purposes of valuation lists in force at the appointed day, agricultural land and agricultural buildings shall be deemed to have no rateable value, and, notwithstanding anything in the enactments hereinbefore in this section mentioned, no particulars with respect to such land or buildings shall be included in any subsequent valuation list.

68 Relief from rates in respect of industrial and freight-transport hereditaments.

- (1) The rateable value of industrial hereditaments and freight transport hereditaments shall, for the purposes of valuation lists in force at the appointed day as from that day, and for the purposes of subsequent valuation lists, be ascertained as follows:—
 - (a) in the case of an industrial hereditament or of a freight transport hereditament shown in a valuation list as being occupied and used wholly for industrial purposes or wholly for transport purposes, as the case may be, the rateable value of the hereditament shall, subject as hereinafter provided, be taken to be one-quarter of the net annual value thereof:
 - (b) in the case of an industrial hereditament or of a freight transport hereditament shown in a valuation list as being occupied and used partly for industrial purposes or partly for transport purposes, as the case may be, the rateable value of the hereditament shall, subject as hereinafter provided, be taken to be an amount equal to one-quarter of the net annual value shown in the list as apportioned to the occupation and user of the hereditament for industrial purposes or for transport purposes, as the case may be, together with the whole of the net annual value so shown as apportioned to the occupation and user of the hereditament for other purposes:

Provided that, as respects any industrial or freight transport hereditament or any part of such a hereditament, elsewhere than in the county of London, whereof the rateable value would, if it had continued to be ascertained under the provisions of paragraph (c) of subsection (1) of section twenty-two of the Rating and Valuation Act, 1925, or of any scheme made under section sixty-four of that Act, have been taken to be the amount produced by making any deduction from the net annual value, references in the foregoing provisions of this section to " net annual value " shall be construed as references to the amount produced by making from the net annual value the like deduction as would have been made under the said provisions.

- (2) Where before the appointed day a rate has been made for any rating area in respect of a period beginning before, but terminating on or after, that day, the amount of the rate payable in respect of the occupation of an industrial or freight transport hereditament shall be calculated as if the rate made had been two rates, the first being a rate in respect of the part of the period terminating on the day preceding the appointed day, and the second being a rate in respect of the remainder of the period, and as if the amount in the pound of the rate made had been apportioned between those two rates, in the case of a rate made in respect of a year in equal parts, and, subject as hereinafter provided, in any other case in the proportion which the number of days in the first part of the period bears to the number of days in the remainder of the period:

Provided that, if in any rating area the date of the first new valuation under the Rating and Valuation Act, 1925, has been postponed by order of the Minister until a date later than the first day of April, nineteen hundred and twenty-nine, and by reason of the postponement the period in respect of which, any such rate as aforesaid was made does not coincide with the period or periods by reference to which the estimates for the rate were prepared, the amount in the pound of the rate shall be apportioned between the first part of the period in respect of which the rate was made and the remainder thereof by the rating authority with the approval of the Minister, having regard to the period or periods for which the said estimates were prepared, and the rating authority shall, as soon as may be after the making of the rate, issue a certificate showing the apportionment so made.

- (3) Any person shall be entitled to recover from the rating authority any sum paid by him in excess of the amount properly chargeable against him in accordance with the provisions of the last foregoing subsection.

69 Amendment of 18 & 19 Geo. 5 c.44, s.3(2).

Subsection (2) of section three of the Rating and Valuation (Apportionment) Act, 1928, shall have effect as if there were therein inserted after the word " Act " the words following, that is to say—

- “(a) a hereditament shall not be deemed not to " be occupied and used as a factory or workshop by reason only of the fact that the owner " or occupier of the hereditament is the only " person working therein or that no other person " working therein is in his employment; and
(b)”

Status: This is the original version (as it was originally enacted).

70 Amendment of valuation lists on or after appointed day and making of subsequent lists.

- (1) As from the appointed day, the fact of any hereditament in the county of London having in the course of any year become or ceased to be an agricultural, industrial or freight transport hereditament shall, for the purposes of section forty-seven of the Valuation (Metropolis) Act, 1869, be a ground for making and sending to the assessment committee a provisional list and for making a requisition for such a list to be made and sent, and in relation to any provisional list or requisition made on such ground as aforesaid that Act shall apply accordingly, subject to the following modifications, that is to say :—
- (a) a provisional list or requisition therefor made on the ground that a hereditament has become an agricultural, industrial or freight transport hereditament shall contain such particulars as may be prescribed; and
 - (b) a provisional list shall not be -made on the ground that a hereditament has become an agricultural, industrial or freight transport hereditament unless a requisition therefor has been made by the owner or occupier of the hereditament.
- (2) As from the appointed day, no proposal for the amendment of a valuation list on the ground that a hereditament ought to be shown therein as an industrial or freight transport hereditament or ought to be omitted therefrom (or, while the first new valuation list is in force, shown therein) as being an agricultural hereditament shall be made under section thirty-seven of the Rating and Valuation Act, 1925, by any person except the owner or occupier of the hereditament, and every such proposal shall contain such particulars as may be prescribed.
- (3) Subsection (10) of section thirty-seven of the Rating and Valuation Act, 1925 (which determines the date as from which amendments in valuation lists made under that section are to have effect), shall be amended by the addition thereto of the following proviso, that is to say:—
- Provided also that in the case of an amendment made on or after the first day of October, nineteen hundred and twenty-nine, by reason of any hereditament having become or ceased to be an agricultural, industrial or freight transport hereditament, the amendment shall have effect only as from the date when the hereditament became or ceased to be such a hereditament.
- (4) Notwithstanding anything in the Rating and Valuation (Apportionment) Act, 1928, no hereditament shall, for the purposes of any valuation list which will come into force after the appointed day, be treated as an agricultural, industrial or freight transport hereditament unless it was so treated for the purposes of the last preceding valuation list except upon a claim that it ought to be so treated being made to the rating authority by the owner or occupier of the hereditament in the prescribed form, which shall be supplied by the rating authority on the demand of the owner or occupier of any hereditament in their area.

71 Amendment of 15 & 16 Geo. 5 c.90, s.11.

It shall not be necessary for any rating authority in defining by resolution the class of hereditaments whereof the owners are to be rated instead of the occupiers to define the class by reference to the interval at which rent from time to time becomes payable or is collected, and accordingly the following amendments shall be made in subsection (1) of section eleven of the Rating and Valuation Act, 1925, that is to say, after the words

" and also " there shall be therein inserted the words " where the rating authority so decide, " and in the proviso to that subsection the words " the rent of which becomes payable or is collected at quarterly or any longer intervals or " shall cease to have effect.

Consequential Provisions.

72 Valuation of agricultural dwelling-houses.

As from the first day of April, nineteen hundred and thirty, the gross value for rating purposes of a house occupied in connection with agricultural land and used as the dwelling-house of a person who—

- (a) is primarily engaged in carrying on or directing agricultural operations on that land; or
- (b) is employed in agricultural operations on that land in the service of the occupier thereof and is entitled, whether as tenant or otherwise, so to use the house only while so employed,

shall, so long as the house is so occupied and used, be estimated by reference to the rent at which the house might reasonably be expected to let from year to year if it could not be occupied and used otherwise than as aforesaid.

73 Deductions from inclusive rents of industrial hereditaments in respect of rate relief.

- (1) Where any rates in respect of an industrial hereditament occupied by a tenant are, whether by agreement or otherwise, payable by the landlord, then, so long as under any contract made before the commencement of this Act there is payable by the tenant in respect of the hereditament rent inclusive of those rates, the landlord shall, as from the appointed day, be liable to pay to the tenant or allow by way of deduction from his rent a sum equal to the difference between every amount payable by the landlord by way of those rates, after deducting any allowance, commission, abatement, or deduction granted to him by the rating authority, and the amount which would have been so payable at the rate in the pound current for the time being if the rateable value of the hereditament had been equivalent to the net annual value thereof.
- (2) Where any part of any premises for the time being assessed as an industrial hereditament is let out to a tenant, that part shall, notwithstanding that it is not separately assessed for rating purposes, be deemed for the purposes of this section to be a separate hereditament, and the amount of the sums payable under this section by the landlord to the tenant of that part in respect of any rate or instalment of a rate becoming due before it is assessed as a separate hereditament shall, on the application either of the landlord or of the tenant, be certified by the rating authority, and their certificate shall be final and conclusive.

74 Removal of limit on borrowing powers of local authorities.

- (1) So much of any enactment as imposes any limit on the borrowing powers of any local authority by reference to the value for rating purposes of hereditaments within their area shall, as from the appointed day, cease to have effect.
- (2) Paragraph (3) of section two hundred and thirty-four of the Public Health Act, 1875 (which, subject to the suspension thereof by the Local Authorities (Emergency

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Provisions) Acts, 1923 to 1928, prohibits the Minister from sanctioning a loan in certain cases until one of his inspectors has held a local inquiry and reported to the Minister), is hereby repealed as from the appointed day.

75 Adaptation of enactments imposing limits on expenditure of local authorities.

- (1) Subject as hereinafter provided, any provision of any enactment imposing a limit upon the expenditure of a local authority for any purpose in any year by reference to any specified rate poundage shah, as from the appointed day, have effect as if for the limit thereby imposed there were substituted such a limit as would be imposed if the specified rate poundage were increased by thirty-three and one-third per cent., or such higher percentage as the Minister may by order in any special case allow.
- (2) An order under this section shall be laid before Parliament as soon as may be after it is made.
- (3) For the purposes of this section—
 - (a) a provision shall be deemed to impose a limit upon the expenditure of a local authority by reference to a specified rate poundage, if the effect of the provision is that the expenditure is—
 - (i) not to involve a rate of or exceeding a specified sum in the pound; or
 - (ii) not to exceed the amount which would be produced by a rate of a specified sum in the pound, whether or not the expenditure is to be defrayed or the amount raised out of rates;
 and any sum so specified as aforesaid is in this section referred to as a "specified rate poundage " :
 - (b) a provision that if the expenditure of a local authority exceeds in any year any specified rate poundage any functions of the authority are to cease or be suspended, shall be deemed to impose a limit upon the expenditure of the authority.

76 Adaptation of enactments relating to the adjustments of parochial balances.

If, as respects any parish, the period for the making of parochial adjustments limited by paragraph 5 of the Seventh Schedule to the Rating and Valuation Act, 1925, has been extended in accordance with the provisions of that paragraph, the sum, if any, remaining due on the first day of April, nineteen hundred and thirty, from that parish to the rating authority in respect of any such adjustment as aforesaid, shall be taken to be such sum as may be certified by the district auditor to be such part of the amount actually so due as bears to that amount the same proportion as the reduced rateable value of the parish bears to the unreduced rateable value thereof.

77 Adaptation of enactments relating to water rates.

- (1) Any provision of any enactment directing that the amount of any water rate shall or may be determined by reference to the rateable value of any property as appearing in the valuation list for the time being in force, shall, as from the appointed day, have effect as if for any reference to that value there were therein substituted a reference to the net annual value as so appearing.
- (2) Where by any enactment, including this section, the amount of any water rate is to be determined by reference to the gross value or the net annual value of any property as

appearing in the valuation list for the time being in force, then, if the value referred to does not appear in the valuation list, it shall, as from the appointed day, be determined in the event of any dispute by two justices of the peace in like manner as disputes are determined under section sixty-eight of the Waterworks Clauses Act, 1847.

78 Adaptation of enactments relating to drainage rates.

- (1) Any provision of any enactment directing that the amount of any drainage rate shall be determined by reference to the value for rating purposes of any property as appearing in the valuation list for the time being in force, shall, as from the appointed day, have effect as if for any reference to that value there were therein substituted a reference to the gross annual value for income tax purposes.
- (2) Any apportionment of the gross annual value of any property for income tax purposes which may be necessary for the purpose of determining in manner aforesaid the amount of any such drainage rate shall be made by the person or body of persons having power to levy the drainage rate, or, in the event of any dispute, by a court of summary jurisdiction.
- (3) Where by any enactment, including this section, the amount of any drainage rate is to be determined by reference to the gross annual value of any property for income tax purposes, then, if the property is not assessed for income tax purposes under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, the value thereof shall, as from the appointed day, be determined, in the event of any dispute, by a court of summary jurisdiction.

79 Adaptation of enactments as to qualifications of jurors and special jurors.

- (1) For the purposes of determining the qualification of a juror or special juror the rateable value of any property shall, as from the appointed day, be taken to be the net annual value thereof as appearing in the valuation list for the time being in force, or, if the property is not included in that list, the net annual value thereof for income tax purposes.
- (2) Any apportionment of the net annual value of any property for income tax purposes which may be necessary for the purpose of determining in manner aforesaid the qualification of a juror or special juror shall be made by the registration officer whose duty it is to mark in the electors' lists the names of persons so qualified in accordance with the provisions of the Juries Act, 1922, and where any person claiming that he ought not to have been so marked as a juror or as a special juror applies to a court of summary jurisdiction in accordance with the provisions of section one of that Act, the powers of the court shall include power to revise any such apportionment, and the provisions of that section (including the provision as to the power of the Lord Chancellor to make rules) shall have effect accordingly.

80 Adaptation of 7 & 8 Geo. 5 c.64 s.41(9).

The Representation of the People Act, 1918, shall, as from the appointed day, have effect as if for paragraph (9) of section forty-one thereof (which makes provision as to the manner in which the yearly value of land or premises is to be ascertained for the purposes of that Act), there were substituted the following paragraph, that is to say—

“(9) The yearly value of land or premises shall—

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- (a) if the gross value thereof for rating purposes appears in the valuation list for the time being in force, be taken to be the gross value as so appearing, any necessary apportionment of that value being made by the registration officer:
- (b) if no gross value thereof for rating purposes appears in the valuation list, but the value thereof is assessed under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, be taken to be the gross annual value of the land or premises for income tax purposes, any necessary apportionment of that value being made by the registration officer:
- (c) in any other case, be taken to be the amount which would, in the opinion of the registration officer, have been the gross value for rating purposes of the land or premises under the enactments relating to rating and valuation in force on the sixth day of February, nineteen hundred and eighteen.”

81 Power to require copies of values in force under Schedule A of 8 & 9 Geo. 5 c.40.

Any authority or person upon whom is imposed by or under any enactment a duty to obtain information for the purposes of the registration of voters or of enabling the names of persons qualified as jurors or special jurors to be marked in the electors' lists, and any authority, person or body of persons having power to levy a drainage rate, may from time to time require the surveyors of taxes for their area to furnish to them, on payment at a rate not exceeding five shillings for every hundred entries numbered separately, a copy of the annual values for the time being in force for the purposes of income tax under Schedule A of the Income Tax Act, 1918, for all or any of the properties in that area.

82 Consequential provisions as to certain payments in respect of Welsh education.

- (1) For the limit upon the aggregate amount of the annual sums payable out of moneys provided by Parliament under section nine of the Welsh Intermediate Education Act, 1889, in respect of schools in any county or county borough, there shall, as from the first day of April, nineteen hundred and thirty, be substituted a limit of an amount equal to the maximum amount which was so payable for the year ending on the thirty-first day of March, nineteen hundred and twenty-nine; and, as from the said first day of April, the said section nine shall have effect as if for references therein to the Treasury there were substituted references to the Board of Education.
- (2) As from the first day of April, nineteen hundred and thirty, the yearly sums payable to the Central Welsh Board which are to be determined under paragraph (a) of subsection (1) of section forty-two of the Education Act, 1918, shall be determined as if for the reference in that paragraph to "the preceding year" there were substituted a reference to the year ending on the thirty-first day of March, nineteen hundred and twenty-nine.

83 General adaptation of enactments and other documents.

- (1) Save as in this Part of this Act otherwise expressly provided, any provisions of any document directing that expenditure falling to be defrayed by two or more local authorities shall be apportioned between those authorities by reference to some value (other than rateable value) as appearing in or ascertained from the valuation list for

the time being in force or as shown in, or ascertained in accordance with the Acts relating to, the basis or standard of county rates shall, as from the first day of April, nineteen hundred and thirty, have effect as if for any reference to that value there were therein substituted—

- (a) in the case of a document, not being an enactment, as respects which a value is agreed upon by the local authorities concerned, a reference to that value; and
 - (b) in the case of any such document as respects which a value is not so agreed upon, and in the case of an enactment, a reference to rateable value as shown by the valuation list for the time being in force.
- (2) Save as in this Part of this Act otherwise expressly provided, any provision of any document directing that the amount of any payment, not being a payment to which the last foregoing subsection applies, shall be determined by reference to some value as appearing in or ascertained from the valuation list for the time being in force or as shown in, or ascertained in accordance with the Acts relating to, the basis or standard of county rates shall, as from the appointed day, have effect as if for any reference to that value there were therein substituted—
- (a) in the case of a document, not being an enactment, as respects which a value is—
 - (i) agreed upon by all persons having rights or obligations under the document; or
 - (ii) determined, in default of such agreement, by an arbitrator appointed by the Minister on an application made to him by or on behalf of any such person,a reference to the value so agreed upon or determined; and
 - (b) in the case of an enactment, a reference to such value as may be determined by order of the Minister on application made to him by any such person as aforesaid.
- (3) Before making any order under this section, the Minister shall require the applicants to serve a copy of the draft order upon any local authority affected and to give, in terms approved by him and in such manner as he may consider best adapted for informing any other persons affected, public notice of the application for the order and as to the manner in which and the time within which objections to the order may be made, and shall consider any objection which may be duly made within four weeks from the date of the notice, and in the event of any objection being so made and not withdrawn the Minister shall make the order as a provisional order which shall not have effect unless and until confirmed by Parliament.

84 Citation and construction of Part V.

In this Part of this Act the expression the " principal Act " means, in relation to places outside London, the Rating and Valuation Act, 1925, as amended by any subsequent enactment, and in relation to London, the Valuation (Metropolis) Act, 1869, as so amended as aforesaid, and the principal Act, the Rating and Valuation (Apportionment) Act, 1928, and this Part of this Act shall be construed as one, and may be cited together as the Rating and Valuation Acts, 1925 to 1929, or as the Rating and Valuation (Metropolis) Acts, 1869 to 1929, as the case may be.

Status: This is the original version (as it was originally enacted).

PART VI

EXCHEQUER GRANTS AND OTHER FINANCIAL PROVISIONS.

Discontinued Grants.

85 Discontinuance of grants.

- (1) The grants set out in the Second Schedule to this Act (in this Act referred to as "the Discontinued Grants") shall cease to be payable in respect of any period after the thirty-first day of March, nineteen hundred and thirty.
- (2) For the purposes of this Part of this Act, any part of a discontinued grant paid in any year to a voluntary association (other than the King Edward the Seventh Welsh National Memorial Association) shall be treated as paid in respect of that year, notwithstanding that the amount thereof was based on the expenditure of the association in the preceding year.
- (3) As soon as may be after the appointed day, the Local Taxation Account and the Exchequer Contribution Account of every county and county borough shall be wound up in accordance with such directions as, in the case of the Local Taxation Account, the Treasury, and in the case of the Exchequer Contribution Accounts, the Minister, may give.
- (4) The provisions set out in the Third Schedule to this Act shall, as from the appointed day, have effect with respect to the payments therein mentioned, being payments which immediately before the appointed day were payable out of Local Taxation Accounts, or out of moneys which would have been payable to such accounts or were payments required to be charged to Exchequer Contribution Accounts.
- (5) Where, immediately before the appointed day, there is in force a financial adjustment between any spending authorities with respect to any of the discontinued grants payable to those authorities, such financial adjustment shall, as from the appointed day, cease to have effect, and if and so far as, having regard to the Exchequer Grants payable under this Part of this Act, any new financial adjustment is necessary, a new financial adjustment on an equitable basis shall be made by agreement between the spending authorities, or, in default of agreement, by a single arbitrator appointed by the Minister.

General Exchequer Contributions.

86 Payment of General Exchequer Contributions.

- (1) There shall be paid out of moneys provided by Parliament in respect of the year beginning on the appointed day, and each subsequent year, an annual contribution towards local government expenses in counties and county boroughs to be called the "General Exchequer Contribution."
- (2) The amount of the General Exchequer Contribution shall be periodically revised; the amount first fixed shall be for a period of three years beginning on the appointed day, the amount fixed, on the first revision shall be for a period of four years from the expiration of the first period, the amount fixed on any subsequent revision shall be for a period of five years from the expiration of the previous period, and a period for

which the General Exchequer Contribution is so fixed is hereinafter referred to as a "fixed grant period."

- (3) The amount of the General Exchequer Contribution shall be the sum of the following amounts, that is to say:—
- (a) an amount equal to the total losses on account of rates of all counties and county boroughs :
 - (b) an amount equal to the total losses on account of grants of all counties and county boroughs :
 - (c) in respect of each year in the first fixed grant period, five million pounds, and in respect of each year of every following fixed grant period such amount as Parliament may hereafter determine with respect to the fixed grant period so, however, that the proportion which the General Exchequer Contribution for any fixed grant period bears to the total amount of rate and grant borne expenditure in the penultimate year of the preceding fixed grant period shall never be less than the proportion which the General Exchequer Contribution for the first fixed grant period bore to the total amount of rate and grant borne expenditure in the first year of that fixed grant period. In the foregoing provisions of this paragraph—
 - (i) "rate and grant borne expenditure" means the local expenditure which fell to be borne by rates and by grants made under this Part of this Act out of the General Exchequer Contribution; and
 - (ii) if as respects any fixed grant period the Minister certifies that the amount of rate and grant borne expenditure in the penultimate year of that fixed grant period was abnormally increased by reason of any emergency involving the issue of a proclamation under the Emergency Powers Act, 1920, there shall be deemed to be substituted for the reference to the penultimate year of the preceding fixed grant period a reference to the last year preceding the said penultimate year in which no such abnormal expenditure was incurred.

87 Payments out of Road Fund towards General Exchequer Contribution.

- (1) Towards the General Exchequer Contribution there shall at such times and in such manner as the Treasury may direct be paid out of the Road Fund in respect of the year beginning on the appointed day and each subsequent year an annual contribution amounting to the sum of the following amounts, that is to say—
- (a) a sum equal to the certified amount of discontinued road grants for the standard year; and
 - (b) in respect of each year in the first fixed grant period, eighty ninety-first parts of the sum of three million pounds, and in respect of each year of each following fixed grant period, such sum as Parliament may hereafter determine with respect to the fixed grant period;
- and any sum so payable out of the Road Fund shall, in accordance with regulations made by the Treasury, be applied as an appropriation in aid of the moneys to be provided by Parliament for the purposes of the General Exchequer Contribution.
- (2) So much of section two of the Roads Act, 1920 as provides for the payment in every year to the Local Taxation Account, out of the sum to be issued out of the Consolidated Fund under that section, of the sum of five hundred and thirty-six thousand nine hundred and fifty-four pounds and eight shillings, shall as from the appointed day cease to have effect.

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In respect of each of the years beginning on the first day of April, nineteen hundred and twenty-eight and nineteen hundred and twenty-nine, there shall be charged on the Consolidated Fund or the growing produce thereof and paid thereout to the Road Fund, in addition to the sums paid into that fund under subsection (3) of the said section two, a sum of five hundred and thirty-six thousand nine hundred and fifty-four pounds and eight shillings.

88 Apportionment of General Exchequer Contribution.

- (1) The General Exchequer Contributions shall be apportioned amongst the several counties and county boroughs in manner hereinafter following, that is to say:—
 - (a) during the first four fixed grant periods there shall out of the General Exchequer Contribution for each year be apportioned to each county or county borough an amount equal to the appropriate percentage of the losses on account of rates and grants of the county or county borough:
 - (b) during the first four fixed grant periods the residue, and thereafter the whole, of every General Exchequer Contribution, shall each year be apportioned amongst the several counties and county boroughs in proportion to their weighted populations.
- (2) The amount apportioned under this section to a county shall be called the county apportionment" and the amount so apportioned to a county borough shall be called " the county borough apportionment."

Grants to Counties other than London.

89 General Exchequer Grants to counties.

Out of the county apportionment of every county other than the county of London there shall be set aside such amount as will be sufficient to pay to the councils of districts situate wholly or partly within the county the sums hereinafter directed to be so set aside; the residue of the county apportionment after such sums as aforesaid have been so set aside, shall be paid to the council of the county and shall be called the " General Exchequer Grant " of that council :

Provided that, if in the case of any county the county apportionment is less than the amount to be so set aside, the deficiency shall be paid out of moneys provided by Parliament, and the sums so paid shall be treated as part of the county apportionment.

90 Additional Exchequer Grants to counties.

- (1) As respects the first fixed grant period, if in the case of any county the county apportionment falls short of an amount arrived at by adding to the standard sum a sum equivalent to one shilling per head of the estimated population of the county for the standard year, there shall in respect of each year of that fixed grant period be paid out of moneys provided by Parliament to the council of the county a sum equal to the deficiency.
- (2) As respects each subsequent fixed grant period, if in the case of any county the county apportionment falls short of the standard sum increased by the greater of the two following sums, that is to say—

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- (a) a sum equivalent to one shilling per head of the estimated population of the county for the appropriate year;
- (b) a sum equivalent to one-third of the excess of the county apportionment for the period in question over what would have been the county apportionment for the period in question had the General Exchequer Contribution for that period been the same as the General Exchequer Contribution for the first fixed grant period;

there shall in respect of each year of the fixed grant period in question be paid out of moneys provided by Parliament to the council of the county a sum equal to the deficiency.

- (3) For the purposes of this section, the standard sum as respects any county shall be the amount of the loss on account of rates and grants of that county, so, however, that—
 - (a) if, for the fixed grant period in question the General Exchequer Contribution is less than the General Exchequer Contribution for the first fixed grant period, the standard sum shall be the said amount reduced proportionately to such diminution in the General Exchequer Contribution;
 - (b) if for the fixed grant period in question the weighted population of the county is less than the weighted population of the county for the first fixed grant period adjusted as regards unemployment, the standard sum shall be the said amount reduced (or if a reduction therein has been made under paragraph (a) of this subsection, that reduced amount further reduced) proportionately to such diminution in weighted population.
- (4) In this section the expression "adjusted as regards unemployment" means calculated as if the appropriate multiple mentioned in Rule 2 of Part III of the Fourth Schedule to this Act had been the multiple appropriate to the fixed grant period in question, and not the multiple appropriate to the first fixed grant period.
- (5) The sum payable out of moneys provided by Parliament to the council of a county under this section in respect of any year shall be called the "Additional Exchequer Grant" of that council.

Grants to County Districts.

91 General Exchequer Grants to districts.

- (1) The sum to be set aside out of the county's apportionment for payments to the councils of districts shall be such sum as is required to provide for each district wholly or partly within the county a sum calculated for each fixed grant period in accordance with the rules set out in Part IV of the Fourth Schedule to this Act upon the basis of the estimated population of the district or the part of the district within the county, as the case may be, together with such sums as are under the two sections of this Act next following required to be so set aside.
- (2) There shall be paid in respect of each year to the council of a district the sums so set aside in respect of the district subject to such additions and deductions as are in pursuance of the provisions hereinafter contained required for adjusting losses and gains of areas in the district, and the sum so payable to the council of the district shall be called the "General Exchequer Grant" of that council.

Status: This is the original version (as it was originally enacted).

92 Compensation for losses on account of special and parish rates.

- (1) Where in the standard year a special or parish rate is levied in any area within a rural district, the loss on account of that rate shall be ascertained in accordance with the rules set out in Part I of the Fourth Schedule to this Act, and—
 - (a) the sum to be set aside out of the county apportionment in respect of the rural district and payable to the council thereof shall in respect of each year during the first four fixed grant periods be increased by a sum equal to the appropriate percentage of the loss of the area on account of the special or parish rate; and
 - (b) there shall be payable to the council of the district by the council of the county, in each year during the first and second fixed grant periods a sum equal to twenty-five per cent. of that loss, and thereafter such sum as the council of the county may determine.
- (2) Any sum paid to a rural district council under this section shall be applied by the council to such purposes and in such manner as may be prescribed.

93 Schemes as to maternity and child welfare.

As respects any county in which there is a district the council of which have established a maternity and child welfare committee under the Maternity and Child Welfare Act, 1918, the Minister shall before the beginning of each fixed grant period, after consultation with the councils of the county and of the district, make a scheme for increasing the sum to be set aside out of the county apportionment in respect of the district by such amount as he thinks fit, having regard to the expenditure which will be defrayed by the council of the district upon services in connection with maternity and child welfare; and where such a scheme is made, the sum to be set aside out of the county apportionment in respect of the district shall be increased accordingly.

94 Supplementary Exchequer Grants to districts.

- (1) For the purpose of adjusting as between separately rated areas in any county any decreases and increases in the poundage of rates (other than special and parish rates) due to the operation of Parts I, III, V and VI of this Act during the period of nineteen years beginning on the appointed day, the following provisions shall have effect during that period:—
 - (a) there shall be ascertained in accordance with the rules set out in the Fifth Schedule to this Act as respects every separately rated area in the county whether the operation of Parts I, III, V and VI of this Act would, apart from this section, result in a gain or loss to the area and the amount of the gain or loss:
 - (b) in respect of each area as respects which a loss is disclosed there shall be added to the sum which, apart from this section, would be payable as the General Exchequer Grant of the council of the district in which the area is situate the following amounts, that is to say, for the year beginning on the appointed day and each of the four following years, an amount equal to the full amount of the loss, and for each of the next succeeding fourteen years an amount less than the amount so added in the preceding year by a sum equal to one-fifteenth of the amount added for the year beginning on the appointed day:
 - (c) the sum required for providing such additions as are mentioned in the last foregoing paragraph shall not be met by setting aside any sum out of the county apportionment, but the said sum shall be contributed:—

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- (i) as to one moiety thereof, by payments out of moneys provided by Parliament;
- (ii) as to the other moiety thereof, by deducting from the amounts allocated to the several districts out of the county apportionment on the basis of estimated population contributions to the said moiety proportionate to the amount of the gain of the separately rated areas in their respective districts as respects which such a gain is disclosed:

Provided that any sum by which any such contribution would in the case of any district exceed the amount so allocated shall be paid out of moneys provided by Parliament:

- (d) the Minister shall make regulations for securing that the grants under this Part of this Act paid to the several districts shall be distributed in such manner as to effect the objects of this section.
- (2) The sums payable out of moneys provided by Parliament to the council of any district under this section in respect of any year shall be called the " Supplementary Exchequer Grant " of that council.
- (3) As respects districts which are not divided into two or more separately rated areas, the reference in this section to " the district in which the area is situate " shall be construed as a reference to the district, and the reference to " the separately rated areas in districts " shall be construed as a reference to districts.

Grants to County Boroughs.

95 General Exchequer Grants to county boroughs.

The whole of every county borough apportionment shall be paid to the council of the county borough and the sum so paid shall be called the " General Exchequer Grant " of that council.

96 Additional Exchequer Grants to county boroughs.

- (1) There shall be ascertained in accordance with the rules set out in the Fifth Schedule to this Act as respects every county borough, whether the operation of Parts I, V and VI of this Act would apart from this and the next following section result in a gain or loss to the borough and the amount of the gain or loss:

Provided that, if a county borough comprises two or more separately rated areas, the gain or loss of each area shall be so ascertained, and the gain or loss of the county borough as a whole shall be the amount by which the gains exceed the losses or the losses the gains of the several areas.

- (2) Section ninety of this Act shall apply to county boroughs as if for references to counties and the county apportionment there were substituted references to county boroughs and the county borough apportionment, and as if for the words " the amount of the loss on account of rates and grants of that county " there were substituted the words " an amount equal to the county borough apportionment for the first fixed grant period increased by the loss or reduced by the gain of the borough as a whole, as ascertained under subsection (1) of section ninety-six of this Act. "

Status: This is the original version (as it was originally enacted).

97 Payment of Supplementary Exchequer Grants to county boroughs.

- (1) Where a county borough comprises two or more separately rated areas, then for the purpose of adjusting as between those separately rated areas any decrease and increase of the poundage of rates due to the operation of Parts I, V and VI of this Act during the period of nineteen years beginning on the appointed day, the following provisions shall have effect during that period:—
- (a) there shall be ascertained in accordance with the rules set out in the Fifth Schedule to this Act as respects every separately rated area in the county borough whether the operation of Parts I, V and VI of this Act would, apart from this and the last preceding section, result in a gain or loss to the area, and the amount of the gain or loss :
 - (b) if a loss is disclosed as respects any one or more of such areas, and the Additional Exchequer Grant (if any) of the county borough is an amount less than one-half of the aggregate amount of such losses, there shall be paid out of moneys provided by Parliament to the council of the county borough the following amounts, that is to say:—
 - (i) for the year beginning on the appointed day and each of the four following years such sum as, together with the amount of the Additional Exchequer Grant (if any), is equal to one-half of the said aggregate amount of such losses;
 - (ii) for each of the next succeeding fourteen years an amount less than the amount payable for the preceding year by a sum equal to one-fifteenth of the amount payable for the year beginning on the appointed day :
 - (c) the Minister shall make regulations for securing that the grants under this Part of this Act paid to the council of the county borough shall be applied towards making good to areas with respect to which a loss is disclosed the amount of such loss or of part thereof in such manner as to effect the objects of this section.
- (2) The sums payable out of moneys provided by Parliament to the council of a county borough under this section in respect of any year shall be called the " Supplementary Exchequer Grant " of that council.

Grants to the County of London, to the City of London and to Metropolitan Boroughs.

98 General Exchequer Grants in London.

- (1) Out of the county apportionment of the county of London there shall be set aside a sum sufficient to provide for the payment to the common council of the City of London and the council of each metropolitan borough of—
- (a) a sum equal to the appropriate percentage of the losses on account of rates and grants of the council:
 - (b) a sum equal to one-third of the sum which would have been apportioned to the city or borough under paragraph (b) of subsection (1) of section eighty-eight of this Act had it been a county borough and the weighted population thereof calculated without any increase under Rule 2 of the rules set out in Part III of the Fourth Schedule to this Act.
- (2) The residue of the county apportionment of the county of London after such sums as aforesaid have been set aside shall be paid to the London County Council, and shall be called the "General Exchequer Grant" of that council.

- (3) There shall be paid in respect of each year to the common council and the council of each metropolitan borough a sum equal to the sums so set aside as aforesaid in respect of the City or borough, and the sum so payable to any such council shall be called the " General Exchequer Grant " of that council.
- (4) The London (Equalisation of Rates) Act, 1894, shall cease to have effect as from the appointed day.

99 Additional Exchequer Grants in London.

The provisions of this Part of this Act relating to the calculation and payment of Additional Exchequer Grants to counties shall apply to the county of London as they apply to all other counties.

100 Payment of Supplementary Exchequer Grants in London.

- (1) For the purpose of adjusting as between separately rated areas in the county of London any decrease and increase in the poundage of rates due to the operation of Parts I, V and VI of this Act, during the period of nineteen years beginning on the appointed day, the following provisions shall have effect during that period:—
 - (a) there shall be ascertained in accordance with the rules set out in the Fifth Schedule to this Act as respects every separately rated area in the county, whether the operation of Parts I, V and VI of this Act would, apart from this section, result in a gain or loss to the area, and the amount of the gain or loss;
 - (b) in the case of every such area with respect to which a loss is disclosed, the amount which would otherwise be contributed by the area towards the amount required to be levied by rate for general county purposes shall be reduced by crediting to the area the following amounts, that is to say:—
 - (i) for the year beginning on the appointed day and each of the four following years the full amount of the loss;
 - (ii) for each succeeding year the amount credited in the preceding year, subject to a deduction of one-fifteenth of the full amount of the loss:
 - (c) the deficiency in the revenue from rates resulting in any year to the London County Council by reason of the provisions of the last foregoing paragraph shall be met—
 - (i) as to one moiety thereof by payments out of moneys provided by Parliament; and
 - (ii) as to the other moiety thereof, by debiting to each area as respects which a gain is disclosed an amount proportionate to the amount of that gain and by increasing the amount which would otherwise be contributed as aforesaid by the area by the amount so debited.
- (2) The sums payable out of moneys provided by Parliament to the London County Council under this section in respect of any year shall be called the " Supplementary Exchequer Grant " of that council.

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Contributions of Councils in respect of Public Health Services.

101 Contributions by councils to voluntary associations in respect of maternity and child welfare.

- (1) It shall be the duty of the council of every county (other than the county of London) and of every county borough six months at least before the beginning of each fixed grant period to prepare and submit to the Minister for his approval a scheme for securing the payment by the council of annual contributions towards the expenses of voluntary associations, if any, providing maternity and child welfare services in or for the benefit of the county or county borough.
- (2) The scheme shall provide—
 - (a) for the payment to any such association whose services were immediately before the appointed day approved by the Minister of such annual contribution in respect of those services (not being less than a sum to be determined by the Minister) as may be specified in the scheme ; and
 - (b) for the payment to any such association in respect of any services not so approved, which are utilised by the council, of such annual contribution as may be specified in the scheme.
- (3) The Minister may approve a scheme submitted under this section either with or without modifications, and if any such council fails to prepare and submit to the Minister such a scheme within the time allowed for the purpose, the Minister may himself make a scheme.
- (4) A scheme made by the council of a county under the foregoing provisions of this section shall determine whether and to what extent the services provided by any voluntary association are such that contributions thereto should be paid by the council of a district in the county who have established a maternity and child welfare committee under the Maternity fund Child Welfare Act, 1918; and where the scheme provides for such contributions being made by the council of any district, a copy thereof shall be sent to that council by the county council when the scheme is submitted to the Minister and it shall be the duty of the council of the district to prepare and submit to the Minister, within three months after the receipt of the said copy, a scheme for the payment of such contributions by the council; and the foregoing subsections shall, with the necessary adaptations, apply accordingly.
- (5) If upon representations made by any voluntary association it appears to the Minister that the association proposes to provide or to extend maternity and child welfare services in or for the benefit of a county or county borough subject to contributions or increased contributions being made to the association under any scheme for the time being in operation under this section, and that it is, therefore, expedient that any such scheme should be altered, the Minister may, after considering the representations in consultation with the council of the county or county borough, so alter the scheme as to provide for such contributions or increased contributions as he considers just, and may also make such consequential alterations, if any, as he considers desirable in any scheme made under this section by the council of any district affected.
- (6) As respects the county of London, the Minister shall before the beginning of each fixed grant period, after consultation with the councils concerned, make a scheme determining, in relation to voluntary associations providing maternity and child welfare services, which of those services are to be treated as services in respect of which the London County Council are to contribute and which are services in

respect of which the common council of the City of London and the councils of the metropolitan boroughs are to contribute; and the scheme shall provide for the payment during the fixed grant period to the association by the several councils of contributions of such amounts as may be specified in the scheme.

102 Contributions by councils to voluntary associations in respect of other health services.

- (1) The Minister shall before the beginning of each fixed grant period after consultation with the county and county borough councils concerned or with the associations representing those councils make a scheme providing for payment of contributions of such amounts as may be specified in the scheme to any voluntary association which provides services for the welfare of the blind by the councils of counties and county boroughs in which are resident blind persons for whose benefit those services are provided.

This subsection shall apply to the City of London as if it were a county borough and the common council were the council of a county borough.

- (2) The Minister shall before the beginning of each fixed grant period, after consultation with the county and county borough councils concerned or with the associations representing those councils, make a scheme providing for the payment of contributions by councils of counties and county boroughs of such amounts as may be specified in the scheme to voluntary associations which undertake the duty of assisting or supervising defectives whilst not in institutions.
- (3) The Minister shall before the beginning of each fixed grant period, after consultation with the councils of counties and county boroughs in Wales and Monmouthshire, make a scheme for the payment by those councils to the King Edward the Seventh Welsh National Memorial Association of contributions of such amount as may be specified in the scheme towards the expenses of the services in connection with the treatment of persons suffering from tuberculosis provided by the association.

General.

103 Payment of grants.

The grants under this Part of this Act shall be payable to the councils entitled thereto at such times and in such manner as the Treasury may direct.

104 Power to reduce grants.

The Minister may reduce the grant payable in respect of any year under this Part of this Act to any council by such amount as he thinks just, if,—

- (a) he is satisfied, either upon representations made to him by any association or other body of persons experienced or interested in matters relating to public health or without any such representations that the council have failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of their functions relating to public health services, regard being had to the standards maintained in other areas whose financial resources and other relevant circumstances are substantially similar, and that the health or welfare of the inhabitants of the area of the council or some of them has been or is likely to be thereby endangered; or

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- (b) he is satisfied that the expenditure of the council has been excessive and unreasonable, regard being had to the financial resources and other relevant circumstances of the area; or
- (c) the Minister of Transport certifies that he is satisfied that the council have failed to maintain their roads or any part thereof in a satisfactory condition:

Provided that, whenever the Minister makes such a reduction, he shall make and cause to be laid before Parliament a report stating the amount of the reduction, and the reasons therefor.

105 Application of Exchequer Grants, & c.

Subject to the provisions of this Part of this Act, all sums received by a county council by way of General or Additional Exchequer Grant or of proceeds of local taxation licence duties shall be applicable to general county purposes.

106 Power of Minister to pay council's contributions to voluntary associations out of sums payable as General Exchequer Grant.

Upon application being made to the Minister by the council of any county or county borough requesting that the contributions of the council towards the expenses of any voluntary association having as its object the promotion of public health services may be paid directly to the association out of the amount payable as the General Exchequer Grant of the council, the Minister may pay such contributions accordingly, and any sums so paid shall be deemed to have been paid as part of that grant.

107 Government property.

For the purposes of this Part of this Act, any contribution made by the Crown in aid of rates in respect of any premises occupied by or on behalf of the Crown for public purposes shall be treated as money paid as rates, and, in the case of any premises which, if in rateable occupation, would be agricultural, industrial or freight transport hereditaments, the value upon which that contribution would if this Act had not been passed have been computed for the half-year beginning on the first day of October, nineteen hundred and twenty-nine, shall be treated as the unreduced rateable value of the premises and the value on which that contribution is computed for that half-year shall be treated as the reduced rateable value thereof.

108 Power to make regulations.

- (1) The Minister may make regulations for giving effect to the provisions of this Part of this Act and in particular—
 - (a) as to the apportionment for the purposes of this Part of this Act of the expenditure of any joint authority (including the receiver for the metropolitan police district and any assessment committee) amongst the areas liable to contribute to such expenditure, and for the part of the expenditure so apportioned to any area being treated as expenditure of a spending authority for that area for those purposes; and
 - (b) as to the manner in which the amounts of any grants payable under this Part of this Act are to be adjusted if and so far as any such adjustment is required in consequence of any alterations or combinations of authorities or alterations of boundaries taking effect on or after the appointed day; and

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- (c) as to the manner in which, subject to the express provisions of this Act, any calculation or estimate is to be made for the purposes of this Part of this Act, and as to the authority or person by or to whom any information required for the purposes of any such calculation or estimate is to be given, and as to the time at which and the form in which it is to be given; and, in particular, the regulations as to the manner in which expenditure falling to be borne by rates is to be calculated or estimated may provide for that expenditure being taken in appropriate cases to be the amount of the payments made in any year, and may provide for such adjustment as may be necessary to correct any abnormal treatment of income or expenditure in accounts; and
 - (d) for prescribing anything which, under this Part of this Act or under the Schedules therein referred to, is to be prescribed.
- (2) The Local Government (Adjustments) Act, 1913, shall as from the appointed day have effect as if in paragraph (a) of subsection (1) of section one thereof for the reference to the Estate Duty Grant, and the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, mentioned in that paragraph, there was substituted a reference to the grants payable under this Part of this Act, and as if for the rules contained in Part I of the Schedule thereto there were substituted the regulations made under paragraph (b) of the last foregoing subsection of this section.
- (3) Regulations made under paragraph (c) of subsection (1) of this section shall make provision for securing that where proposals for the development, of institutional treatment for their area were submitted to the Minister by the council of any county or county borough at such a date that grants in aid of capital expenditure on institutions to be provided thereunder are payable in accordance with the directions of the Treasury, then, if the execution of the proposals was delayed by the directions of the Minister and liabilities in connection with the proposals were incurred by the council with the approval of the Minister before the twelfth day of November, nineteen hundred and twenty-eight, and in consequence of the delay the amount of any grants paid or payable to the council for the standard year is less than the amount thereof which would otherwise have been so payable, the amount of the grants paid or payable to the council in respect of that year shall be estimated and certified as if they had been increased by such amount as may be prescribed.
- (4) All regulations made under this Part of this Act shall be laid before Parliament as soon as may be after they are made.

109 Method of apportionment between authorities of expenditure and grants, for purposes of Fourth and Fifth Schedules.

- (1) Where by the rules contained in the Fourth and Fifth Schedules to this Act the expenditure of any authority is required to be apportioned between the several counties or county boroughs into which the area of the authority extends, the apportionment shall be made—
- (a) in the case of expenditure in respect of roads other than loan charges, in proportion to the certified mileage of transferred roads in the parts of the area within the several counties;
 - (b) in the case of expenditure of a board of guardians other than loan charges, in proportion to the number certified as being the estimated number of persons in receipt of poor relief assignable by reason of residence to the parts of the area within the several counties and county boroughs;

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- (c) in the case of the expenditure in respect of loan charges, in proportion to the reduced rateable value of the parts of the area within the several counties and county boroughs.
- (2) Where by the rules contained in the Fourth Schedule to this Act the amounts paid or payable to any authority out of the discontinued grants are required to be apportioned, the apportionment shall be made—
- (a) in the case of grants in respect of roads, in proportion to the certified mileage of roads in respect of which the grants were made in the parts of the area within the several counties;
 - (b) in the case of grants to any voluntary association which carries on services for the welfare of the blind, in proportion to the number certified as being the estimated number of beneficiaries of the association ordinarily resident within the jurisdiction of the several authorities ;
 - (c) in the case of any grants other than the grants hereinbefore in this subsection mentioned, on such basis as the Minister may by order direct.

110 Investigation of working of rules of Fourth Schedule, Parts III and IV, and of s.98(1)(6).

The Minister shall, before the expiration of the second fixed grant period, in consultation with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, cause an investigation to be made into the working of the rules contained in Parts III and IV of the Fourth Schedule to this Act, and of the provisions of paragraph (b) of subsection (1) of section ninety-eight of this Act, and shall cause a report of the result of the investigation to be laid before Parliament.

Transitory Provisions.

111 Power to adjust grants in respect of alteration of authorities or boundaries before 1st April 1930.

Where after the commencement of the standard year, and before the appointed day, any alteration of authorities or boundaries affecting any county, county borough or district, or any separately rated area, takes place, the Minister may make such equitable adjustments of the amounts of the grants payable under this Part of this Act as he may deem necessary in consequence of such alteration.

112 Provisions as to rates and precepts and grants in respect of loss of rates during transitory period.

- (1) For the purposes of any rate to be made or precept to be issued in respect of any period between the thirtieth day of September, nineteen hundred and twenty-nine, and the appointed day, an authority in estimating the amount which would be produced by a rate of a penny in the pound, or in determining the amount in the pound of any rate to be made or precept to be issued by them, or in making any apportionment between two or more rating areas, shall not take into account the reduction in rateable values due to the operation of Part V of this Act, or the amount of any payment to be received under this section, and for the purpose of ascertaining the amount due under any precept to which subsection (2) of section nine of the Rating and Valuation Act, 1925, applies,

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the amount produced by the rate of the amount in the pound specified in the precept shall be taken to be the amount which would have been so produced if the said Part V had not been passed.

- (2) There shall be paid out of moneys provided by Parliament to every rating authority a sum equal to the amount estimated and certified as being the difference between the sum receivable by the rating authority as the proceeds of rates in respect of the period between the thirtieth day of September, nineteen hundred and twenty-nine, and the appointed day, and the sum which would have been so receivable if the rateable value of the rating area from time to time had been calculated in accordance with the enactments which were in force immediately before the commencement of this Act:

Provided that if the Minister is satisfied that the amount in the pound of the rates levied by any rating authority in respect of that period has been abnormally increased by reason of charges not ordinarily falling to be borne by rates having been imposed thereon, the sum payable to the rating authority under this subsection shall be such sum as may be estimated and certified as the sum which would have been so payable if the said amount in the pound had not been so increased as aforesaid.

PART VII

PROPERTY LIABILITIES AND OFFICERS.

Transfer of Property and Liabilities.

113 Transfer of property and liabilities of poor law authorities.

- (1) Subject to the provisions of this Part of this Act with respect to property and liabilities for which special provision is made, any property and liabilities held or incurred by or on behalf of a poor law authority whose area is wholly comprised within one county or county borough shall on the appointed day by virtue of this section be transferred to, and vest in, the council of the county or county borough.
- (2) Subject as aforesaid, the following provisions shall have effect in the case of a poor law authority whose area is not wholly comprised within one county or county borough—
- (a) all institutional property of the authority shall on the appointed day by virtue of this section be transferred and vest to and in such one of the councils of the counties or county boroughs into which the area of the authority extends, or to and in two or more of those councils jointly, or to and in a joint body representing two or more of those councils, or may be divided between any two or more of those councils, as may be agreed between the councils, or, if no agreement has been arrived at two months before the appointed day, as the Minister may by order determine;
- Any such agreement or order may attach conditions to the transfer or user of any institutional property and may provide for the Joint user of such property;
- (b) all institutional liabilities of a poor law authority shall on the appointed day by virtue of this section be transferred to and vest in the council or councils or joint body to which the corresponding institutional property is transferred;
 - (c) all non-institutional property and liabilities of a poor law authority shall on the appointed day by virtue of this section be transferred and vest—

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- (i) in the case of any right of recovery from any person of payments made or expenses incurred by the authority by way of poor relief, to and in the council of the county or county borough in which the recipient of the relief was resident when the relief was granted; and
- (ii) in the case of other property and liabilities, to and in the council of the county or county borough in which the portion of the poor law area having the larger or largest reduced rateable value is situate;
- (d) as soon as practicable after the appointed day there shall be made, in accordance with the provisions contained in the Sixth Schedule to this Act—
 - (i) an apportionment of, or an adjustment in respect of, the non-institutional property and liabilities of the poor law authority, other than such rights of recovery as aforesaid; and
 - (ii) unless the councils concerned have agreed that such an adjustment is unnecessary, an adjustment in respect of the institutional property and institutional liabilities of the authority.

(3) For the purposes of this section and of the said Schedule—

" Institutional property " means all poor law institutions and offices and any other freehold or leasehold property whatsoever of a poor law authority (including any rights enjoyed in connection therewith) together with any furniture, plant, and fittings on or about any such institution offices or property, and includes any unexpended balances of loans raised in respect of institutional property and sums set apart as a sinking fund to pay off loans so raised;

" Institutional liabilities " means any outstanding liabilities for loans raised in respect of the provision, extension or equipment of any institutional property;

" Non-institutional property and liabilities " includes all property and liabilities of a poor law authority other than institutional property and institutional liabilities.

114 Mitigation of liability of councils for temporary loans raised under 11 & 12 Geo. 5 c. 67.

- (1) For the purpose of affording relief to the councils of counties and county boroughs to whom liabilities in respect of loans (including overdrafts) raised by poor law authorities under section three of the Local Authorities (Financial Provisions) Act, 1921 (as amended by any subsequent enactment) are transferred under this Act, the following provisions shall have effect with respect to such loans—
 - (a) the Minister shall, in the case of each county and county borough to the council of which liability for any such loan is transferred under this Part of this Act, certify the amount of the liability on account of the loan outstanding on the appointed day after deducting therefrom such amount, if any, as represents sums required by the Minister to be paid by a poor law authority before the appointed day which have not been so paid;
 - (b) where any such loan is a loan made by the Minister, the sum so certified with respect to the loan shall be repaid without interest to the Minister by the council liable therefor within fifteen years from the appointed day either by means of an annuity equal to one-fifteenth part of the certified sum, the first instalment being payable on the thirty-first day of March, nineteen hundred

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- and thirty-one, or by such other means as may be agreed between the Minister and the council;
- (c) where any such loan is a loan made by a person other than the Minister, the loan and the interest thereon shall continue payable by the council liable therefor, at such times and by such instalments as are required by the terms of the contract of borrowing; but the Minister shall pay to the council out of moneys provided by Parliament an annuity for fifteen years equivalent to the difference between the sum so certified by the Minister as aforesaid with respect to the loan, and the value of the annuity which would have been payable to the Minister by the council had the loan been made by the Minister, the rate of interest assumed in calculating such value being five per cent.;
 - (d) if in the case of any council the amount, which under the foregoing provisions of this section, would have been payable by the council in any year in respect of sums so certified by the Minister if all of those sums had been on account of loans made by the Minister and had been repayable by means of an annuity equal to one-fifteenth part of the certified sums, exceeds the amount which would be produced by a rate of ninepence in the pound levied on the reduced rateable value of the county or county borough, the amount payable in that year by the council to the Minister under this section shall be reduced by the amount of the excess;
 - (e) if as respects any county or county borough the certificate of the Minister relating to any poor law authority from whom liability for any such loan is transferred provides for a deduction on account of the failure of the authority to make any payments required by the Minister to be made before the appointed day, the amount so deducted shall be paid by the council but shall—
 - (i) in the case of a county be treated as expenses for special county purposes chargeable exclusively on such part of the county as was before the appointed day comprised in the area for which the poor law authority acted;
 - (ii) in the case of a county borough not wholly comprised within the area of the poor law authority from whom the liability for the loan was transferred to the council, be chargeable exclusively on the part of the borough within that area, and the amount so charged shall be levied as an additional item of the general rate on that part of the borough.
- (2) The foregoing provisions of this section shall not apply to any such loan raised by a poor law authority after the twelfth day of November, nineteen hundred and twenty-eight, and in such case the council to whom liability for the loan is transferred shall, make the payments due in respect of capital of and interest on the loan in accordance with the terms of the contract of borrowing, and such payments shall be made and charged in like manner as is hereinbefore provided with respect to the payment of sums deducted by the Minister's certificate.
- (3) Where a poor law area is not wholly comprised within one county or county borough, the liability of the authority for any such loan as aforesaid shall be apportioned between the several counties and county boroughs into which the area extends in proportion to the reduced rateable value of the parts of the poor law area comprised therein, and the foregoing provisions of this section shall apply as if the part of a loan apportioned to any county or county borough were a loan the liability for which was transferred to the council thereof.

Status: This is the original version (as it was originally enacted).

115 Parish property.

- (1) Any parish property vested at the appointed day in a board of guardians, including the proceeds of sale of parish property and any securities in which those proceeds have been invested, shall, on the appointed day, by virtue of this section be transferred to and vest in such council or body as is hereinafter mentioned; that is to say—
- (a) if the parish is a parish comprised in a county borough or urban district, the council of the county borough or urban district;
 - (b) if the parish is a rural parish having a parish council, the parish council;
 - (c) if the parish is a rural parish not having a parish council, the representative body constituted for the holding of property of the parish:

Provided that, where the parish property is held on behalf of two or more parishes, it shall be transferred to and vest in the appropriate councils or bodies jointly.

- (2) As from the appointed day the provisions set out in the Seventh Schedule to this Act shall have effect with respect to the sale, exchange, letting and disposal of parish property, and of any land to which the Sale of Exhausted Parish Lands Act, 1876, applies; and any enactment requiring the consent of the ratepayers and owners of property in a parish to the sale, exchange, letting or disposal of parish property shall cease to have effect:

Provided that nothing in that Schedule shall extend to any recreation ground, village green or other open space dedicated to the use of the community, or affect the powers of parish councils as to the letting, sale or exchange of property under subsection (2) of section eight of the Local Government Act, 1894.

- (3) The council of any county borough or urban district and the parish meeting of any rural parish not having a parish council may exercise the powers of executing works in relation to parish property which are by paragraph (i) of subsection (1) of section eight of the Local Government Act, 1894, conferred on parish councils.
- (4) Any expenses incurred by the council of a county borough or urban district in relation to parish property shall be defrayed as the council may determine—
- (a) from the general rate of the county borough or urban district; or
 - (b) by means of a levy of an additional item of the general rate on the parish or parishes to which the property belongs.
- (5) Where two or more rural parishes are grouped under a common parish council, the reference in subsection (1) of this section to a parish council shall include a reference to the common parish council, except that where functions in relation to the holding of parish property are by the order forming the group excluded from the functions exercisable by the common parish council that reference shall as respects each of the grouped parishes be construed as a reference to the representative body constituted for the holding of property of that parish.
- (6) For the purposes of this section and the Seventh Schedule to this Act, "parish property" means any property the rents and profits of which are applicable or, if the property were let, would be applicable to the general benefit of one or more parishes, or the ratepayers, parishioners or inhabitants thereof, but does not include—
- (a) property given or bequeathed by way of charitable donation or allotted in right of some charitable donation or otherwise for the poor persons of any parish or parishes if the income of the property is not applicable to the general benefit of the ratepayers or other persons as aforesaid;

- (b) property acquired by a board of guardians for the purposes of their functions in the relief of the poor.
- (7) In the application of this section to the county of London references to an urban district shall be construed as references to the City of London and to a metropolitan borough, references to the council of an urban district shall be construed as references to the common council of the City of London and to the council of a metropolitan borough, and references to the general rate of an urban district shall be construed as references to the general rate of the parish to which the property belongs.

116 Transfer of property and liabilities under Registration Acts.

Any property and liabilities held or incurred by or on behalf of a board of guardians for the purposes of their functions under the Registration Acts in relation to any registration district or sub-district shall on the appointed day, by virtue of this section, be transferred to and vest in the council to whom the functions of the board of guardians in relation to that registration district or sub-district are transferred under Part II of this Act.

117 Transfer of road property and liabilities.

- (1) Subject to the provisions of the next following section, the following property and liabilities of every district council, in so far as they relate to any roads which immediately before the appointed day were, or as from that day become, vested in the county council, shall, as from that day, by virtue of this section be transferred to and vest in the county council, that is to say:—
- (a) any land (other than land acquired for the improvement or development of frontages or of lands abutting on or adjacent to any road) which, before the appointed day, has been acquired by the district council for the purpose of improving any such road, but which does not on that day form part of the road;
 - (b) the unexpended balances of any loans raised by the district council for the purposes of any such roads or for the purposes of any land transferred to the county council under the last foregoing paragraph of this subsection, and any sinking funds established by the district council in connection with any such loans;
 - (c) the unexpended balances of any grants paid by the Minister of Transport to the district council for the purposes of any such roads;
 - (d) all liabilities (including loans and loan charges) incurred for the purposes of any such roads or the improvement thereof which would become due for payment by the district council on or after the appointed day:

Provided that in the case of any loan the county council and the district council may agree that, in lieu of the transfer to the county council of the loan under this subsection, the county council shall from time to time repay to the district council all sums required to meet the loan charges; and in the event of any such agreement being made, the loan and any sinking fund established in connection therewith shall remain vested in the district council.

Where the loan has been raised partly for purposes relating to such roads as aforesaid and partly for other purposes, the foregoing provisions of this subsection shall apply as if the part of the loan contracted for purposes relating to such roads were a separate loan.

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- (2) Any sum due to be paid by a district council before the appointed day into any sinking fund which the council were required to establish for the purposes of any loan transferred to the county council under the last foregoing subsection but not so paid shall be a debt due from the district council to the county council.
- (3) In the case of a road in respect of which before the appointed day an urban district council have claimed or are deemed to have claimed to exercise the functions of maintenance and repair, the county council shall from time to time repay to the district council such sums as are required to meet any loan charges falling due on or after the appointed day in respect of loans raised before that day for the purposes of the road or the improvement thereof.
- (4) So much of any sum paid or payable to a district council under the Local Government (Adjustments) Act, 1913, or otherwise by way of adjustment on alteration of boundaries or other change, as represents compensation to the council in respect of the increase of the burden on the ratepayers in meeting the cost incurred by that council in the execution of their functions in respect of roads to which this section applies and has not, on the appointed day, been exhausted or applied in or towards the discharge of liabilities transferred to the county council under this section or which would have been so transferred if undischarged, shall, in the case of a sum paid or payable to the district council by another district council within the county, be repaid to that council, and in any other case be paid to the county council.

The sum payable by a district council to another council under this subsection shall be of such amount as may be agreed between those councils, or, in default of agreement, determined by an arbitrator appointed by the Minister, and shall be paid either by a single payment or by annual instalments, as may be determined by agreement between the councils or by such arbitrator as aforesaid, and if paid by a single payment, the payment shall be a purpose for which the district council may borrow under the Public Health Acts, 1875 to 1926.

For the purposes of this subsection, unless the arbitrator for special reasons otherwise determines, a sum paid to a district council by way of such adjustment as aforesaid shall be deemed to be exhausted at the expiration of a period of twenty years from the date on which the alteration of boundaries or other change took effect, and if the sum was payable by instalments one-twentieth part shall be deemed to have been paid to the council in respect of each year during that period.

- (5) As respects any council whose district extends into more than one county, this section shall have effect as if references therein to the county council included references to the councils of the several counties, and the property and liabilities transferred by this section and any sum payable thereunder shall be apportioned between them, by agreement between the county councils or in default of agreement by the Minister, in proportion to the reduced rateable values of the parts of the district within the several counties.
- (6) Any question as to the property or liabilities transferred from or to any council under this section shall be determined by the Minister, whose decision shall be final and conclusive.
- (7) Any capital sum paid to a county council under this section shall be treated as capital, and applied with the sanction of the Minister either in repayment of debt or for any other purpose for which capital money may be applied.

- (8) Where any person or authority, other than a rating authority, receives any income applicable to the repair or maintenance of roads in any parish or other area, that person or authority shall pay over the income so received (less the amount of any expenses properly incurred in connection therewith) to the rating authority for the county borough or district in which that parish or area is situate, to be credited to that parish or area.

118 Transfer of quarries, plant, materials and depots.

- (1) The council of every county shall, on the appointed day, take over—
- (a) if desired by the council of any urban district within the county (not being a council who have claimed or are deemed to have claimed to exercise the functions of maintenance and repair of county roads within their district), any quarry belonging to the district council in their capacity as highway authority, together with any fixed plant therein; and
 - (b) if desired by the council of any rural district within the county, any quarry, plant or materials belonging to the district council in their capacity as highway authority, or any depots used by the district council exclusively in that capacity,

and shall pay therefor such sum as may be agreed upon, or, in default of agreement, as may be determined by an arbitrator appointed by the Minister; but the district council shall, save in so far as may be otherwise agreed between them and the county council, remain subject to any liabilities contracted in respect of any such quarry, plant, material or depots.

- (2) Where in pursuance of Part III of this Act a district council relinquish, or a county council determine the delegation of, any functions with respect to the maintenance, repair or improvement of, or other dealing with, any road, the last foregoing subsection shall apply as if the date on which the relinquishment or determination takes effect were the appointed day and, in the case of a rural district council, as if the rural district council had on that date been a highway authority.
- (3) Where a district extends into more than one county, the obligation under this section shall be undertaken by such one of the county councils or partly by one such council and partly by another as may be agreed between the councils concerned, or as in default of agreement may be determined by the Minister.
- (4) Any capital sum paid to a district council under this section shall be treated as capital, and applied with the sanction of the Minister either in repayment of debt or for any other purpose for which capital money may be applied.

Transfer of Officers.

119 Transfer of poor law officers.

Subject to the provisions of this Part of this Act, any person who having been on the twelfth day of November, nineteen hundred and twenty-eight, an officer of a poor law authority is at the appointed day an officer of the same or any other poor law authority shall on the appointed day, as respects that office, be transferred as follows:—

- (a) where the area of the authority of which he is an officer at the appointed day is wholly comprised within one county or county borough, he shall be

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transferred to and become an officer of the council of that county or county borough;

- (b) where the area of the poor law authority of which he is an officer at the appointed day is not wholly comprised within one county or county borough, then—
- (i) if the officer is at the appointed day employed in or about any poor law institution, he shall be transferred to and become an officer of the council to whom that institution is transferred;
 - (ii) if the officer at the appointed day acts exclusively for a district which is wholly comprised within one county or county borough, he shall be transferred to and become an officer of the council of that county or county borough;
 - (iii) in any other case he shall be transferred to and become an officer of such council or councils as may be agreed between the councils concerned, or, if no agreement is arrived at two months before the appointed day, such council or councils as the Minister may by order determine; and where he is transferred to more than one council the proportion of his salary or remuneration attributable to the functions in respect of which he is transferred to the respective councils shall be determined by such agreement or order as aforesaid.

120 Transfer of road officers.

Subject as hereinafter provided, any person who, having been on the twelfth day of November, nineteen hundred and twenty-eight, a road officer employed by any highway authority, is at the appointed day a road officer of a rural district council shall, on the appointed day, as respects that office, be transferred as follows:—

- (a) where the district of the council of which he is a road officer at the appointed day is wholly comprised within one county he shall be transferred to and become an officer of the council of that county;
- (b) where the district of the council of which he is a road officer at the appointed day is not wholly comprised within one county he shall be transferred to and become an officer of such county council as may be agreed between the councils concerned, or, if no agreement is arrived at two months before the appointed day, such county council as the Minister of Transport may by order determine:

Provided that, where in pursuance of Part III of this Act functions as respects any county roads are delegated as from the appointed day by a county council to a rural district council, the two councils may agree for the transfer or retention to or by either such council of any road officers or for the joint user by both councils of the services of any officer and, subject to any such agreement, so long as the rural district council exercise those functions, the foregoing provisions of this section shall not apply with respect to the officers of that rural district council, but as from the date on which such functions cease to be exercisable by the district council by reason of the relinquishment of functions by the district council or the determination of the delegation of the functions by the county council, the said provisions and the provisions of this Act relating to the superannuation and compensation of road officers shall apply with respect to the district council and their officers as if that date were the appointed day.

121 Tenure and distribution of transferred officers.

- (1) Every transferred officer shall hold office by the same tenure and on the same conditions as immediately before the appointed day, and while performing similar duties shall, in respect thereof, receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if this Act had not been passed.
- (2) The council to whom functions are transferred under this Act may employ a transferred officer in the discharge of such of their functions as they may think proper, and every officer shall perform such duties in relation to those functions as may be directed by the council.

122 Provisions as to registration officers.

Every person who is a registration officer on the appointed day shall hold office by the same tenure and on the same conditions as immediately before the appointed day, and, for the purpose of the Poor Law Officers Superannuation Act, 1896, and the provisions of this Part of this Act relating to superannuation, shall be deemed to be an officer transferred to the service of the council to whom the functions of the board of guardians in relation to the registration district or sub-district for which he acts are transferred under Part II of this Act.

Compensation and Superannuation of Officers.

123 Compensation to existing officers.

- (1) Every person who having been an officer of an authority or committee from whom functions are transferred under this Act, or a registration officer or registrar of marriages, on the twelfth day of November, nineteen hundred and twenty-eight, is at the appointed day an officer of such an authority or committee or a registration officer or registrar of marriages, and who by virtue of this Act, or of anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by determination of his appointment, or by diminution or loss of fees, salary or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to compensation under this Act for that loss.
- (2) Any claim to compensation made by an officer may be addressed to the council or councils by whom his appointment has been determined or his fees, salary, or emoluments have been altered, or to such council as may be determined by the Minister under this Act; but where compensation from more than one council is claimed by an officer, the councils concerned may agree that the claim shall be considered and decided and any compensation awarded paid by one of those councils, subject nevertheless to such apportionment between them of any compensation awarded as may be agreed between the councils or, in default of agreement, determined by the Minister.
- (3) For the purposes of this section, any officer—
 - (a) who, at any time within five years after the appointed day, relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before the appointed day; or

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- (b) whose appointment is determined or whose salary is reduced within five years after the appointed day because' his services are not required, or his duties are diminished, and not on the ground of misconduct;

shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of this Act.

- (4) The provisions set out in the Eighth Schedule to this Act shall apply to the determination and payment of compensation under this Act to officers.

124 Superannuation of transferred poor law officers.

- (1) Where any officer by whom the annual contributions required by the Poor Law Officers' Superannuation Act, 1896 (in this section referred to as " the Act of 1896 "), have been made is, by virtue of this Act, transferred to the service of any council, then, if the council to whose service he is transferred have no superannuation scheme or if, in the case of an officer transferred to the service of a council who at the appointed day have such a scheme, he gives, within three months after the appointed day, notice in writing to that council that he elects to remain subject to the provisions of the Act of 1896, that Act shall apply to him subject to such modifications as the Minister may by order direct, and shall continue so to apply to him so long as he is in the service of the council of any county or county borough until, under such statutory provisions as may be made for the superannuation of persons employed by the councils of all counties and county boroughs, there becomes applicable to him a superannuation scheme not less favourable than that provided by paragraph (a) of the next following subsection.
- (2) As respects any such officers as aforesaid who, having been so transferred to the service of a council who at the appointed day have a superannuation scheme, do not give notice in accordance with the provisions of the last foregoing subsection, as from the appointed day the provisions of the Act of 1896 shall cease to apply and the following provisions shall have effect:—
- (a) in the case of officers transferred to the service of a council who have, on or before the appointed day, adopted the Local Government and other Officers' Superannuation Act, 1922 (in this section referred to as "the Act of 1922"), whether alone or in combination with any other local authority, the provisions of the Act of 1922 shall apply to them while in that service or in any service in which the said provisions continue to apply to them by virtue of section eight of the said Act, subject to the following modifications :—
- (i) for the purposes of the Act of 1922, any service before the date on which the Act of 1922 becomes applicable to the officer which would have been treated as service for the purposes of the Act of 1896 shall be treated as contributing service, and contributions paid under the Act of 1896 (except so far as those contributions are attributable to service in respect of which the officer is not transferred under this Act) shall for the purpose of the provisions of the Act of 1922 relating to the return of contributions be treated as having been paid under the Act of 1922; and
- (ii) the contributions payable by any such officer under the Act of 1922 shall be the following:—
- (i) if on such date as aforesaid the officer has completed less than ten years service which would have been treated as service for the purposes of the Act of 1896, a sum equal to two-and-a-half per cent. of his salary or wages;

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- (ii) if on such date as aforesaid he has completed ten but less than twenty years of such service as aforesaid, a sum equal to three per cent. of his salary or wages;
 - (iii) if on such date as aforesaid he has completed twenty years of such service as aforesaid, a sum equal to three-and-a-half per cent. of his salary or wages;
 - (iii) the second proviso to section seven, subsection (3) of section' fifteen and subsection (4) of section sixteen of the Act of 1922 shall not apply;
 - (iv) subsection (1) of section eight of the Act of 1922 shall have effect as if the words " a designated post in " were omitted therefrom;
 - (v) where any such officer was, immediately before the appointed day, one of the holders of a joint appointment, then, if after he has attained the age of fifty years or completed twenty years' service he loses his office or employment by reason of the death, resignation, or insanity of the other holder thereof and is not re-appointed, he shall, in lieu of being entitled to a return of contributions under section ten of the Act of 1922, be entitled to a superannuation allowance under that Act, so, however, that this provision shall not apply where a joint appointment held by a husband and wife is terminated owing to misconduct of one of them;
 - (vi) the equal annual charge payable by the council to the superannuation fund under paragraph (e) of subsection (1) of section eighteen of the Act of 1922 shall be increased by such amount, if any, as may be certified by an actuary within the meaning of that Act to represent the additional burden imposed on the fund by the application of the Act of 1922 to such officers as aforesaid under this subsection:
- (b) in the case of officers transferred to the service of a council who have not, on or before the appointed day, adopted the Act of 1922 but who have on that date some other superannuation scheme, the council shall prepare and submit to the Minister an amending scheme for applying the superannuation scheme to those officers while in that service and for adequately protecting their rights and interests, and upon the amending scheme being approved by the Minister, with or without modifications, the superannuation scheme shall have effect as thereby amended.
- (3) For the purpose of the foregoing provisions of this section, the expression "superannuation scheme" includes any scheme for ensuring benefits to an officer on retirement.
- (4) Where any officer on his transfer by virtue of this Act to a council becomes an officer to whom the Asylum Officers' Superannuation Act, 1909, as extended by the Asylum and Certified Institutions (Officers Pensions) Act, 1918, applies, the foregoing provisions of this section shall not apply to him; but if he is an officer by whom the contributions required by the Act of 1896 have been made, any service before the appointed day which would have been treated as service for the purposes of the Act of 1896 shall be treated as service for the purposes of the Asylum Officers' Superannuation Act, 1909, as so extended, and for the purpose of the provisions of that Act relating to the return of contributions, contributions paid under the Act of 1896 shall be treated as having been paid under the Asylum Officers' Superannuation Act, 1909.
- (5) In the case of any officer transferred by virtue of this Act who has made the contributions required by the Act of 1896 and is a teacher who if he were

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serving in a public elementary school would be in contributory service under the Teachers'(Superannuation) Act, 1925 (in this section referred to as "the Act of 1925") the following provisions shall apply in lieu of the foregoing provisions of this section:

- (a) as from the appointed day the Act of 1896 shall cease to apply to the officer and the Act of 1925 shall apply to him as if he were a teacher in a public elementary school:
- (b) any service before the appointed day which would have been treated as service for the purposes of the Act of 1896 shall be treated as recognised or contributory service under the Act of 1925, and contributions paid under the Act of 1896 shall, for the purpose of the provisions of the Act of 1925 relating to the return of Contributions, be treated as having been paid under the Act of 1925:
- (c) when any allowance, gratuity, or balance of contributions becomes payable to or in respect of the officer under Part II of the Act of 1925 the council to whom he is transferred shall, either by means of a single payment or by means of such periodical payments as the Treasury may determine, pay to the Board of Education such sum as may be determined by the Treasury to represent, after taking into account any sum previously paid on account of that officer under this paragraph, the present value of such part of the sums payable or to become payable to or in respect of him under Part II of the Act of 1925 as is attributable to service which is treated as recognised or contributory service under the last foregoing paragraph:
- (d) all sums payable to the Board of Education under the last foregoing paragraph shall be recoverable by that Board:
- (e) so much of proviso (a) to subsection (1) of section two of the Act of 1925 as provides that no service in respect of which contributions are payable under the Act of 1896 shall be deemed to be contributory service for the purposes of the Act of 1925 shall cease to have effect as from the appointed day.

125 Superannuation of transferred road officers.

- (1) Where before the appointed day a district council from whom any road officer is transferred under this Part of this Act had, whether alone or in combination with any other local authority, adopted the Local Government and other Officers' Superannuation Act, 1922, (hereinafter in this section referred to as " the Act of 1922 ") and the officer held a post which on that date was a designated post under that Act, then—
- (a) if the county council to whom he is transferred have on or before the appointed day adopted the Act of 1922, that Act shall apply as if the post held by the transferred officer under the county council had on the appointed day been designated by the council as an established post for the purposes of the Act of 1922;
 - (b) if the county council to whom he is transferred have not on or before the appointed day adopted the Act of 1922, but have on that date any superannuation scheme or other scheme for ensuring benefits to an officer on retirement, the council shall prepare and submit to the Minister for his approval a scheme substituting in the case of that officer such superannuation scheme or other scheme as aforesaid for the provisions of the Act of 1922, and adequately protecting his rights and interests, and upon the scheme being

approved by the Minister with or without modifications the Act of 1922 shall cease to apply to that officer;

- (c) if the county council to whom he is transferred have on the appointed day no superannuation scheme or other scheme for ensuring benefits to an officer on retirement, whether under the Act of 1922 or otherwise, the Act of 1922 shall continue to apply to him as if the county council had on the appointed day adopted that Act and designated his post as an established post for the purposes of that Act:

Provided that it shall be lawful for the Minister by order to dispense with the necessity for the establishment by the council of a superannuation fund under the Act of 1922, and to make such consequential modifications of the Act of 1922 as may be necessary.

- (2) In any such case as aforesaid—
 - (a) the district council shall pay to the county council in respect of the officer such a transfer value as would have been payable if the transfer had been a transfer to which subsection (1) of section eight of the Act of 1922 applies ; and subsection (2) of section eleven of that Act (which provides that no return of contributions is to be made where a transfer value is paid) shall apply accordingly ;
 - (b) the equal annual charge payable by the district council to the superannuation fund under paragraph (e) of subsection (1) of section eighteen of the Act of 1922 shall be reduced by such amount (if any) as may be certified by an actuary within the meaning of that Act to represent the relief to the fund attributable to the post held by any such officer as aforesaid ceasing to be a designated post under the district council.

General.

126 Determination of questions as to transferred officers, & c.

If any question arises—

- (a) as to the transfer of any officer in consequence of the provisions of this Act;
- (b) as to the council to whom application by an officer is to be made for compensation under this Act;
- (c) as to the fund out of which compensation (if any) is to be paid, or the proportions in which any compensation awarded is payable by councils;

the Minister may, on the application of the officer or any council concerned, determine the question.

PART VIII

GENERAL.

127 Information to be given by poor law authorities and district councils to county councils.

- (1) It shall be the duty of every poor law authority to furnish, and to instruct their officers to furnish, any information in their power which may reasonably be required by the

council of any county or county borough for the purpose of enabling them to discharge the functions transferred to them under Part I. of this Act.

- (2) It shall be the duty of every district council to furnish, and to instruct their officers to furnish, any information in their power which may reasonably be required by the council of any county for the purpose of enabling them to discharge their functions under Parts III. and IV. of this Act.

128 Expenses, lending and borrowing.

- (1) Save as otherwise expressly provided by this Act or by any scheme made thereunder for the provision of hospital accommodation for the treatment of infectious disease, the expenses of the council of a county or county borough under this Act shall be defrayed—

- (a) in the case of a county council, as expenses for general county purposes;
- (b) in the case of a county borough council, in like manner as general expenses in the execution of the Public Health Acts, 1875 to 1926;

and the provisions of the Poor Law Act, 1927, limiting the time within which debts incurred by boards of guardians are to be paid shall not apply to county councils or county borough councils.

- (2) The council of any county or county borough in Wales or Monmouthshire may, with the consent of the Minister, lend to the King Edward the Seventh Welsh National Memorial Association any money required by that association for the purposes of capital expenditure which that association has power to borrow, subject to any conditions which the Minister may impose.
- (3) The council of a county or county borough may borrow for the purposes of this Act—
- (a) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any Other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by this Act;
 - (b) in the case of the council of a county borough, as for the purposes of the Public Health Acts, 1875 to 1926.

129 Provisions as to inquiries.

- (1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary for the purposes of this Act, and such inspectors shall for the purposes of any inquiry have all such powers as they have for the purposes of inquiries directed by him under the Poor Law Act, 1927.
- (2) The Minister of Transport may hold inquiries for the purposes of this Act, including appeals to him thereunder, as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.
- (3) The Secretary of State may hold inquiries for the purposes of the provisions of this Act relating to the review by county councils of electoral divisions as if those purposes were purposes of section fifty-four of the Local Government Act, 1888, and subsection (1) of section eighty-seven of that Act shall apply accordingly.
- (4) Where the Secretary of State or either such Minister causes any such inquiry as aforesaid to be held, the costs incurred by him in relation to that inquiry (including such

reasonable sum not exceeding five guineas a day as he may determine for the services of any inspector or officer engaged in the inquiry) shall be paid by such council or person as the Secretary of State or Minister concerned may direct, and the Secretary of State or Minister concerned may certify the amount of the costs so incurred and any amount so certified and directed by him to be paid by any council or person shall be a debt due to the Crown from that council or person.

130 Power to remove difficulties.

- (1) If any difficulty arises in connection with the application of this Act to any exceptional area, or in bringing into operation any of the provisions of this Act, the Minister may make such order for removing the difficulty as he may judge to be necessary for that purpose, and any such order may modify the provisions of this Act so far as may appear to the Minister necessary for carrying the order into effect:

Provided that the Minister shall not exercise the powers conferred by this section after the thirty-first day of December, nineteen hundred and thirty.

- (2) Every order made under this section shall come into operation upon the date specified therein in that behalf, but shall be laid before Parliament as soon as may be after it is made and shall cease to have effect upon the expiration of a period of three months from the date upon which it came into operation, unless at some time before the expiration of that period it has been approved by a resolution passed by each House of Parliament:

Provided that, in reckoning any such period of three months as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

- (3) In this section the expression " exceptional area " includes any poor law area which is not wholly comprised within one county or county borough, any district which is not wholly comprised within one county, or which is administered by the council of an adjoining district in another county, any parish which is not wholly comprised within one county, county borough or district, or which is not within the same district for municipal and sanitary purposes, and any area which enjoys or is subject to any special privilege, exemption or liability in respect of rating or valuation.

131 Provisions as to orders, schemes, and regulations.

- (1) Any order or scheme made under this Act may contain such incidental, consequential or supplemental provisions as may appear necessary or proper for the purposes of the order or scheme.
- (2) Except as otherwise expressly provided by this Act, any order or scheme made under this Act may be altered or revoked by an order or scheme made in like manner and subject to the like provisions as the original order or scheme:

Provided that—

- (a) any scheme in operation under Part VI of this Act during any fixed grant period may be altered or revoked by a subsequent scheme made at any time before the end of that period; and
- (b) if, on the failure of a council to submit a scheme within the time allowed by this Act, a scheme has been made by the Minister, or a scheme has been made by the Registrar-General and approved by the Minister, the scheme so made

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may be altered or revoked by a scheme made in like manner as the original scheme or by a scheme submitted by the council in question and approved by the Minister.

- (3) Where any order (other than an order made under the last foregoing section or under Part IV of this Act) or any regulations are by this Act required to be laid before Parliament, the order or regulations shall be laid on the Table of both Houses of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such order or regulation has been laid before it praying that the order or regulation may be annulled, the order or regulation shall be annulled and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order or regulation.

132 Transitory provisions and adaptation of enactments.

- (1) The provisions set out in the Ninth Schedule to this Act (which relate to transitional and temporary matters) shall have effect for the purposes of this Act.
- (2) The enactments mentioned in the Tenth Schedule to this Act shall have effect subject to the adaptations specified in that Schedule and the said adaptations shall, save as in that Schedule otherwise expressly provided, come into operation as from the appointed day.

133 Special temporary provisions for adjustment of reduced and unreduced rateable value.

Where a valuation list in force on the first day of October, nineteen hundred and twenty-nine, is amended with respect to any hereditament on the ground that it was or was not on that date an agricultural, industrial, or freight transport hereditament, then, whether or not the amendment has under this Act retrospective effect for other purposes, the reduced and unreduced rateable value of the hereditament shall, if—

- (a) in the county of London the provisional list by which the amendment was made was sent to the assessment committee before the first day of October, nineteen hundred and thirty, or sent to them in compliance with a requisition served on the rating authority before that date; or
- (b) elsewhere, the proposal for the amendment was served on the rating authority or, as the case may be, notified to the occupier or owner of the hereditament before the first day of October, nineteen hundred and thirty;

be ascertained for the purposes of all the provisions of this Act, except section one hundred and twelve thereof, as if the amendment had been made immediately before the first day of October, nineteen hundred and twenty-nine.

134 Definitions.

In this Act unless the context otherwise requires—

" Appointed day " means the first day of April, nineteen hundred and thirty, except that for the purposes of Part V of this Act it means the first day of October, nineteen hundred and twenty-nine:

" Appropriate percentage " means as respects the first and second fixed grant periods seventy-five per cent., as respects the third fixed grant period fifty per cent., and as respects the fourth fixed grant period twenty-five per cent.:

"Appropriate year" means as respects the first fixed grant period the standard year, and as respects any subsequent fixed grant period the last year of the preceding fixed grant period :

" Certified " means—

in relation to roads or road grants, certified by the Minister of Transport :

in relation to the number of unemployed insured men or women, certified by the Minister of Labour: in relation to any other matter, certified by the Minister of Health or such district auditor or officer of the Ministry of Health as he may appoint for the purpose :

" Classified road " means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class I or Class II, or in any class declared by him to be not inferior to those classes for the purposes of this Act:

" County " means an administrative county, but does not include a county borough:

" County bridge " includes any bridge which a county council are liable to repair, except a bridge which they are liable to repair only by reason of the facts that the bridge is repairable by the inhabitants at large and that the road carried by the bridge is, for the time being, a county road:

" County of London " means the administrative County of London:

" District " means county district, that is to say, a non-county borough or other urban district or a rural district:

" Drainage rate " means any rate which is assessed under any commission of sewers or in respect of any drainage, wall, embankment or other work for the benefit of the land:

" Enactment " includes any public general, local or private Act and any rule, regulation, byelaw order, or award made under any Act:

" Estimated population " and " estimated number " of children under five years of age per thousand " of the estimated population " mean in relation to any year, the population or number as estimated by the Registrar-General for the calendar year in which the year in question begins:

" Functions " includes powers and duties:

" Gross annual value for income tax purposes " means the annual value for the time being in force for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment:

" Local Act " includes a Provisional Order confirmed by Act of Parliament:

" Losses on account of grants " means such losses calculated in accordance with the rules set out in Part II. of the Fourth Schedule to this Act:

" Losses on account of rates " means such losses calculated in accordance with the rules set out in Part I. of the Fourth Schedule to this Act:

" Minister " means the Minister of Health:

" Net annual value for income tax purposes " means the gross annual value for income tax purposes as reduced for the purpose of collection in accordance with the provisions of Rule 7 of No. V. of Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment:

" Officer " includes servant:

" Parish rate " means a rate or an additional item of a rate levied to defray the expenses of a parish council or parish meeting other than expenses defrayed out of a special rate, and also includes any additional item of the general rate

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which by virtue of section three of the Rating and Valuation Act, 1925, is to be levied in lieu of a special rate :

" Poor law authority " means a board of guardians, the board of management of a school district, an asylum board, and a joint committee constituted under section three of the Poor Law Act, 1927, or the corresponding provision of any Act repealed by that Act:

" Poor law area " means, in relation to a board of guardians, the poor 'law union, in relation to the board of management of a school district, the school district, in relation to an asylum board, the asylum district, and in relation to a joint committee, the combination of poor law unions for which the joint committee acts:

" Prescribed " means, save as otherwise expressly provided in Part II of this Act, prescribed by regulations made by the Minister under this Act:

" Property " and " liabilities " have the same meanings as in the Local Government Act, 1888 :

" Public health services " includes services relating to maternity and child welfare, lunacy and mental deficiency, and the welfare of the blind:

" Rate " has the same meaning as in the Rating and Valuation Act, 1925:

" Rating area " has the same meaning as in the Rating and Valuation Act, 1925:

" Reduced rateable value " means, subject to the provisions of the last foregoing section, in relation to any hereditament, the rateable value thereof according to the valuation lists in force on the first day of October, nineteen hundred and twenty-nine, and in relation to any area the aggregate of such rateable values of all the hereditaments in the area:

" Registration Acts " means the Births and Deaths Registration Acts, 1836 to 1926, and the Marriage Acts, 1811 to 1898 :

" Registration officer " means, for the purposes of Part II and Part VII of this Act, any superintendent registrar and registrar of births and deaths :

" Road " means a highway repairable by the inhabitants at large, and, save as in this Act otherwise expressly provided, includes any bridge so repairable carrying the road, and " improvement " in relation to a road includes the fixing of a building line or improvement line under any enactment:

" Road officer " means an officer employed as the road surveyor of a highway authority or employed under the control of such a surveyor in the surveying, making, maintenance or repair of roads:

" Separately rated area " means any parish, part of a parish or place which is either a contributory place or an area otherwise subject to separate or differential rating (other than differential rating which is not of a permanent character), or as respects any county borough or any district in which there is no such parish or part of a parish or place, means the county borough or the district, as the case may be:

" Sinking fund " includes any fund for the redemption of debt:

" Special rate " means a special rate as defined in section three of the Rating and Valuation Act, 1925:

" Spending authority " means the council of a county, county borough or district, the common council of the City of London, the council of a metropolitan borough, or a board of guardians:

" Standard year " means the year beginning on the first day of April, nineteen hundred and twenty-eight, and ending on the thirty-first day of March, nineteen hundred and twenty-nine:

" Transferred officer " means an officer who by virtue of this Act is in respect of any office transferred from one authority to another :

" Transferred services " means the services in respect of which functions are transferred to councils by Parts I and III of this Act:

" Unemployed insured men " and " unemployed insured women " mean, respectively, men and women of or over the age of eighteen years being insured contributors under the Unemployment Insurance Acts, 1920 to 1928, who are for the time being recorded as being unemployed for the purpose of the returns of unemployment made by the Minister of Labour :

" Unreduced rateable value " means, subject to the provisions of the last foregoing section, in relation to any hereditament what would have been the rateable value thereof on the first day of October, nineteen hundred and twenty-nine, if that rateable value had been calculated in accordance with the enactments which were in force immediately before the commencement of this Act, but on the assumption that the net annual value of the hereditament was the net annual value thereof as on the said first day of October; and in relation to any area the aggregate of such rateable values of all the hereditaments in the area:

" Water-rate " means any rate or other charge payable by consumers for the supply of water:

" Weighted population " means in relation to any county or county borough, the weighted population calculated in accordance with the rules set out in Part III. of the Fourth Schedule to this Act.

135 Declaration of intention as to future increases of local expenditure.

It is hereby declared that it is the intention of this Act that, in the event of material additional expenditure being imposed on any class of local authorities by reason of the institution of a new public health or other service after the commencement of this Act, provision should be made for increased contributions out of moneys provided by Parliament.

136 Transmission of benefit of rate-relief in respect of freight transport hereditaments.

- (1) Whereas it is intended that occupiers of freight transport hereditaments, lands and heritages should allow rebates from, or make reductions in, the charges made by them in connection with the user of such hereditaments, lands and heritages for transport purposes, corresponding to the relief from rates due to the operation of Part V of this Act and of any corresponding enactment extending to Scotland:

Now, therefore—

- (a) the provisions set out in the Eleventh Schedule to this Act shall have effect for the purpose of securing that such rebates as aforesaid are allowed in respect of certain selected traffics by the companies to which that Schedule applies; and
- (b) the power of the Minister of Transport under any enactment, whether passed before or after the commencement of this Act, to revise the rates of the charges made by any person in connection with any canal or dock undertaking shall

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be deemed to include power to make provision for the allowance of rebates from, or the making of reductions in, such charges corresponding as nearly as may be to the relief from rates due to the operation of Part V of this Act and of any such corresponding enactment as aforesaid in respect of any freight transport hereditaments, lands and heritages occupied and used for canal transport purposes or dock purposes as part of that undertaking.

- (2) In this section the expressions " freight transport hereditaments, lands and heritages, " " transport purposes, " " canal undertaking, " " dock undertaking, " " canal transport purposes " and " dock purposes " have the same meanings as in the Rating and Valuation (Apportionment) Act, 1928.
- (3) This section and the said Eleventh Schedule shall extend to Great Britain.

137 Repeals.

The enactments mentioned in the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, the repeals effected by each of the several Parts of that Schedule being consequential on the provisions of the corresponding Part of this Act:

Provided that the repeal of the enactments mentioned in Parts I, III, V, VI, and VII of that Schedule shall not take effect until the date fixed as the appointed day for the corresponding Part of this Act.

138 Short title and extent.

- (1) This Act may be cited as the Local Government Act, 1929.
- (2) This Act shall not (except the provisions thereof relating to the cattle pleuro-pneumonia account and the transmission of the benefit of rate relief in respect of freight transport hereditaments) extend to Scotland, and shall not extend to Northern Ireland.
- (3) The Minister may by order direct that this Act shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the order, extend to the Isles of Scilly, but except as so applied this Act shall not extend to the said Isles.

The Minister may by any such order amend or repeal any provisions contained in the order relating to the Isles of Scilly, which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 6) Act, 1890.

- (4) The Minister may by order direct that the provisions of Part III of this Act and such other provisions of this Act as relate to the property, liabilities, and officers of highway authorities shall, subject to such exceptions, adaptations, and modifications, if any, as may be specified in the order, extend to the administrative county of the Isle of Wight, and any such order may amend or repeal any provision contained in the Isle of Wight (Highways) Act, 1925; but, except as so applied, the said provisions of this Act shall not extend to the said county.

SCHEDULES.

FIRST SCHEDULE

Sections 30, 31, 36.

Sections 30, 36.

PART I

FUNCTIONS EXERCISABLE IN RURAL DISTRICTS EXCLUSIVELY BY COUNTY COUNCILS.

Enactment conferring powers.	Modification.
The Public Health Act, 1875 (38 & 39 Vict. c. 55) :	
s. 146	As if the words " with the consent of two-thirds of their " number " were omitted therefrom.
s. 147	As if the words " with the consent of two-thirds of their " number " were omitted therefrom.
s. 148	As if the following words were omitted therefrom, that is to say, the words " or with the " surveyor of any county " bridge," the words " or of " any road over any county " bridge and the approaches " thereto," and the words " or surveyor."
s. 154	As if the word " street" included county roads and county bridges, and as if the words "with the sanction of the " Local Government Board " were omitted therefrom.
s. 176	So far as required for highway purposes and the purposes of s. 154.
The Private Street Works Act, 1892 (55 & 56 Vict. c. 57) :	
The whole Act	The county surveyor when preparing his specification of private street works under section 6 (2) shall, if and so far as the works include sewers, consult the rural district council.
The Local Government Act, 1894 (56 & 57 Vict. c. 73) :	
s. 25 (2)	

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Enactment conferring powers.	Modification.
The Public Health Acts Amendment Act, 1907 (7 Edw. 7. c. 63):	
s.18	
s. 19	
s. 20	
s. 29	
The Public Health Act, 1925 (16 & 16 Geo. 6. c. 71):	
s. 21	
s. 22	
s. 25	
s. 27	
s.28	
s. 30	As if the references therein to " their byelaws" and " the bye-" laws of the local authority " were references to the byelaws of the rural district council.
s. 31	Not to affect the application for the approval of plans being made to the rural district council, who within seven days of the receipt of the application must notify the county council. The county council to have power to authorise the county surveyor to exercise on their behalf their powers under the section.
s. 32	
s. 35	

Section 30.

PART II

FUNCTIONS EXERCISABLE IN RURAL DISTRICTS BY COUNTY COUNCILS
AND BY DISTRICT COUNCILS WITH THE CONSENT OF THE COUNTY COUNCIL.

The Public Health Acts Amendment Act,
1890 (53 & 54 Vict. c. 59):

s. 39

s. 40

s. 43

The Public Health Acts Amendment Act,
1907 (7 Edw. 7. c. 53):

s. 47

Sections 31, 36.

PART III

FUNCTIONS EXERCISABLE IN URBAN DISTRICTS AS RESPECTS COUNTY ROADS EXCLUSIVELY BY COUNTY COUNCILS.

Enactment conferring powers.	Modification.
The Public Health Act, 1875 (38 & 39 Vict. c. 66):	
s. 146	As, if the words "with the " consent of two-thirds of " their number " were omitted therefrom.
s. 147	As if the words "with the " consent of two-thirds of " their number " were omitted therefrom.
s. 154	As if the word " street" included county roads and county bridges, and as if the words " with the sanction of the " Local Government Board " were omitted therefrom.
s. 176	So far as is required for highway purposes and the purposes of section 154.
The Public Health Acts Amendment Act, 1907 (7 Edw. 7. c. 53):	
s. 18	
s. 20	
s. 29	
The Public Health Act, 1925 (15 & 16 Geo. 5. c. 71):	
s. 25	
s. 27	

Section 31.

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PART IV

FUNCTIONS EXERCISABLE IN URBAN DISTRICTS AS RESPECTS
 COUNTY ROADS BY COUNTY COUNCILS AND BY DISTRICT COUNCILS.

The Public Health Act 1925, (15 & 16 Geo.
 5. c. 71.)

s. 21

s. 22

Section 31.

PART V

FUNCTIONS EXERCISABLE IN URBAN DISTRICTS AS RESPECTS COUNTY ROADS BY COUNTY
 COUNCILS AND BY DISTRICT COUNCILS WITH THE CONSENT OF THE COUNTY COUNCIL.

Enactment conferring powers.

Modification.

The Public Health Acts Amendment Act,
 1890 (53 & 54 Vict. c. 59):

s. 39

s.40

s. 43

The Public Health Acts Amendment Act,
 1907 (7 Edw. 7. c. 53):

s. 47

Note.

A county council shall be entitled to exercise any functions under the enactments mentioned in this Schedule without the necessity of any resolution of adoption, or of any order or declaration of any Government Department; but, subject to the modifications contained in this Schedule, shall exercise the functions subject to the like right of appeal and other conditions as apply in the case of a district council.

The modifications of enactments contained in this Schedule shall not apply to district councils (except where a district council is in pursuance of Part III of this Act exercising the functions of a county council as agents for that council).

SECOND SCHEDULE

Section 85.

DISCONTINUED GRANTS.

- 1 The grants payable out of the Consolidated Fund or the growing produce thereof into the Local Taxation Account.

- 2 The grants in aid of certain health services, that is to say, grants for maternity and child welfare, other than the training of midwives and health visitors, grants for the treatment of tuberculosis, grants for the treatment of venereal diseases, grants for the welfare of the blind, and grants in respect of mental defectives.
- 3 Road grants, that is to say, grants made as classification grants in respect of roads and bridges classified by the Minister of Transport as roads and bridges of Class I. or Class II. in London and county boroughs, and as grants for the maintenance of unclassified roads in counties.

THIRD SCHEDULE

Section 85.

PROVISIONS AS TO CERTAIN PAYMENTS WHICH BEFORE THE APPOINTED DAY WERE PAYABLE OUT OF LOCAL TAXATION ACCOUNTS OR OUT OF MONEY WHICH WOULD HAVE BEEN PAYABLE TO THOSE ACCOUNTS OR WHICH WERE PAYMENTS REQUIRED TO BE CHARGED TO EXCHEQUER CONTRIBUTION ACCOUNTS.

Payments to Cattle Pleuro-Pneumonia Account.

- 1 (1) If in any financial year the money standing to the credit of the Cattle Pleuro-Pneumonia Account of Great Britain is insufficient to defray the costs and expenses of the Diseases of Animals Acts, 1874 to 1927, made payable out of that account, an amount equal to the deficiency shall be paid out of moneys provided by Parliament and carried to that account; and accordingly so much of section eighteen of the Diseases of Animals Act, 1894, as limits the amount payable into that account out of moneys provided by Parliament and the proviso to subsection (1) of that section shall cease to have effect.
- (2) The Treasury may at any time within any financial year temporarily advance to the said account out of the Consolidated Fund or the growing produce thereof such sums as may from time to time be required for the purpose of making any payments properly falling to be made out of that account, but any sums so advanced shall be repaid out of moneys provided by Parliament before the end of the said year.

Payments in respect of Rates on certain Tithe Rentcharges and Payments in lieu of Tithe.

- 2 The Commissioners of Church Temporalities in Wales as respects any tithe rentcharge or any payment in lieu of tithe which is vested in them under the Welsh Church Acts, 1914 and 1919, and as respects which they were at the appointed day liable to pay one-half only of any rate or part of a rate, and the owner for the time being of any tithe rentcharge or payment in lieu of tithe as respects which the owner was at the appointed day liable to pay one-half only of any rate or part of a rate, shall continue to be liable to pay only one-half of the amount of any such rate or part of a rate which is assessed on them or him as owners or owner of any such tithe rentcharge or payment in lieu of tithe, and the remaining one-half shall on demand being made by the collector of the rate on the surveyor of taxes for the district, be paid by the Commissioners of Inland Revenue, and the sums so payable by the Commissioners shall be charged on and issued out of the Consolidated Fund or the growing produce thereof instead of being paid out of the sums which would have been payable to the Local Taxation Account.

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Payments towards salaries of Medical, Officers of Health, die.

- 3 Every county council and county borough council shall continue to make the like payments as they were, before the appointed day, required to make under paragraph (c) of subsection (2) of section twenty-four of the Local Government Act, 1888; that is to say, they shall pay to every local authority for any area wholly or partly in the county or county borough by whom a medical officer of health or sanitary inspector is paid one-half of the salary of that officer, where his qualification, appointment, salary, and tenure of office are in accordance with the regulations made by order under the Public Health Act, 1875, or the Public Health (London) Act, 1891; but if the Minister certifies to the council that any such medical officer has failed to send to the Minister such report and returns as are for the time being required by the regulations respecting his duties made by order of the Minister under either such Act as aforesaid, or if the local authority have failed to comply with the provisions of the Public Health (Officers) Act, 1921, the said sum equal to one half of the salary shall be forfeited to the Crown and shall be paid to the Exchequer and not to the said local authority :

Provided that, where the area of any such local authority is not wholly comprised in one county or county borough, a certified proportionate part only of the sum otherwise payable shall be paid by the council of each such county or county borough.

Payments to Public Vaccinators.

- 4 (1) Every county council and county borough council shall continue to make to public vaccinators the like payments as they were, before the appointed day, required to make to them under paragraph (a) of subsection (2) of section twenty-four of the Local Government Act, 1888; that is to say, they shall pay to every public vaccinator for a vaccination district wholly or partly in the county or county borough, such sums as the Minister may from time to time certify to be due from the council in substitution for the payments to public vaccinators under section five of the Vaccination Act, 1867:

Provided that, where a vaccination district is not wholly comprised in one county or county borough, a certified proportionate part only of the sum otherwise payable shall be payable by the council of each such county or county borough to the public vaccinator.

- (2) The Minister shall fix the amount due on the like principles and may impose the like conditions for the payment thereof as before the passing of the Local Government Act, 1888.
- (3) The Minister may, if he thinks fit vary a certificate granted for the purposes of this paragraph, but unless so varied it shall be conclusive.

PART I*Rules for determining Losses on account of Rates.*

- 1 There shall be estimated and certified as respects each rating area—
- (a) the expenditure in respect of the standard year which would have fallen to be borne by rates levied in that area on the following assumptions :—
 - (i) that, elsewhere than in the County of London, section nine of the Rating and Valuation Act, 1925, and not paragraph 10 of the Seventh Schedule to that Act, had been in operation with respect to precepts issued by county councils; and
 - (ii) that the expenditure on the transferred services had been expenditure by a county council or a county borough council, and, in the case of a county, had been expenditure for general county purposes; and
 - (iii) that, in the case of the County of London, the London (Equalisation of Rates) Act, 1894, had not been in force in the standard year;
 - (b) the unreduced rateable value of the area ;
 - (c) the reduced rateable value of the area ;
 - (d) the difference between the unreduced rateable value and the reduced rateable value of the area; which difference increased by a percentage ascertained in the prescribed manner in respect of losses in the collection of rates is hereinafter referred to as " the loss of rateable value."
- 2 In estimating and certifying the expenditure on the transferred services by a county or county borough council for the purposes of the foregoing rule in any case where the area of a highway authority or poor law authority is not wholly comprised in one county or county borough, the expenditure of the authority shall be apportioned between the several counties and county boroughs into which the area extends, and the amount apportioned to any such county or county borough shall be deemed to be expenditure by the council of that county or county borough on the transferred services.
- 3 The loss on account of rates of a rating area shall be a sum bearing the same proportion to expenditure which would have fallen to be borne by rates as aforesaid as the loss of rateable value of the area bears to the unreduced rateable value thereof, and where a rating area comprises any separately rated area, the loss on account of rates in respect of the expenditure in regard to which the area is separately rated shall be separately determined in accordance with the rules contained in this Part of this Schedule.
- 4 The loss on account of rates of a county shall be the aggregate of the losses on account of rates of the several separate rating areas within the county, and where a rating area is partly in one and partly in another county, the part in each county shall be treated as if it were a separate rating area.
- 5 For the purpose of determining the loss on account of a special rate, the foregoing rules shall have effect as if—
- (a) the expression " rates " meant such special rate:
 - (b) the expression " separately rated area " meant the area in which such special rate is levied;

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- (c) the reduced and unreduced rateable value of any hereditament to which subsection (2) of section three of the Rating and Valuation Act, 1925, applies, were one-fourth part thereof;

and the loss on account of the special rates of a district shall be the aggregate of the losses on account of special rates of the areas in which special rates are levied within the district.

- 6 For the purpose of determining the loss on account of a parish rate, the foregoing rules shall have effect as if the expression " rates " meant such parish rate, and the expression " separately rated area " meant the parish or the part of a parish in which such parish rate is levied; and the loss on account of parish rates of a district shall be the aggregate of the losses on account of parish rates of the parishes or parts of parishes in which parish rates are levied within the district.
- 7 The loss on account of rates of the common council of the City of London and of a metropolitan borough council shall be determined in accordance with the foregoing rules, subject to the following modifications :—
- (a) the expenditure to be estimated and certified shall be the expenditure of the council in respect of the standard year falling to be borne by rates;
- (b) the loss of the council on account of rates shall be the aggregate of the losses on account of rates levied in respect of the expenditure of the council in the several separately rated areas within the city or metropolitan borough.

Section 134.

PART II

Rules for Determining Losses on Account of Chants.

- 1 There shall be estimated and certified the amounts paid or payable in respect of the standard year to spending authorities within each county and county borough out of the discontinued grants, after deducting therefrom a sum equal to such part of the amounts paid or payable in respect of the standard year out of the Local Taxation Account or out of the proceeds of duties on local taxation licences levied and retained by the council of the county or county borough as was in pursuance of any statutory requirement applicable for the purposes of higher education or police services within the county or county borough :

Provided that—

- (a) for the purposes of this rule, no part of the annual or additional annual grant made under the Agricultural Rates Acts, 1896 and 1923, shall be deemed to have been so applicable as aforesaid; and
- (b) any financial adjustment between spending authorities in force with respect to the standard year, which affected the allocation of the amounts paid or payable to such authorities out of the discontinued grants, shall be taken into account in estimating the said amounts.
- 2 The amounts aforesaid shall be estimated and certified as if road grants had been made in respect of the standard year at the rates at which they were payable immediately before the appointed day.
- 3 In estimating and certifying the amounts aforesaid, in any case where the area for which a spending authority acts is not wholly comprised in one county or county borough, the amount paid or payable to the spending authority out of the

discontinued grants shall be apportioned between the several counties and county boroughs into which the area extends, and the amount apportioned to any county or county borough shall be deemed to be an amount paid or payable to a spending authority within that county or county borough.

- 4 The loss on account of grants of a spending authority shall be the amounts so estimated and certified as respects that authority, and the loss on account of grants of a county or county borough shall be the aggregate of the losses on account of grants of the spending authorities within the county or county borough.
- 5 For the purpose of the rules contained in this Part of this Schedule—
- (a) the expression spending authorities shall include voluntary associations and joint authorities (including the receiver for the metropolitan police district) to which grants were paid or payable in respect of the standard year; and
 - (b) any grants paid or payable in respect of the standard year to the King Edward the Seventh Welsh National Memorial Association for the purposes of sanatoria or other institutions for the treatment of tuberculosis shall be treated as if they had been included among the amounts paid or payable out of the discontinued grants; and
 - (c) the area for which a voluntary association acts shall be determined by the Minister.
- 6 As respects the County of London—
- (a) the Minister may by order determine the extent to which grants to voluntary associations in respect of maternity and child welfare services carried on by them are to be apportioned as if they had been grants to the London County Council, on the one hand, and to the common council and the metropolitan borough councils on the other hand;
 - (b) the loss on account of grants of the common council or of a metropolitan borough council shall be the loss on account of grants of the council as a spending authority, together with the loss of such part, if any, of the grants to voluntary associations as may be apportioned to the council under the last foregoing paragraph and the appropriate proportion of the loss on account of grants of the receiver for the metropolitan police district.

Sections 90, 98, 110, 134.

PART III

Rules for determining Weighted Population.

- 1 The estimated population of the county or county borough in the appropriate year shall be increased—
- (i) if the estimated number of children under five years of age per thousand of the estimated population exceeds fifty, by the percentage represented by the proportion which that excess bears to fifty;
 - (ii) if, according to the valuation lists in force on the appropriate date, the rateable value per head of the estimated population of the county or county borough is less than ten pounds, by the percentage represented by the proportion which the deficiency bears to ten pounds.
- 2 There shall be estimated and certified the average numbers during the three calendar years immediately preceding the beginning of each fixed grant period

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of unemployed insured men and of unemployed insured women resident in each county and county borough, and there shall be ascertained the percentage represented by the proportion which the number of unemployed insured men increased by ten per cent. of the number of unemployed insured women bears to the average estimated population of the county or county borough for those three years, and if as respects any county or county borough that percentage exceeds one-and-a-half, the estimated population of the county or county borough in the appropriate year as increased in accordance with Rule 1 contained in this Part of this Schedule shall be further increased by a percentage equal to the amount of such excess multiplied by the appropriate multiple.

3 There shall be ascertained and certified the number of miles of road in every county other than the county of London, and the estimated population of every such county as increased in accordance with Rule 1 contained in this Part of this Schedule shall be further increased—

- (a) in the case of a county in which the estimated population per mile of roads is in the appropriate year less than one hundred, by the percentage represented by the proportion which the difference between two hundred and the estimated population per mile of roads bears to two hundred; and
- (b) in the case of a county in which the estimated population per mile of roads is in the appropriate year one hundred or more, by the percentage represented by the proportion which fifty bears to the estimated population per mile of roads.

4 The estimated population of the county or county borough as increased in accordance with the provisions of the foregoing rules contained in this Part of this Schedule shall be the weighted population of the county or county borough.

5 For the purposes of this Part of this Schedule:—

" The appropriate date " shall, as respects the first fixed grant period, be the first day of October nineteen hundred and twenty-nine, and as respects every other fixed grant period, the first, or in London the sixth, day of April in the last year of the preceding fixed grant period:

" The appropriate multiple " shall, as respects the first and second fixed grant periods, be ten, and as respects any subsequent fixed grant period be a number ascertained in the following manner:—

- (i) the ratio which the total amount of the General Exchequer Contribution in the fixed grant period in question bears to the part thereof distributed in that fixed grant period under paragraph (b) of subsection (1) of section eighty-eight of this Act shall be ascertained :
- (ii) the ratio which the total amount of the General Exchequer Contribution in the first fixed grant period bears to the part thereof distributed in that fixed grant period under the said paragraph shall be ascertained :
- (iii) the required number shall be such number as bears to ten the same proportion as the ratio ascertained under paragraph (i) of this rule bears to the ratio ascertained under paragraph (ii) thereof.

Sections 91, 110.

PART IV

Rules for calculating sums to be allocated to Districts on the basis of Population.

- 1 The number of pence produced by dividing one half of the total amount of the county apportionments (exclusive of any sums paid out of moneys provided by Parliament to make good a deficiency in any such apportionment) to counties other than London by the aggregate of the estimated populations of those counties in the appropriate year shall be ascertained to the nearest penny.
- 2 The amount to be allocated to an urban district shall be the number of pence ascertained under Rule 1 contained in this Part of this Schedule multiplied by the estimated population of the district in the appropriate year.
- 3 The amount to be allocated to a rural district shall be one-fifth of the number of pence ascertained under Rule 1 contained in this Part of this Schedule multiplied by the estimated population of the district in the appropriate year.

FIFTH SCHEDULE

Sections 94, 96, 97, 100, 109.

RULES FOR ASCERTAINING GAINS AND LOSSES OF AREAS.

- 1 There shall be estimated and certified as respects each separately rated area the rate in the pound required to raise an amount certified as being the amount of the expenditure for the standard year falling to be borne by rates (other than special and parish rates) in that area on the assumptions that the rateable values of all hereditaments were the unreduced rateable values thereof, and that the expenditure on the transferred services was incurred by the various spending authorities as existing before the transfer of those services.
- 2 There shall be estimated and certified the rate in the pound which would be required to raise an amount certified as being the amount of such part of the expenditure for the standard year as would have fallen to be borne by rates (other than special and parish rates) in that area on the following assumptions—
 - (a) that the rateable values of all hereditaments were the reduced rateable values thereof; and
 - (b) that the expenditure on the transferred services was expenditure by the county council or the county borough council and in the case of a county was expenditure for general county purposes; and
 - (c) that the standard year was a year falling within the first fixed grant period and that the provisions of Part VI. of this Act, other than sections ninety-four, ninety-six, ninety-seven and one hundred had been in operation.
- 3 In estimating and certifying the expenditure on the transferred services by a county council or county borough council in any case where the area for which a highway authority or poor law authority acts is not wholly comprised in one county or county borough, the expenditure of the authority shall be apportioned between the several counties and county boroughs into which the area extends, and the amount so apportioned to any such county or county borough shall be deemed to be expenditure by the council of that county or county borough on the transferred services.

- 4 The difference resulting from subtracting the rate under Rule 2 contained in this Schedule from the rate under Rule 1 contained therein shall be ascertained.
- 5 If as respects any area the difference is a plus quantity, the estimated proceeds of a rate equivalent to the difference levied on the reduced rateable value of the area shall be deemed to be the gain of the area.
- 6 If the difference is a minus quantity, the estimated proceeds of a rate equivalent to the difference levied on the reduced rateable value of the area shall be deemed to be the loss of the area.
- 7 For the purposes of these Rules, it shall be assumed that elsewhere than in the County of London section nine of the Rating and Valuation Act, 1925, and not paragraph 10 of the Seventh Schedule to that Act, was in operation with respect to precepts issued by county councils.

SIXTH SCHEDULE

Section 113.

ADJUSTMENTS AND APPORTIONMENTS OF POOR LAW PROPERTY AND LIABILITIES.

Adjustment in respect of Institutional Property and Liabilities.

- 1 Except where the councils of the counties and county boroughs into which a poor law area extends agree that no adjustment in respect of institutional property and liabilities is necessary, such adjustment shall, be made between the councils as they may agree or in default of agreement as the Minister may by order determine :
- Provided that for the purposes of any agreement or order made under this paragraph the certificate of an officer of the Commissioners of Inland Revenue of the value of any institutional property shall be conclusive, and the costs of the valuation upon a scale to be prescribed by the Treasury shall be payable to the Commissioners by the councils concerned and shall be treated as an institutional liability attaching to the property valued.

Apportionment of or Adjustment in respect of Non-Institutional Property and Liabilities.

- 2 (1) As soon as practicable after the appointed day the prescribed officer shall prepare in respect of each poor law area which was not wholly comprised within one county or county borough, and the district auditor for the audit district in which the poor law area was comprised shall certify to the councils of the counties or county boroughs into which the area extended, statement showing the value as at the appointed day of the non-institutional property and liabilities of the poor law authority, other than any right of recovery from any person of payments made or expenses incurred by the poor law authority by way of poor relief.
- (2) The certificate of the district auditor shall be final and conclusive:
- Provided that any such auditor may, if he thinks fit, give an interim or provisional certificate and may amend any final certificate given by him so far as appears to him necessary for the purpose of correcting any errors.
- 3 The property and liabilities of the poor law authority included in the said statement shall be apportioned on the basis of their values as at the appointed day between the several counties and county boroughs concerned in proportion to the reduced

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rateable values of the parts of the poor law area comprised in the several counties or county boroughs, or an adjustment in respect thereof on the like basis shall be made.

General.

- 4 (1) Any sum required to be paid from one council to another for the purpose of effecting an adjustment under this Schedule may be paid either by way of annual payments or by way of a single payment.
- (2) Any capital money paid to a council by way of apportionment or adjustment shall be treated as capital, and applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may be applied, and any other money so paid shall be credited to the county fund or general rate fund of the borough.
- 5 For the purpose of this Schedule—
- (a) " the prescribed officer " in relation to any poor law authority means the person who was immediately before the appointed day clerk to the authority or such other officer as may be designated for the purpose by the councils of the counties or county boroughs into which the poor law area extended, or failing agreement between those councils by the Minister; and
- (b) references to a poor law area shall in relation to any time after the appointed day be construed as references to the area which immediately before the appointed day constituted the poor law area.

SEVENTH SCHEDULE

Section 115.

PROVISIONS AS TO THE SALE, &O. OF PARISH PROPERTY.

- 1 The council, representative body or other persons in whom any parish property is vested may, with the approval of the Minister, and, where the property is held for the benefit of a rural parish, subject to the consent of the parish meeting of that parish, sell exchange let or otherwise dispose of the property :
- Provided that in the case of a letting for a term not exceeding one year neither the approval of the Minister nor the consent of the parish meeting shall be necessary.
- 2 Where parish property is sold, the proceeds of sale, after deducting reasonable expenses, shall be applied in such manner as may be directed by the Minister either in repayment of debt, or for any purpose to the permanent advantage of the parish which may be approved by the Minister.
- 3 Where parish property is exchanged, the land taken in exchange shall be conveyed to the council body or persons in whom the parish property was vested on the trusts on which the land given in exchange was held, and the rents and profits of the land taken in exchange shall be applied to the same purposes as those to which the rents and profits of the land given in exchange would have been applicable.
- 4 If the parish property is let, the rents and profits thereof shall be applied for the benefit of the parish.
- 5 The provisions of this Schedule shall extend to property in which two or more parishes are jointly interested subject to the necessary modifications, and in particular to this modification, that the proceeds of the sale of such property or

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the rents and profits arising from the letting thereof, shall be divisible between the parishes interested in the property in such proportions as the Minister may determine.

- 6 Where in pursuance of this Schedule parish property is sold, exchanged, let or otherwise disposed of by a council or representative body or other persons, no instrument relating to the transaction shall be charged or chargeable with any stamp duty.
- 7 This Schedule shall apply to land to which the Sale of Exhausted Parish Lands Act, 1876, applies in like manner as it applies to parish property, subject, however, to the provisions of that Act.

EIGHTH SCHEDULE

Section 123.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OR COMPENSATION TO OFFICERS.

- 1 For the purpose of determining whether compensation is payable to an officer and, if so, the amount of such compensation, regard shall be had to—
- (a) the conditions upon which his appointment was made;
 - (b) the nature of his office or employment;
 - (c) the duration of his service;
 - (d) any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance or in consequence of this Act;
 - (e) the emoluments which he might have acquired if he had not refused to accept any office offered by any council acting under this Act; and
 - (f) all the other circumstances of the case,
- and the compensation shall not exceed the amount which under the Acts and Rules relating to Her Majesty's Civil Service which were in operation on the thirteenth day of August, 1888, would have been payable to a person on abolition of office.
- 2 Every person who claims to be entitled to compensation shall deliver to the council a claim on account of the emoluments for which he claims compensation, setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the date on which the relinquishment of office or determination of appointment takes effect, or the direct pecuniary loss commences, as the case may be, distinguishing the offices in respect of which the emoluments have been received, and accompanied by a statutory declaration that the claim so delivered is a true statement according to the best of his knowledge, information and belief.
- 3 Every claim so delivered as aforesaid shall be submitted to the council, who shall forthwith take it into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision, and if a council fail to inform any claimant of their decision upon his claim within six months after it has been so delivered to them, the Minister may, on application made to him in that behalf by the claimant, direct the council to do so within such time, not being less than one month, as may be specified in the direction.
- 4 Any claimant, if so required by any member of the council, shall attend at a meeting of the council, or of any committee appointed by the council for the purpose, and answer upon oath, which any justice present may administer, all questions asked by any member of the council or committee touching the matters set forth in his

claim, and shall further produce all books, papers and documents in his possession or under his control relating to the claim.

- 5 In computing the service of any officer for the purpose of the award of compensation, the council shall take into account all the service of that officer after he attained the age of eighteen years under any local authority:

Provided that, where the officer held two or more offices and the claim to compensation is based on a loss of one or some only of those offices, account shall not be taken under this paragraph of service in an office which the officer continues to hold unless throughout the period of his service in that office he devoted the whole of his time to the duties of offices held by him under one or more local authorities.

- 6 If an appointment is determined by a council otherwise than at the expiration of a complete year of service of an officer, the portion then expired of that year shall be treated as a complete year where such portion exceeds six months, and shall be ignored where such portion does not exceed six months.

- 7 The compensation payable under this Act to an officer who immediately before the appointed day held two or more offices under any one or more local authorities and who devoted the whole of his time to the duties of such offices, shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

- 8 If any officer was temporarily absent from his employment during the late war whilst serving in His Majesty's forces, or the forces of the Allied or Associated Powers, either compulsorily or with the sanction or permission of the local authority, such period of temporary absence shall be reckoned as service under the authority in whose employment he was immediately before and after such temporary absence:

Provided that in the case of an officer who, after the armistice, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned.

- 9 The council to whom application for compensation is made may, in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person, or that the officer before his appointment had been employed as a deputy, assistant or clerk by a permanent officer for the purpose of the discharge of his official duties, add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

- 10 The compensation shall not exceed two-thirds of the annual pecuniary loss suffered by virtue of this Act, or of anything done in pursuance or in consequence of this Act, or if the compensation is payable otherwise than by way of an annual sum, the capital value of such annual sum as might have been awarded.

- 11 No service of which account has been taken in assessing the compensation payable under this Act to an officer in respect of the determination or relinquishment of any appointment held by him shall, in the event of his accepting any other office after the commencement of this Act, be reckoned for the purpose of computing any sum payable in respect of that office under any superannuation scheme or other scheme for ensuring benefits to an officer on retirement whether under any enactment or otherwise.

- 12 The sum payable as compensation to any person in pursuance of this Schedule shall commence to be payable at the date fixed by the council on granting the compensation, or, in case of appeal, by the Minister, and shall be a specialty debt due to him from the council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the sum.
- 13 If a claimant is aggrieved by the failure of the council to inform him of their decision upon his claim within the time required by any directions of the Minister or by the refusal of the council to grant any compensation, or by the amount of compensation assessed, the claimant may, within three months after the failure, or after the date on which he receives notice of the decision of the council, as the case may be, appeal to the Minister, who shall consider the case and determine whether any compensation, and if so, what amount ought to be granted to the claimant, and his determination shall be final.
- 14 If a person receiving compensation under this Schedule is appointed to any office under the Crown or any local or other public authority, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of the emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds that office.
- 15 All expenses incurred by a council in connection with payment of compensation to any officer shall be payable as part of the general expenses of the council, and if any compensation is payable otherwise than by way of an annual sum, the payment of the compensation shall be a purpose for which the council may borrow, subject to the consent of the Minister, and upon such terms as he may authorise.
- 16 For the purposes of this Schedule—
- (a) the expression " emoluments " includes fees and salaries; and
 - (b) the office of a registration officer or registrar of marriages shall be deemed to be an office held under a local authority; and
 - (c) the office of a teacher in a public elementary school maintained but not provided by a local education authority, shall be deemed to be an office under the authority; and
 - (d) the expression " local authority " means any local authority as defined in section three of the Local Government and other Officers' Superannuation Act, 1922.

NINTH SCHEDULE

Section 132.

PART I

TRANSITIONAL PROVISIONS.

Transfer of Property.

- 1 Where any property is transferred by or in pursuance of Part VII. of this Act from one authority to another authority or body—
- (a) the property shall, except as otherwise expressly provided, be held by the authority or body to whom it is transferred subject to all debts and liabilities affecting the property;
 - (b) the latter authority or body shall hold the property for the estate, interest, and purposes, and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not been passed, so far as they are not modified by or in pursuance of Part VII. of this Act;
 - (c) if and so far as the property consists of stock, the provisions of the Local Government (Stock Transfer) Act, 1895, shall apply for the purposes of any such transfer in like manner as if the transfer had been made by virtue of the Local Government Act, 1894, with this modification, that for the reference to a certificate of the clerk of the county council there shall be substituted a reference to a certificate of the Minister.

Provisions as to existing Guardians and Rural District Councillors.

- 2 (1) No election of guardians shall be held after the commencement of this Act and the term of office of guardians representing any area in a county borough or urban district or in the county of London and holding office at the commencement of this Act shall continue to the appointed day, and any casual vacancy occurring amongst those guardians may be filled by election by the board of guardians.
- (2) Nothing in this Act shall affect the qualification of any person elected or nominated for election before the appointed day as a rural district councillor during the term of office for which he was so elected or nominated.

Settlement and Irremovability.

- 3 (1) Every person who at the appointed day has, or is in the course of acquiring, a settlement in any parish by reason of residence, birth or other qualification therein, shall be deemed to have or to be in the course of acquiring a settlement in the county or county borough in which the parish is comprised.
- (2) Every person who at the appointed day has, or is in the course of acquiring, a status of irremovability from a poor law union, shall be deemed to have or to be in the course of acquiring a status of irremovability from the county or county borough in which the poor law union is comprised, or if the poor law union is not wholly comprised within one county or county borough, from the county or county borough in which is comprised the part of the poor law union by reason of residence wherein the status of irremovability was, or was in the course of being, acquired.

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- (3) For the purposes of sub-paragraph (2) of this paragraph, consecutive periods of residence in two or more places within any poor law union which is not wholly comprised within one county or county borough shall be aggregated and reckoned as continuous residence in that part of the poor law union in which the person so resided immediately before the appointed day.

Outstanding Precepts and Audit of Accounts.

- 4 (1) All precepts for contributions issued before the appointed day and not discharged before that day shall be payable to the appropriate council by the rating authority.
- (2) The accounts of all receipts and expenditure before the appointed day shall be audited, and disallowances, surcharges, and penalties recovered and enforced, and other consequential proceedings had, in like manner as nearly as may be as if this Act had not been passed, but as soon as practicable after the appointed day, and every authority, committee, or officer whose duty it is to make up any accounts, or to account for any portion of the receipts or expenditure in any account shall, until the audit is completed, be deemed for the purpose of such audit to continue in office, and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as before the appointed day :

Provided that any sum certified to be due from any person by the district auditor at the audit shall be paid by that person to the appropriate council.

Provisions when liability for loan is transferred to the council who made the loan.

- 5 Where the liabilities of an authority transferred to a council under Part VII. of this Act comprise a liability on account of money advanced by that council to the authority, the Minister may make such orders as he thinks fit for providing for the repayment of any debts incurred by the council for the purposes of those advances within a period fixed by the order, and, where the money advanced to the authority was money standing to the credit of any sinking fund or capital money applied under the Local Government Acts, 1888 and 1894, or either of them, for the repayment to the proper fund or account of the amount so advanced.

Provisions as to Loans of Rural District Councils for special Expenses.

- 6 As from the appointed day, any sum borrowed or reborrowed before that date by the council of a rural district on the credit of any rate out of which special expenses of the council are payable shall be deemed to have been borrowed also upon the credit of any moneys from time to time received by the council under this Act and applicable for the purposes for which the loan was contracted, and any mortgage for the purpose of securing the repayment of any sum so borrowed with interest thereon shall have effect accordingly.

Saving for Pending Contracts, Legal Proceedings, &c.

- 7 (1) All proceedings, legal and other, begun before the appointed day, may be carried on in like manner, as nearly as may be, as if this Act had not been passed, and any such proceeding may be amended in such manner as may appear necessary or proper in order to bring it into conformity with the provisions of this Act, and of any order or scheme made thereunder.

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- (2) Any cause of action by or against any authority which exists at the appointed day in relation to any functions, liabilities, debts or property transferred by this Act to a council shall not be prejudicially affected by the passing of this Act, but may be prosecuted and enforced by or against the council as successors of the authority from whom the transfer was made.
- (3) All contracts, deeds, bonds, agreements, notices, and other instruments affecting any functions, liabilities, debts, or property transferred by this Act and subsisting at the appointed day, shall be of as full force and effect against or in favour of the council to whom the transfer was made, and may be enforced as fully and effectually as if, instead of the authority named in the instrument, the council to whom the transfer was made had been a party thereto.

Provisions as to Metropolitan Common Poor Fund.

- 8 (1) Section one of the Local Authorities (Emergency Provisions) Act, 1923, which provides for the temporary extension of charges on the Metropolitan Common Poor Fund, shall as amended by any subsequent enactment have effect as if for references therein to the first day of April, nineteen hundred and thirty-two, there were substituted references to the commencement of the financial year ending immediately before the appointed day.
- (2) No expenditure incurred by any poor law authority in London in respect of the financial year ending immediately before the appointed day shall be repayable to the authority out of the Metropolitan Common Poor Fund, and as soon as practicable after the appointed day the fund shall be wound up and the balance standing to the credit of the fund shall be paid to the London County Council.

PART II

TEMPORARY PROVISIONS.

*Amendment of Special Lists made under 18 and 19 Geo.
V., e. 44, and Consequential Amendment of Valuation Lists.*

- 1 (1) When a draft special list for a rating area has been deposited in accordance with the First Schedule to the Rating and Valuation (Apportionment) Act 1928, then, without prejudice to the provisions of that Schedule as to the making of objections and applications, an objection to the list as deposited with, or as approved by, the assessment committee, may be lodged with that committee at any time before the first day of October, nineteen hundred and twenty-nine, by the persons and on the grounds hereinafter mentioned, and the provisions of the said Schedule relating to objections and to appeals shall apply thereto.
- (2) Such an objection as aforesaid may be lodged—
 - (a) in the case of a hereditament in respect of which no claim for its inclusion in the special list has been made under the said Schedule, by the occupier or owner thereof on the ground that the hereditament ought to be inserted in the list; and
 - (b) in the case of a hereditament included in the special list, by the occupier or owner thereof on the ground that any value appearing in the list in respect of to hereditament is incorrect or unfair, and by the rating authority or, where

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he considers the value excessive, by the revenue officer on the same ground, notwithstanding that the value objected to may have been inserted in the list by or with the approval of that authority or officer.

A notice of objection on the ground that a hereditament ought to be inserted in the special list shall contain such particulars as would have been required by or under the said Schedule in the case of a claim for the inclusion of the hereditament in the draft special list before that list was deposited.

- (3) Any amendment of a special list made in consequence of any such objection lodged as aforesaid which is not determined until after the thirtieth day of September, nineteen hundred and twenty-nine, shall be deemed to have been made upon that date.
- (4) The gross value, if any, and the net annual value appearing in respect of any hereditament in a special list for any rating area outside the County of London approved in accordance with the First Schedule to the Rating and Valuation (Apportionment) Act, 1928, shall be taken to be the gross value and the net annual value of that hereditament for the purposes of the current valuation list, and, accordingly, the assessment committee, upon approving the special list and thereafter upon making any amendment thereof, shall make or cause to be made in the valuation list the necessary amendments (including any necessary amendments of rateable values), and those amendments shall have effect as if made in consequence of a proposal for the amendment of the valuation list served upon the rating authority on or before the thirtieth day of September, nineteen hundred and twenty-nine.

Amendment of Valuation Lists in London.

- 2 (1) In respect of the period of twelve months beginning on the first day of October, nineteen hundred and twenty-nine, the following provisions shall have effect in relation to hereditaments in the County of London,—
 - (a) as respects any hereditament which has become or ceased to be an agricultural, industrial, or freight transport hereditament at any time before the first day of October, nineteen hundred and twenty-nine, subsection (1) of section seventy of this Act shall have effect as if the words " in the course of any year " were omitted therefrom; and
 - (b) a provisional list made by virtue of the said subsection and sent to the assessment committee before the sixth day of April, nineteen hundred and thirty, or sent to them in compliance with a requisition served on the rating authority before that date, shall have effect as from the date on which the hereditament became or ceased to be an agricultural, industrial, or freight transport hereditament, as the case may be, or as from the first day of October, nineteen hundred and twenty nine, whichever is the later.
- (2) If any person, being a person entitled to object to a provisional list, is aggrieved by any decision of the assessment committee with respect to such a provisional list as aforesaid sent to them before the first day of October, nineteen hundred and thirty, or sent to them in compliance with a requisition served on the rating authority before that date, or if any person by whom a requisition for such a list has been so served is aggrieved by the failure of the rating authority to comply therewith within six weeks after the service thereof, he may appeal to quarter sessions, and notwithstanding anything in section forty-two of the Valuation (Metropolis) Act, 1869, notice of any such appeal shall be given within twenty-eight days after the decision or failure, as the case may be, and any such appeal may be heard by quarter sessions at any date but, save as aforesaid, such appeals shall be made in like manner and the decision

thereon shall have the like effect as in the case of appeals against decisions of the assessment committee on objections to new valuation lists.

- (3) In the case of any hereditament included in a provisional list as respects which a right of appeal to quarter sessions is given by this paragraph so much of paragraph (10) of section forty-seven of the Valuation (Metropolis) Act, 1869, as provides for repayments and allowances if the value of the hereditament included in a provisional list is reduced when the next revision of the valuation list takes place shall not apply.

Totals of Values in London.

- 3 For the purpose of totals of values in the county of London, any amendment made in a valuation list in force on the first day of October, nineteen hundred and twenty-nine, on the ground that a hereditament was or was not on that date an agricultural, industrial, or freight transport hereditament shall, if made by means of a special list prepared in accordance with the Rating and Valuation (Apportionment) Act, 1928, or by means of a provisional list sent to the assessment committee before the first day of October, nineteen hundred and thirty, or sent to them in compliance with a requisition served on the rating authority before that date, have effect notwithstanding anything in subsection (11) of section forty-seven of the Valuation (Metropolis) Act, 1869, as if it had been made by a supplemental list coming into force on the sixth day of April, nineteen hundred and thirty.

Provisions as to Revenue Officer.

- 4 Where any proposal for the amendment of a valuation list or the making of any provisional list involves a question whether a hereditament ought to be shown in any such list as having been on the first day of October, nineteen hundred and twenty-nine, an agricultural, industrial, or freight transport hereditament, the revenue officer shall, save that he shall not be entitled to contend that the gross value or net annual value of a hereditament as a whole ought to be increased, have the like rights with respect to receiving copies of provisional lists and of proposals and notices in connection therewith, making and opposing objections thereto, and appearing upon any proceedings relating thereto, and with respect to appealing and receiving notices of and resisting appeals as if he were the occupier of the hereditament.
- 5 In this Part of this Schedule the expression " revenue officer " has the same meaning as in the First Schedule to the Rating and Valuation (Apportionment) Act, 1928.

Supplemental Lists in London.

- 6 Notwithstanding anything in subsection (2) of section one of the Rating and Valuation (Apportionment) Act, 1928, it shall not be necessary for an agricultural, industrial or freight transport hereditament to be distinguished as such in any supplemental list which will come into force in the County of London on the sixth day of April, nineteen hundred and thirty, and nothing contained in any such supplemental list shall operate to alter the valuation list in force immediately before the said date as respects any hereditament which in that valuation list is so distinguished as aforesaid.

Status: This is the original version (as it was originally enacted).

TENTH SCHEDULE

Section 132.

ADAPTATION OF ENACTMENTS.

General Adaptations.

- 1 Subject to the provisions of this Schedule, references in any enactment so far as it applies to England to any of the terms mentioned in the first column of the following table shall be construed as references to the terms mentioned in the second column thereof.

Reference.	Adaptation.
Board of Guardians	Council of a county or county borough.
Board of management <i>or</i> managers of a school district.	Council of a county or county borough.
Chargeability for any poor law purpose to any parish, township <i>or</i> place, <i>or</i> to a parish <i>or</i> union, <i>or</i> to a union <i>or</i> parish, <i>or</i> to the common fund of a union.	Chargeability to a county or county borough.
Clerk to the guardians	Clerk of the county council or town clerk of the county borough, or such other officer as may for the purpose be appointed or designated by the council.
Common fund of the union <i>or</i> fund of the board of guardians for a single parish.	County fund or general rate fund of the county borough.
District school <i>or</i> district poor law school.	Separate school.
Guardian—as an individual	Member of the council of a county or county borough.
Guardians—as a corporate body	Council of a county or county borough.
Medical officer of a board of guardians <i>or</i> of a union.	Poor law medical officer of a county or county borough.
Officer of a board of guardians <i>or</i> guardians <i>or</i> officer of a union or other area for which a board of guardians are constituted.	Officer concerned with the relief of the poor.
Parish—as the area for which a board of guardians are constituted.	County or county borough.
Parish—as the area in which a settlement is acquired or derived.	County or county borough.
Parochial relief	Poor relief.
Poor law union	County or county borough.
Treasurer of a poor law union	County treasurer or treasurer of a county borough.

Status: This is the original version (as it was originally enacted).

	Reference.	Adaptation.
	Union <i>or</i> other area for which a board of guardians are constituted.	County or county borough.
	Union or parochial relief	Poor relief.
2	References in any enactment to subsection (2) of section eleven of the Local Government Act, 1888, shall be construed as references to the provisions of this Act relating to the rights of certain urban district councils to maintain county roads.	
3	Where by any enactment any forms are prescribed, the Minister may by order make such adaptations thereof as may appear to him to be necessary for the purpose of bringing the forms into conformity with this Act.	
4	The Minister may by order made, on the application of any council exercising functions under this Act make such amendments or adaptations of any local Act as may appear to him to be necessary for the purpose of bringing any provision of that Act into conformity with the provisions of this Act and any such order shall be laid before Parliament as soon as may be after it is made.	

Special Adaptations.

- 5 Section twenty-three of the Metropolitan Police Act, 1829 (which prescribes the basis on which sums required for the purposes of the Metropolitan police are to be raised) shall have effect as if there were therein substituted for the words from " shall not exceed " to " county rate " the words " shall be assessed on the rateable value of all hereditaments within the parish, township, precinct, or place as appearing in the valuation list for the time being in force."
- 6 In section three of the Marriage Act, 1836, section seven of the Births and Deaths Registration Act, 1836, and section twenty-seven of the Births and Deaths Registration Act, 1837, references to the union, parish or place for which a superintendent registrar is appointed shall be construed as references to the registration district.
- 7 In section nine of the Births and Deaths Registration Act, 1836, after the words "register office" there shall be inserted the words " for each registration district. "
- 8 References in sections one hundred and eighty-nine and one hundred and ninety-one of the Public Health Act, 1875, to officers any portion of whose salary is paid out of moneys provided by Parliament shall be construed as references to officers in respect of whose salaries payment is made by a county council or county borough council in pursuance of this Act.
- 9 The power of a rural district council under section two hundred and thirty-three of the Public Health Act, 1875, as amended or applied by any subsequent enactment, to borrow or reborrow sums on the credit of a special rate and to mortgage any such rate, shall include power to borrow or reborrow on the credit of, and for that purpose to mortgage, any moneys from time to time received by the council under this Act and applicable for the purpose for which the loan is contracted.
- 10 Section sixteen of the Highways and Locomotives (Amendment) Act, 1878, shall have effect as if the words "in pursuance of this Act" were omitted therefrom.
- 11 In subsection (1) of section ten of the Criminal Lunatics Act, 1884, for the words " union or parish " the word " place " shall be substituted.

Status: This is the original version (as it was originally enacted).

- 12 In the Lunacy Act, 1890, the following adaptations shall be made—
- (a) from subsection (3) of section twenty-seven the words " in which the place " shall be omitted and in that subsection, for the words " the parish in which he is adjudged to be settled is situate " there shall be substituted the words " to the county or county borough, in which he is adjudged to be settled ";
 - (b) from subsection (3) of section two hundred and eighty three the words " or settled in " shall be omitted and the words " or settled in the county or county borough to which the asylum belongs " shall be added at the end of the subsection;
 - (c) section two hundred and ninety, which enables a pauper lunatic, whose settlement cannot be ascertained, to be adjudged chargeable to a local authority, shall cease to have effect, without prejudice to the effect of any order made under that section which is in force on the appointed day.
- 13 In the Lunacy Act, 1891, the following adaptations shall be made—
- (a) a direction under subsection (2) of section two may authorise one relieving officer to discharge the duties of a relieving officer in respect of lunatics throughout any specified portion of a county or county borough;
 - (b) for section six the following section shall be substituted:

“Where a workhouse is not situate within the county or county borough to which the workhouse belongs, a summary reception order made by a justice of the county or county borough in which the workhouse is situate may order a lunatic in the workhouse to be received in any asylum in which pauper lunatics chargeable to the county or county borough to which the workhouse belongs may legally be received”;
 - (c) section twenty-five (which enables the chairman of a board of guardians to be authorised to sign reception orders in respect of pauper lunatics) shall cease to have effect.
- 14 The right of a rural district council under subsection (3) of section fifty-nine of the Local Government Act, 1894, to use for their meetings and proceedings the board room and offices of any board of guardians for the union comprising the district, shall be restricted to premises which, at the passing of this Act, are used by a rural district council under that subsection:
- Provided that a county council on giving not less than three months' notice to the rural district council may determine the use of the premises by the district council, but in such case the county council shall if the district council so require, provide other suitable accommodation for the purposes aforesaid, and if any difference arises between a county council and a district council as to the suitability of the accommodation proposed to be provided by the county council, the difference may, on the application of either party, be decided by the Minister.
- 15 For subsection (2) of section one hundred and twenty two of the Education Act, 1921, there shall be substituted the following subsection:—
- “(2) Subject to the foregoing provisions of this section as to consultation before charging certain expenses on certain areas, any charge or allocation of expenses made by a county council under this section or under any corresponding enactment repealed by this Act may at any time be cancelled or varied by the county council.”

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- 16 As from the first day of October, nineteen hundred and twenty-nine, section ten of the Allotments Act, 1922, shall not apply to land which is agricultural land within the meaning of Part V. of this Act.
- 17 As from the first day of October, nineteen hundred and twenty-nine, the relief to occupiers of agricultural hereditaments granted by this Act shall not be taken into account by an arbitrator in determining for the purposes of section twelve of the Agricultural Holdings Act, 1923, what rent is properly payable in respect of a holding.
- 18 For the purpose of determining under section one or section two of the Education (Institution Children) Act, 1923, the area in which the place of settlement of a child is situated, the place of settlement shall be deemed to be the parish which would have been the place of settlement if this Act had not been passed.
- 19 Paragraph (b)(i) of subsection (1) of section two of the Teachers (Superannuation) Act, 1925, shall have effect as if after the words " public elementary school" there were inserted the words " or, after the first day of April, nineteen hundred and thirty, in or in connection with a poor law school. "
- 20 Subsection (2) of section seventeen of the Tithe Act, 1925, shall, for the purposes of any application for the redemption of any lay tithe rentcharge on any land made by the owner of the land on or after the first day of October, nineteen hundred and twenty-nine, have effect as if—
- (a) for the words " then if the land charged with the tithe rentcharge, except so far as it consists of buildings in the same occupation, is agricultural land for the purposes of the Agricultural Rates Act, 1896," there were substituted the words " then, if and so far as the land charged with the tithe rentcharge is agricultural land or agricultural buildings within the meaning of Part V. of the Local Government Act, 1929, "; and
 - (b) for the words " any rate to which the Agricultural Rates Act, 1896, applies," there were substituted the words " any general rate (including any additional item thereof) "; and
 - (c) there were inserted at the end of the subsection the following words:—

“In relation to any period before the date on which the first general rate under the Rating and Valuation Act, 1925, became leviable in the rating area in which the land is situate, the reference in this subsection to a general rate shall be construed as a reference to any rate to which the Agricultural Rates Act, 1896, applied during the said period in that area.”
- 21 In the Poor Law Act, 1927, the following adaptations shall be made—
- (a) for subsection (1) of section two the following subsection shall be substituted:

“(1) The law relating to the relief of the poor shall be administered locally by councils of counties and county boroughs, and in the administration thereof a member of a county council or county borough council, or a committee or sub-committee of such a council, shall not, save as otherwise expressly provided by this Act, or any rules, orders or regulations of the Minister made thereunder, be capable of acting by virtue of his office except at a meeting of the council, committee or sub-committee”;
 - (b) section six, as applied by subsection (4) of section twenty-four of the Local Government Act, 1894, shall have effect as if the words "or, in the case

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- of a guardian for " a parish wholly or partly situate within a borough, " is qualified to be elected a councillor for that borough " were omitted therefrom;
- (c) nothing in sections twenty-nine to thirty-two or in section two hundred and twenty-four shall apply to officers appointed by the council of a county or county borough under any Act other than the Poor Law Act, 1927;
 - (d) from subsection (1) of section forty-six, the words "for " the district wherein the poor law union or the greater " part thereof is comprised " shall be omitted;
 - (e) from subsection (1) of section forty-nine, the words "a majority of " shall be omitted;
 - (f) from section fifty-two, there shall be omitted, in proviso (i) thereof, the words " in the interval between their meetings, " and in proviso (ii) thereof, the words " the " board of guardians are not sitting or ";
 - (g) in subsection (1) of section seventy-three, for the words " poor law union " there shall be substituted the words " county or county borough or in any part thereof ";
 - (h) in subsection (2) of section eighty-eight, there shall be substituted for the words " one of their number " the word "person";
 - (i) in paragraph (b) of section one hundred and sixteen for the words " comprising the parish" there shall be substituted the words " to which he was ordered to be removed ";
 - (j) in subsection (1) of section one hundred and twenty-three, for the words "the workhouse of the last-mentioned board " there shall be substituted the words " any workhouse of the last-mentioned council or, if " any particular workhouse has been designated for the " purpose by them, at that workhouse," and from subsection (2) of the said section, the words " guardian " or " shall be omitted;
 - (k) in paragraph (a) of subsection (5) of section one hundred and twenty-four, for the words " in the county court within whose district their poor law union or the " greater part thereof is situated" there shall be substituted the words " in any county court the " district whereof is wholly or partly comprised in their " county or county borough ";
 - (l) in subsections (1) and (4) of section one hundred and twenty-eight, for the words "the workhouse," wherever those words occur, there shall be substituted the words " any workhouse ";
 - (m) from section one hundred and seventy-two the word "chargeability" shall be omitted, and for the words " poor law union " there shall be substituted the word " parish ";
 - (n) from subsection (1) of section one hundred and eighty-six, the words "and where meetings of the dispensary committee may be held " shall be omitted;
 - (o) in section two hundred and nine for the words from "a school or asylum" to the end of the section the words "a separate school " shall be substituted;
 - (p) from section two hundred and ten, the words "or a " dispensary committee," and the words " dispensary " committee " shall be omitted; .
 - (q) in section two hundred and twenty-two for the words "and any parochial and other local meeting" the words " or committee or sub-committee" shall be substituted; .
 - (r) for section two hundred and twenty-five, the following section shall, be substituted :

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“A certificate of chargeability in such form as may be prescribed by order of the Minister, or in a form to the like effect, may be issued by the council of any county or comity borough, and every such certificate purporting to be signed by the clerk of the council shall, unless the contrary is shown, be sufficient evidence of the truth of all the statements contained therein, and shall, within the period of twenty-one days from the date of the certificate, be received in evidence accordingly by all courts of law and all justices and for all purposes without proof of the signature or of the official character of the person signing it.”

- 22 The provisions of the Poor Law Act, 1927, with respect to the qualification, election and term of office and retirement of guardians and to the qualification of the chairman of a board of guardians shall, as applied by subsection (4) of section twenty-four of the Local Government Act, 1894, to district councillors and to the chairman of a district council of a rural district, have effect as if for references therein to " a guardian," " guardians," " guardians of a poor law union," and " members of a board of guardians," there were substituted references to a " rural district councillor " or "rural district councillors," as the case may require, as if for references to " board of guardians " there were substituted references to " rural district council, " and as if for references to "union" or "poor law union" there were substituted references to " rural district. "

Special adaptations applying to the County of London.

- 23 (1) References in any other enactment to the Metropolitan Asylum District or to an asylum district, shall be construed as references to the county of London, and references in any other enactment to the Metropolitan Asylum Managers or Metropolitan Asylums Board, or to an asylum board or managers of an asylum district constituted under the Poor Law Act, 1927, or under any enactment repealed by that Act, shall be construed as references to the London County Council.
- (2) References in any enactment to asylums or hospitals under the Metropolitan Poor Act, 1867, or provided by the Metropolitan Asylum Managers or by an asylum board, shall be construed as references to asylums and hospitals provided for the county of London under the Poor Law Act, 1927, or any enactment repealed by that Act.

- 24 In the application to the county of London of—
- (a) the Births and Deaths Registration Acts, 1836 to 1926;
 - (b) the Vaccination Acts, 1867 to 1907;
 - (c) the Valuation (Metropolis) Act. 1869, and any enactment thereby applied to the county of London or amending that Act; and
 - (d) any rule, regulation, byelaw, order or award made under any Act or enactment mentioned in this paragraph;

references therein to any of the terms mentioned in the first column of the following table shall be construed as references to the terms mentioned in the second column thereof.

Reference.	Adaptation.
Board of guardians	Common council and council of a metropolitan borough.

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Reference.	Adaptation.
Clerk to the guardians	Town clerk of the city of London or metropolitan borough, or such other officer as may for the purpose be appointed or designated by the council.
Common fund of the union <i>or</i> fund of the board of guardians for a single parish.	Fund out of which the general expenses of the common council or council of a metropolitan borough are payable.
Guardian—as an individual	Member of the common council or council of a metropolitan borough.
Guardians—as a corporate body.	Common council and council of a metropolitan borough.
Poor law union	City of London or metropolitan borough.
Union <i>or</i> other area for which a board of guardians are elected.	City of London or metropolitan borough.
25	The last foregoing paragraph shall not affect the construction of the words "guardians and officers of guardians" in section five of the Vaccination Act, 1871, or of the words " medical officer of any board of guardians " in section thirteen of that Act.

Savings.

- 26 The adaptations effected by this Schedule shall not—
- (a) affect the authorities by whom the provisions of the Public Health (London) Act, 1891, are to be executed or the manner in which their expenses are to be defrayed; or
 - (b) affect the manner in which any precept for the payment of the expenses of a parish council or parish meeting is to be enforced.

ELEVENTH SCHEDULE

Section 136.

PROVISIONS FOR SECURING ALLOWANCE OF REBATES TO SELECTED
TRAFFICS CORRESPONDING TO RATE-RELIEF OF CERTAIN COMPANIES.

PART I

Provisions as to Allowance of Rebates and Reimbursement of Companies out of Rate-relief.

- 1 The companies to which this Schedule applies are:
- (a) every railway company for which a schedule of standard charges has been settled under the Railways Act, 1921, or to which such a schedule is for the time being applied under section thirty-three of that Act, being a company whereof the railway is used for the conveyance of merchandise otherwise than by passenger train or carriage; and

- (b) every light railway company, being a company whereof the light railway is used as a public railway for the conveyance of merchandise otherwise than by passenger train or carriage;

and such companies are in this Schedule referred to as " the companies."

- 2 There shall be established and maintained a fund to be called the " Railway Freight Rebates Fund " (hereinafter referred to as " the fund ") which shall be administered and controlled subject to the provisions of this Schedule by the Railway Clearing House, and as from the first day of October, nineteen hundred and twenty-nine, each of the companies shall, by equal monthly instalments beginning on the fifteenth day of November, nineteen hundred and twenty-nine, pay to the fund in respect of every year sums equal in the aggregate to the estimated rate relief of the company in that year; and as soon as the difference, if any, between the actual rate relief of a company in any year and the estimated rate relief of the company in that year has been ascertained, a sum equal to the difference shall be paid by way of adjustment out of the fund to the company or by the company to the fund, as the case may require.
- 3 The companies shall jointly, on or before the first day of June, nineteen hundred and twenty-nine, prepare and submit to the tribunal a scheme (hereinafter referred to as "the scheme") providing for the allowance by the companies of rebates from the carriage charges made by them in respect of the selected traffics, calculated in manner hereinafter appearing:
- Provided that a scheme shall be deemed to have been prepared and submitted to the tribunal by the companies jointly if it has been prepared and so submitted by or on behalf of companies (being companies to which this Schedule applies) of which the aggregate total expenditure on capital account is not less than ninety per cent. of the aggregate total expenditure on capital account of all the companies.
- 4 If the scheme so provides there shall, in every year, be set aside in the fund for the purpose of meeting any deficiency therein at the end of the year a contingency reserve of such an amount, not exceeding five per cent. of the aggregate of the sums paid and payable into the fund in respect of that year under paragraph 2 of this Part of this Schedule, as the scheme may determine.
- 5 (1) There shall in respect of every year be paid out of the general moneys of the fund—
- (a) in respect of administrative expenses, a sum equal to one-half of one per cent. of the aggregate of the estimated rate relief of the companies in respect of that year or such higher percentage thereof as the tribunal may allow on application in that behalf being made by the companies; and
 - (b) any interest payable on sums borrowed by the Railway Clearing House in accordance with the provisions of this Schedule; and
 - (c) to each of the companies a sum, determined in accordance with the provisions of the scheme, equal to the amount of the rebates allowed by the company under the scheme in respect of selected traffics delivered in that year for conveyance by railway.
- (2) Out of the sum payable under sub-paragraph (1) (a) of this paragraph there shall be allocated and paid to the Railway Clearing House a sum equal to the amount of the administrative expenses incurred by them in that year in giving effect to the provisions of this Schedule and the balance shall be appropriated for the purpose of meeting the expenses of the "companies incurred in that year under or for the purposes of the scheme and shall be apportioned between the companies and paid to them in proportion to the rebates respectively allowed by them under the scheme.

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- 6 (1) The rebates provided for by the scheme shall be so calculated, as nearly as may be, that—
- (a) the aggregate of the rebates in respect of the group of selected traffics contained in Part II. of this Schedule will amount annually to a sum equal to one-fifth of the annual net revenue of the fund; and
 - (b) the aggregate of the rebates in respect of the group of selected traffics contained in Part III. of this Schedule will amount annually to a sum equal to seven-tenths of the annual net revenue of the fund; and
 - (c) the aggregate of the rebates in respect of the group of selected traffics contained in Part IV. of this Schedule will amount annually to a sum equal to one-tenth of the annual net revenue of the fund.
- (2) The scheme shall make provision for securing that the rebates in respect of the selected traffics contained in each of the several groups, other than rebates from tolls, will be at a uniform rate and that rebates from any toll in respect of the selected traffics shall be such percentage of the toll as may be determined by the scheme.
- (3) In preparing the scheme—
- (a) the receipts of the companies in respect of the several selected traffics shall, for the purpose of calculating the rebates to be allowed under the scheme, be taken to be those estimated for the year nineteen hundred and twenty-seven; and
 - (b) the rate-relief of the companies in the year beginning on the first day of October, nineteen hundred and twenty-nine, shall be taken to be of such amount as may be estimated by the companies.
- (4) The scheme shall provide for the manner in which the rebates thereby provided for are to be allowed, and for the time at which payments or instalments of payments are to be made out of the fund to the companies, and contain such supplemental and consequential provisions as may be necessary for giving effect to the objects of this Schedule, and, in particular, may -make provision for enabling rebates to be allowed in respect of merchandise consigned as being intended to be so used, shipped or delivered as to constitute it a selected traffic, before it has been so used, shipped or delivered, and may contain provisions enabling the Railway Clearing House to remit any repayment due to the fund by any company in respect of any amount allowed in error by the company in excess of the rebates required by the scheme if the Railway Clearing House are satisfied that all proper precautions were taken by the company to avoid such errors and that recovery by the company of the amount allowed in excess is not reasonably practicable.
- (5) The scheme shall make provision for apportioning the rebates to be allowed among the carriage charges made in the following cases:—
- (a) in respect of coal delivered to a washery, coke oven, or patent fuel works, from two or more collieries where the coal is so mixed that it cannot be identified as being consigned from any one colliery and a part only of the coal, or of the resultant coke, or patent fuel is a selected traffic; and
 - (b) in respect of coal shipped coastwise where the coal is so mixed that it cannot be identified as being consigned from any one colliery and a part only thereof is exported;
- and may provide for any certificates necessary for such apportionment being obtained by the companies and for the allowance of rebates apportioned upon the basis thereof, subject to occasional verification of the facts thereby certified.

- 7 (1) Printed copies of the scheme as submitted to the tribunal shall be made available by the companies for purchase at such places and at such price as the tribunal may direct, and notice of the places and price at which such copies may be purchased shall be published in the London and Edinburgh Gazettes. Not less than twenty-one days after the publication of the said notices the tribunal shall consider the scheme, and, after hearing any of the companies or any representative body of traders interested which may be desirous of being heard, shall have power to make such modifications therein, if any, as the tribunal think necessary or desirable, and upon receiving a certificate, as respects England from the Minister of Health and as respects Scotland from the Secretary of State, showing the amount estimated by them respectively as being the estimated rate-relief of the companies in the year beginning on the first day of October, nineteen hundred and twenty-nine, shall adopt the estimates shown by the certificates and shall make such modifications in the scheme as may be thereby rendered necessary.
- (2) After making such modifications in the scheme as the tribunal are hereinbefore required to make and any other modifications which they think necessary or desirable, and upon being satisfied that the scheme complies with the requirements of this Schedule, the tribunal shall, not later than the thirty-first day of July, nineteen hundred and twenty-nine, approve the scheme.
- 8 If the companies fail to submit the scheme to the tribunal before the said first day of June, or before such later date as may be allowed by the tribunal, the scheme shall be prepared and made by the tribunal before the said thirty-first day of July, and the companies shall furnish to the tribunal such information as the tribunal may require for that purpose.
- 9 The scheme, as so approved or made by the tribunal under the foregoing provisions of this Schedule, shall come into operation on the first day of October, nineteen hundred and twenty-nine, and shall not be revoked, and shall not be altered otherwise than as hereinafter in this Schedule provided, and any person against whom a carriage charge is made by any of the companies in respect of any of the selected traffics delivered on or after that date for conveyance by railway shall be entitled to such rebate therefrom as may be provided for by the scheme.
- 10 (1) The tribunal shall review the operation of the scheme within two months after the end of every year and shall give not less than twenty-one days' notice of the date, time and place of the sitting at which the review will take place, and at any such review the tribunal, after hearing any of the companies or any representative body of traders interested which may be desirous of being heard, and after considering all the circumstances (including the receipts of the companies in respect of the several selected traffics delivered during the year preceding the review for conveyance by railway), shall, subject as hereinafter provided, by order make in the scheme such modifications, if any, as they think necessary or desirable, but so that the provisions thereof shall comply with the requirements of this Schedule:

Provided that—

- (a) the tribunal shall not by any such order alter the rate for the time being in force of any rebate provided for by the scheme unless—
- (i) a debit balance is brought forward in the fund from the last preceding year; or
- (ii) the tribunal is of opinion that in the year in which the review takes place the amount of the rate-relief of the companies will be less than the amount thereof estimated for the purpose of calculating the

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rebates in force, and that, unless such alterations are made, there will be a deficiency in the fund in respect of that year; or

- (iii) the tribunal is of opinion that, unless such alterations are made, the aggregate of the rebates in respect of any group of selected traffics will, in the year in which the review takes place, fall short of a sum equal to the appropriate proportion of the net revenue of the fund for that year by more than the fixed marginal allowance; and
 - (b) the rates of rebates for the time being in force in respect of any group of selected traffics shall not be reduced by any alteration made under subparagraph (iii) of paragraph (a) of this proviso, unless the tribunal is of opinion that, if such reductions are not made, the aggregate of the rebates in respect of that group will, in the year in which the review takes place, exceed a sum equal to the appropriate proportion of the net revenue of the fund for that year by more than the fixed marginal allowance; and
 - (c) no alteration shall in any case be made in the rates of rebates to be allowed in respect of the selected traffics which would cause the aggregate of the rebates to be allowed in respect of any group of selected traffics to fall short of a sum equal to the appropriate proportion of the net revenue of the fund.
- (2) In this paragraph the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" Appropriate proportion of the net revenue of the fund " means, as respects any group of selected traffics, the proportion specified in subparagraph (1) of paragraph 6 of this Part of this Schedule in relation to that group:

" Fixed marginal allowance " shall in any year be taken to be, in relation to any group of selected traffics, an amount equivalent to one per cent. of the amount estimated by the tribunal as being the aggregate of the carriage charges made and to be made by the companies in respect of the traffics contained in that group, delivered in that year for conveyance by railway.

11 If it appears to the Minister of Transport that by reason of some exceptional occurrence the net revenue of the fund for any year is or will be abnormally greater or less than the amount which, upon the basis of the rebates for the time being in force, will be required, to pay the sums payable thereout under paragraph five of this Part of this Schedule to the companies in respect of that year, and that there is danger of such instability being thereby occasioned in the rates of the said rebates as to affect prejudicially the operation of the scheme, he shall issue to the tribunal a certificate that in his opinion the rates of the rebates to be allowed in respect of any group of selected traffics specified in the certificate ought to be reviewed, and upon receipt of such a certificate the tribunal shall, notwithstanding anything in this Part of this Schedule, have power to make such alterations in the scheme as they consider desirable for stabilising, so far as practicable, the rates of the rebates to be allowed in respect of that group, and, if they think fit, for securing that any abnormal excess shall be expended, or abnormal deficiency made good, as the case may be, over such period of years as they think proper.

12 (1) The tribunal shall have the like powers to make general rules governing their procedure and practice and generally for carrying into effect their functions under this Schedule, and to prescribe a scale of fees for and in connection with proceedings before them, as they have under section twenty-two of the Railways Act, 1921, with respect to their functions under Part III of that Act, but subject to the like approval, consent and limitations as are required or imposed by that section, and rules made

under this paragraph may apply, with the necessary adaptations, any of the rules for the time being in force under the said section twenty-two.

- (2) Section twenty-one, subsection (2) of section twenty-two, section twenty-three, section twenty-four except subsection (4) thereof, and section twenty-five (except so far as it relates to appeals) of the said Act, shall apply with respect to the functions of the tribunal under this Schedule as they apply for the purposes of that Act.
- (3) Subsection (1) of section fifty-four of the said Act (which relates to the publication of schedules of standard charges) shall apply with respect to the scheme and to any orders of the tribunal modifying the scheme as it applies to schedules of standard charges, and the Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply with respect to the scheme and with respect to any such orders as if they were documents issued by the Minister of Transport.
- (4) The annual report of their proceedings under the Railways Act, 1921, made by the tribunal to the Minister of Transport under subsection (3) of section twenty-two of that Act and laid before Parliament, shall include a report of their proceedings under this Schedule and of the operation of the scheme.

13 The following provisions shall have effect with respect to the fund—

- (a) all moneys of the fund shall be kept separate from all other moneys under the control of the Railway Clearing House, and the Railway Clearing House shall keep separate accounts with respect to all moneys of the fund:
- (b) the Railway Clearing House shall invest in such investments as they think fit such part of the moneys of the fund as they may from time to time consider to be not immediately required, and the interest on any such investments shall be paid into the fund :
- (c) the Railway Clearing House shall have the like powers with respect to the opening and keeping of bank accounts and the making of payments thereout, and to the recovery of sums due to the fund, as they have for the purposes of their functions in relation to the Railway Clearing System and to the funds applicable to the expenses of that System :
- (d) the Railway Clearing House may, with the consent of the Minister of Transport and subject to such conditions as he may think fit, borrow moneys on the security of the fund for purposes connected with the scheme :
- (e) the accounts of the fund shall be audited annually by an auditor appointed by the Minister of Transport, and the expenses of any such audit shall be defrayed as part of the administrative expenses of the Railway Clearing House. It shall be the duty of the companies and of the Railway Clearing House to furnish all such information and give all such facilities as may be required by the auditor for the purposes of any such audit:
- (f) abstracts of the accounts of the fund, certified by the auditor, shall be furnished annually to the Minister of Transport at such times and in such form as he may approve :
- (g) if the net revenue of the fund for any year is insufficient to pay the sums determined in accordance with the provisions of sub-paragraph (1)(c) of paragraph 5 of this Part of this Schedule to be due to the companies in respect of that year, the Railway Clearing House shall certify the amount of the deficiency, and one moiety of that amount shall be made good by the companies in manner hereinafter appearing, and the other moiety thereof shall be made good out of any moneys standing to the credit of the

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contingency reserve account, and if the moneys standing to the credit of that account as at the end of the year are insufficient to make good the said moiety, the balance of the deficiency shall be brought forward as a debit balance in the fund:

Provided that in determining for the purposes of this provision whether there is for any year such a deficiency as aforesaid or the amount of any such deficiency, no account shall be taken of any sum paid in that year by way of adjustment under paragraph 2 of this Part of this Schedule:

- (h) any moneys standing to the credit of the contingency reserve account as at the end of any year, which are not applied under the provisions of the last foregoing sub-paragraph towards making good a deficiency, shall be brought forward as part of the general moneys of the fund:
- (i) any balance standing to the credit of the general account of the fund as at the end of any year shall be brought forward therein.

14 Any amount required in any year under the foregoing provisions of this Schedule to be paid by the companies towards making good any deficiency in the fund shall be apportioned by the Railway Clearing House between the several companies in such proportion as may have been determined before the end of the year by agreement between the companies or by an arbitrator appointed on the application of any company by the Minister of Transport, or, in default of such determination, in the proportions which the receipts of the several companies respectively bear to the total receipts of all the companies, being in each case receipts in respect of the selected traffics delivered in that year for conveyance by railway; and a sum equal to the part of the deficiency so apportioned to any company shall, on the demand of the Railway Clearing House, be paid to the fund by that company.

15 Any sum allowed by a company by way of rebate which may be found not to have been properly allowable (either by reason of the merchandise in respect of which the rebate was allowed not having been so used, shipped or delivered as to constitute it a selected traffic, or for any other reason) shall be recoverable by the company as a debt due from the person to whom it was allowed.

16 Any question as to whether any rebate is or was allowable or as to the basis on which any rebate should be or should have been calculated under the scheme may, and in the event of a dispute shall, be determined by the tribunal, and the decision of the tribunal upon any such question shall be final and conclusive.

17 In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :

" Carriage-charges " means such of the charges for the time being in force for the carriage of merchandise by railway or light railway as may be determined by the scheme in relation to any rebate thereby provided for :

" Coke oven " means works consisting of coke ovens wholly or mainly engaged in the production of coke for metallurgical purposes:

" Delivered for conveyance by railway " means delivered to any of the companies for conveyance, whether by that company or by some other of the companies, by railway:

" Estimated rate relief " means in relation to any company in any year the sum taken as being the rate relief of the company in the estimate adopted by the tribunal for the purpose of calculating the rebates to be allowed by the companies under the scheme in that year:

" Exported " in relation to coal, coke or patent fuel, means shipped to places outside the British Islands, or as bunkers for ships proceeding to places outside those islands, or as bunkers for fishing vessels, and " exported coal, coke, or patent fuel " includes coal, coke, and patent fuel shipped coastwise before being exported:

" General moneys of the fund " means, as respects any year, the revenue of the fund for that year, including any balance brought forward therein, but excluding any sums set aside in that year in accordance with the provisions of the scheme as a contingency reserve :

" Iron or steel works " means works which consist wholly or mainly of blast furnaces, puddling furnaces, steel furnaces, or rolling mills, or of hammers or presses which produce all or any of the following articles, that is to say, forgings weighing not less than ten hundredweight, blooms, billets, and bars:

" Net revenue of the fund " means, as respects any year, the revenue of the fund for that year (including any balance brought forward therein, but excluding any sums set aside in that year in accordance with the provisions of the scheme as a contingency reserve and any sums which may be paid to the fund by the companies to meet a deficiency in accordance with the requirements of sub-paragraph (g) of paragraph 13 of this Part of this Schedule), after deducting the sums directed by sub-paragraphs (1)(a) and (b) of paragraph 5 of this Part of this Schedule to be paid out of the fund:

" Railway company, " " light railway company, " " light railway, " " freight transport hereditaments lands and heritages " and " railway transport purposes " have the same meanings respectively as in the Rating and Valuation (Apportionment) Act, 1928:

" Rate-relief, " in relation to any of the companies, means the amount of the difference between the aggregate of the sums paid and payable by the company by way of rates in respect of freight transport hereditaments lands and heritages, occupied and used wholly or partly for railway transport purposes as part of the railway or light railway undertaking of the company, whereof the rateable value is ascertained under the provisions of Part V. of this Act or of any corresponding enactment extending to Scotland, and the aggregate of the sums which would have been so paid and payable in respect of those hereditaments lands and heritages, if those provisions had not been passed; and in relation to all the companies, means the aggregate amount of the differences aforesaid:

" Representative body of traders interested " means any association or body of persons which satisfies the tribunal that it represents a substantial number of persons interested in the selected traffics :

" Selected traffics " means the traffics' mentioned in Parts II, III, and IV of this Schedule, but, save as respects milk, does not include any traffics conveyed at passenger train rates; and the selected traffics mentioned in each of the said Parts are collectively referred to in this Schedule as a group of selected traffics :

" Shipped coastwise, " in relation to exported coal, coke, or patent fuel means shipped from a place within the British Islands to another place within those islands :

" Tribunal " means the Railway Rates Tribunal:

" Washery " means works for washing or cleaning coal:

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" Year " means a period beginning on the first day of October and ending on the next subsequent thirtieth day of September, and the expression " annually " shall be construed accordingly.

- 18 (1) If the amount of any moneys provided by Parliament for the purposes of any scheme issued by the Minister of Transport providing for the allowance by any of the companies of rebates in respect of selected traffics delivered between the thirtieth day of November, nineteen hundred and twenty eight, and the first day of October, nineteen hundred and twenty-nine, for conveyance by railway, is more than sufficient for the purposes of that scheme, the balance shall, on or before the first day of January, nineteen hundred and thirty, or such later date as the Minister of Transport may allow, be paid into the fund and brought forward therein, and if the said amount is insufficient for the said purpose, the Railway Clearing House shall certify the amount of the deficiency, and the amount of the deficiency as so certified shall be apportioned by the Railway Clearing House between the several companies to which that scheme applies in such proportion as may have been agreed between those companies or, in default of agreement, in the proportions which the receipts of the several companies to which that scheme applies respectively bear to the total receipts of all the said companies, being in each case receipts in respect of the selected traffics delivered between the dates aforesaid for conveyance by railway; and a sum equal to the part of the deficiency so apportioned to any company shall, on the demand of the Railway Clearing House, be paid to them by that company.
- (2) Any sum recoverable by the Railway Clearing House as a debt due to any fund established for the purposes of such a scheme as is mentioned in the last foregoing sub-paragraph but not recovered before the accounts of that fund are closed, shall be recoverable by the Railway Clearing House as a debt due to the fund established under this Schedule.
- 19 In any proceedings under the Railways Act, 1921, all payments by any of the companies to the fund in accordance with the provisions of this Schedule shall be treated as payments of rates and the tribunal shall not take into account any rebates allowable under the scheme or under any arrangements in operation at the passing of this Act having as their object the allowance of rebates from charges in respect of the selected traffics
- 20 In making any assessment or valuation for rating purposes by reference to the accounts, receipts, or profits of the undertaking carried on by any of the companies, all payments by the company to the fund in accordance with the provisions of this Schedule shall be treated as payments of rates.
- 21 Where rates are payable by any of the companies in respect of the occupation of any part of a freight transport hereditament let out by the company to a tenant but not so as to be capable of separate assessment, then, for the purposes of computing any sum payable by the tenant to the company under any contract made before the commencement of this Act in respect of the rates so paid, payments to the fund by the company in accordance with the provisions of this Schedule in respect of that part of the hereditament shall be treated as payments of rates.

PART II*Agricultural Selected Traffics.*

Manure, street, stable or farmyard, in bulk	} used in Great Britain.
Manures, other than street, stable or farmyard, in bulk	
Lime, limestone, chalk, basic slag, and salt for use as manure	} used in Great Britain.
Any other substance for use direct as manure, or any manure substance to be mixed and used as manure, when packed and so consigned	
Grain, ground or flaked	} used in Great Britain for livestock or poultry feeding.
Oil cake, whole, broken, or ground	
Meals or husks, in cases, casks, or sacks	
Foods consisting of meals, with spice, molasses, or condiment	
Milling offals, included in the grain list in the Classification of Merchandise for conveyance by railway	
Treacle delivered direct to farmers	
Ensilage	
Hay	
Hay or straw, chopped	
Provender, consisting of chopped hay or' straw, mixed with articles included in the grain list in the Classification of Merchandise for conveyance by railway	
Beetroot pulp (residue from sugar making)	} used in Great Britain for livestock or poultry feeding.
Carrots, mangel wurzel, or turnips, in bulk	
Grains, brewers or distillers' (or draff)	
Potatoes, except new potatoes as defined in the Classification of Merchandise for conveyance by railway.	
Milk (including separated milk but not condensed or dried milk).	
Live stock.	

PART III*Coal, Coke and Patent Fuel Selected Traffics.*

Exported coal, coke, or patent fuel.

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Coal, coke, or patent fuel delivered to and used in iron or steel works.

Such coal delivered to patent fuel works as is used for the manufacture of exported patent fuel.

Such coal delivered to a washery as is washed or cleaned thereat before being exported or delivered to and used in iron or steel works.

Such coal delivered to a coke oven (situate elsewhere than at an iron or steel works) as is used for the manufacture of coke which is exported or delivered to and used in iron or steel works.

PART IV

Other Selected Traffics.

Timber, iron, or steel, for propping or shoring purposes delivered to a mine.

Ores in Classes 1 and 2 of the Classification of Merchandise for conveyance by railway

Cinders, containing iron

Hammer scale

Mill cinder or tap

Mill scale

Pyrites, iron in Class 1 of the Classification of Merchandise for conveyance by railway

Lime and limestone in bulk

} delivered to iron or steel works.

TWELFTH SCHEDULE

Section 137.

ENACTMENTS REPEALED.

PART I

REPEALS CONSEQUENTIAL ON PART I OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Will. 4, c. 86.	The Births and Deaths Registration Act, 1836.	<p>In section seven the words from " the clerk to the guardians " to " in that capacity " ;</p> <p>In section eight the words from " in every case in which the clerk "to "in such union parish or place and " and from "except as</p>

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Session and Chapter.	Short Title.	Extent of Repeal.
7 Will. 4 and 1 Vict. c. 22.	The Births and Deaths Registration Act, 1837.	hereinbefore" to the end of the section; In section nine the words " of " the union, or parish, or " place having a board of " guardians as aforesaid " ; Section twenty-nine from " and in the case " to the end of the section. In section ten the words from " any two or more unions " to " last aforesaid or " and the words " of the union, parish or " place for which such board " is established " ; In section eleven the words " any union, parish, or place or," the words " clerk to the guardians or other " and the words " of the whole union, parish, or place " ; In section fourteen the words from " the clerk to any such board" to " superintendent registrar and " ; and the words " in any such union, parish or place " ; Sections seventeen and nineteen.
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Section fifty-six so far as unrepealed ; In section sixty-one the words from " and wherever any parish" to "any other persons."
8 & 9 Vict. c. 117.	The Poor Removal Act, 1845.	Section five.
20 Vict. c. 19.	The Extra - Parochial Places Act, 1857.	Sections five and eight.
24 & 25 Vict. 97.	The Malicious Damage Act, 1861.	In sections five, eleven and thirty-nine the words " poor law union."
25 & 26 Vict. c. 103.	The Union Assessment Committee Act, 1862.	Sections two, four, seven, ten and twelve so far as unrepealed, and in section nine, the words from " the

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Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 6.	The Metropolitan Poor Act, 1867.	whole number present," to "such committee consists."
30 & 31 Vict. c. 84.	The Vaccination Act, 1867.	Section twenty-four so far as unrepealed.
30 & 31 Vict. c. 106.	The Poor Law Amendment Act, 1867.	In section eleven the words "of his union or parish."
31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868.	In section twenty-three the words " wholly or partly comprised within a union " and the words " where the union " and the borough are not " conterminous," and the words " of the said union."
32 & 33 Vict. c. 63.	The Metropolitan Poor Amendment Act, 1869.	Section five.
32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	Sections eight, twenty-four and twenty-five.
		Section five.
		In section forty-five, in paragraph (3) the words from " and to the qualification " to " Act, 1867."
		In section fifty the words " and " upon such precept of the " Poor Law Board " and from " and the Poor Law Board " to the end of the section.
		Section fifty-nine.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	Section twenty-two.
		Section thirty-three from the beginning of the section to "section nine of the principal Act."
		Section thirty-four.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section one hundred and ninety the words " There may " be awarded," to the end of the section.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Section twenty-one so far as unrepealed.
		In section forty-two the proviso.

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Session and Chapter.	Short Title.	Extent of Repeal.
40 & 41 Vict. c. 66.	The Local Taxation Returns Act, 1877.	In section three the word "guardians."
47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	In subsection (1) of section thirty-six, in proviso (6) the words from "and in relation to" to "in the union" and proviso (e). Schedule 1. so far as it applies to guardians.
52 & 53 Vict. c. 72.	The Infectious Disease (Notification) Act, 1889.	In section eleven the words "or " as guardian of a union."
53 & 54 Vict. c. 5.	The Lunacy Act, 1890	In section sixty-four the words " any union within " and " to " such county or." In section sixty-five, in paragraph (a) of subsection (2) the words " some parish of." Section sixty-eight. In section eighty, in subsection (2) the words " if the " lunatic is chargeable to a " county or borough." Section two hundred and ninety. In section three hundred and three the words from " or in which " to " has been confined "is situate."
54 & 55 Vict. c. 65.	The Lunacy Act, 1891	In section eleven the words from "or if the lunatic" to " licensed house." Section twenty-five.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	In section fifty-five, subsection (4) from " The Managers shall send " to the end of the subsection. In section fifty-seven, in subsection (1) the words " or as guardian of a poor law union." In section eighty, subsections (2) and (3).

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Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c 73.	The Local Government Act, 1894.	<p>Section eighty-one.</p> <p>In section eighty-six, in the proviso the words " any asylum " under the Metropolitan Poor " Act, 1867, or."</p> <p>In section eighty-seven the words from " by the receiver " to " issued," and from " and the said Board " to the end of the section.</p> <p>Sections one hundred and four and one hundred and thirty-one.</p> <p>In section twenty-four, subsection (2) and subsection (4) from " and any person " to the end of the subsection.</p> <p>In section thirty-six, subsections (6) and (9) subsection (10) from " and any board of guardians " to the end of the subsection, and in subsection (11) the words from " or the alteration " to " two or more counties."</p>
59 & 60 Vict. c. 50.	The Poor Law Officers' Superannuation Act, 1896.	<p>The whole Act except so far as by virtue of this Act it continues to apply to any transferred officers, and except so far as it applies to officers to whom it applies by virtue of some other enactment, and except section fifteen thereof.</p>
60 & 61 Vict. c. 28.	The Poor Law Officers' Superannuation Act Amendment Act, 1897.	The whole Act.
61 & 62 Vict. c. 54.	The Public Works Loans Act, 1898.	Section three.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	<p>In section eleven, in subsection (2) the words from " other than a precept" to " elected by the guardians."</p> <p>Section thirteen.</p>

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Session and Chapter.	Short Title.	Extent of Repeal.
1 Edw. 7. c. 26.	The Births and Deaths Registration Act, 1901.	The whole Act.
5 Edw. 7. c. 18.	The Unemployed Workmen Act, 1905.	The whole Act.
8 Edw. 7. c. 67.	The Children Act, 1908	In section one hundred and eight, subsection (12).
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	In section thirty, proviso (ii) from " nor shall local authorities " to the end of that proviso.
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section seven.
11 & 12 Geo. 5. c. 67.	The Local Authorities (Financial Provisions) Act, 1921.	Section one. In section two, subsection (2). In section three, subsection (4).
12 & 13 Geo. 5. c. 14.	The Audit (Local Authorities, etc.) Act, 1922.	In section one, subsection (2).
12 & 13 Geo. 5. c. 59.	The Local Government and other Officers' Superannuation Act, 1922.	Section twenty-seven.
13 & 14 Geo. 5. c. 8.	The Local Authorities (Emergency Provisions) Act, 1923.	Section one.
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	In section nine, in subsection (2) the words " guardians in respect of any period beginning on or after the appointed day and by " and in paragraph (d) of that subsection the words " and boards of guardians" and the words " and board of guardians." In section ten, in subsection (2) the words " or a board of guardians " and " or union." In section sixteen, in subsection (2) the words from " and with " to " county," in subsection (4) the words " and the boards of " guardians

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Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Geo. 5. c. 14.	The Poor Law Act, 1927.	<p>of the poor law " unions, " and in subsections (7) and (8) the words " and boards of guardians."</p> <p>In section seventeen, in subsection (4) the words " boards of guardians."</p> <p>In section twenty, in subsection (1) the words from " of a manager " to " asylum district or.</p> <p>In section two, subsections (2) and (3).</p> <p>Sections three to five.</p> <p>Section six except so far as it is applied by any other enactment ;</p> <p>Section seven.</p> <p>Sections nine and ten except so far as they are applied by any other enactment</p> <p>Sections eleven to thirteen.</p> <p>Sections fourteen to sixteen except so far as they are applied by any other enactment.</p> <p>Sections seventeen to twenty-six.</p> <p>Section twenty-seven, except so far as it is applied by any other enactment.</p> <p>Section twenty-eight.</p> <p>Section thirty-three.</p> <p>In sections thirty-five and thirty-six the words "in a parish " wherever they occur.</p> <p>In section thirty-seven the words " comprising the parish " wherever they occur.</p> <p>Section eighty-three.</p> <p>In section one hundred and two the words " any parish of."</p>

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Session and Chapter.	Short Title.	Extent of Repeal.
		<p>In section one hundred and eight, in subsection (1) the words " comprising his parish."</p>
		<p>In section one hundred and nineteen, in subsection (1) the words " parish of" and the word " comprised."</p>
		<p>In section one hundred and twenty the words "in a parish."</p>
		<p>In section one hundred and twenty-one the words " parish of " and " situated."</p>
		<p>Sections one hundred and thirty-three to one hundred and forty-four.</p>
		<p>Section one hundred and forty six.</p>
		<p>Section one hundred and forty-eight from " and may in the case" to the end of the section.</p>
		<p>Sections one hundred and forty-nine to one hundred and fifty-three.</p>
		<p>In section one hundred and fifty-four, subsection (1).</p>
		<p>Section one hundred and fifty-six.</p>
		<p>In section one hundred and fifty-seven, subsection (5) from " and in the case " to the end of the subsection.</p>
		<p>Section one hundred and fifty-nine.</p>
		<p>In section one hundred and sixty, subsections (1), (2) and (4).</p>
		<p>Section one hundred and sixty-one.</p>
		<p>Sections one hundred and sixty-three and one hundred and sixty-four.</p>

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Session and Chapter.	Short Title.	Extent of Repeal.
		Sections one hundred and sixty-six to one hundred and sixty-nine.
		In section one hundred and seventy, subsection (2) from " and thenceforth " to the end of the subsection.
		In section one hundred and seventy-one, in subsection (5) the words " and the appointment of chaplains in a " district school" and subsection (6).
		Sections one hundred and seventy-five to one hundred and eighty-two.
		Section one hundred and eighty-five.
		In section one hundred and eighty-seven, in subsection (1) the words " dispensary committee or where a dispensary " committee has not been " established the " and subsection (3).
		In section one hundred and ninety the proviso to subsection (1) and subsection (5).
		Section one hundred and ninety-one.
		Sections one hundred and ninety-three to two hundred and six.
		Section two hundred and seven from " or poor law union so " long as " to the end of the section.
		Section two hundred and eight.
		In section two hundred and nine the words "and a board of " management of a

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Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Geo. 5. c. 9.	The Local Authorities (Emergency Provisions) Act, 1928.	<p>school " district or an asylum board."</p> <p>In section two hundred and twelve, paragraph (d) of subsection (1) and subsections (2) and (3).</p> <p>In section two hundred and fourteen, in subsection (1) the words " (other than an order for the " formation of two or more " poor law unions into a " district)."</p> <p>Section two hundred and twenty.</p> <p>In section two hundred and twenty-three, in paragraph (a) of subsection (5) the words from " and in the latter case " to " the account of the parish."</p> <p>Subsection (2) of section two hundred and twenty-five.</p> <p>In section two hundred and twenty-six, subsection (3).</p> <p>In section two hundred and twenty-eight the words " or " other person employed by " or under the authority of."</p> <p>In section two hundred and thirty-six, subsection (2) from " and in the case of " to the end of the subsection.</p> <p>Sections two hundred and thirty-seven to two hundred and forty.</p> <p>The first, second, third and fourth schedules, and the seventh, eighth and ninth schedules.</p> <p>Section two.</p>

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PART II

REPEALS CONSEQUENTIAL ON PART II OF THIS ACT.

21 & 22 Vict. c. 25.	The Births and Deaths Registration Act, 1858.	Section four.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	Section six.

PART III

REPEALS CONSEQUENTIAL ON PART III OF THIS ACT.

41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	In section sixteen, the words " in pursuance of this Act." Section twenty.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section eleven, subsections (2), (3), (4), (5), (6) and (8) and in subsection (9) the words from " as to the refusal of the county council " to " in respect " of any undertaking or road, " or," and from " or as to any notice " to " in proper repair and condition."
54 & 55 Vict. c. 63.	The Highways and Bridges Act, 1891.	Section four from " but no such order " to the end of the section.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section twenty-five, in subsection (1) the words " and of " any highway authority in " the district," and from " and highway authority" to the end of the subsection, and subsection (4). In section twenty-nine provisos (a), (c) and (d).

PART IV

REPEALS CONSEQUENTIAL ON PART IV OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section two hundred and twenty-nine the words from "

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Session and Chapter.	Short Title.	Extent of Repeal.
		Where the rural authority " to " binding and conclusive on all parties concerned." As respects district councils, sections two hundred and ninety-nine to three hundred and two.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section two hundred and thirty-six.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section sixteen, subsection (2).

PART V

REPEALS CONSEQUENTIAL ON PART V OF THIS ACT.

32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	In section forty-five, in paragraph (3) the words " to the qualification of a juror," and the words from " And in construing the Metropolitan " Police Act, 1829," to the words " in force."
37 & 38 Vict. c. 54.	The Rating Act, 1874	As respects agricultural land, paragraph (1) of section three, and sections four and five.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section two hundred and thirty-four, paragraphs (2) and (3).
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section sixty-nine, subsection (2).
53 & 54 Vict. c. 45.	The Police Act, 1890	Section twenty-seven.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section twelve, subsection (1) from " and except" to the end of the subsection.
62 & 63 Vict. c. 44.	The Small Dwellings Acquisition Act, 1899.	In section nine, subsection (6);
8 Edw. 7. c. 36.	The Small Holdings and Allotments Act, 1908.	In section fifty-two, the proviso to subsection (1). In section fifty-three, paragraph (b) of subsection (4) from " but the

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3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	money so borrowed" to the end of the paragraph. In section thirty-three, subsection (3).
9 & 10 Geo. 5. c. 93.	The Public Libraries Act, 1919.	In section one, in the proviso to subsection (3) the words from " money borrowed for the " purposes of those Acts " to " Local Government Act, " 1888, and that".
10 & 11 Geo. 5. c. 49.	The Blind Persons Act, 1920.	In section two, subsection (3) from "and money" to the end of the subsection.
11 & 12 Geo. 5. c. 51.	The Education Act, 1921.	In section one hundred and thirty-two, subsection (2).
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	<p>In section three, in subsection (2) the words " of any woodlands or," and the word "wood" lands" where that word secondly occurs.</p> <p>In section eleven, in the proviso to subsection (1) the words " the rent of which becomes " payable or is collected at " quarterly or any longer " intervals or".</p> <p>In section twenty, in subsection (1) the words " or under " the enactments relating to " the qualification," and the words " save as hereinafter mentioned of a juror," and the proviso.</p> <p>In section twenty-two, in subsection (2) the words from " any deduction " where those words first occur to " as aforesaid".</p> <p>In section sixty-eight, in subsection (1) the definitions of " agricultural land" and " woodlands ".</p> <p>In the Second Schedule, in Part I paragraph (8) and in Part II paragraphs (1) and (2) and the words " and any woodlands."</p>

PART VI

REPEALS CONSEQUENTIAL ON PART VI OF THIS ACT.

19 & 20 Vict. c. 69.	The County and Borough Police Act, 1856.	Section sixteen.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section nineteen, subsection (1) from "and if a medical officer" to the end of the subsection. In section twenty, subsections (1) and (2). Sections twenty-one to twenty-seven. Section thirty-two so far as it relates to the discontinued grants. In section thirty-four, in subsection (1) the words from "in particular shall" to "applicable and," and from " including those " to " police of the county" and paragraphs (d) and (e) of that subsection. In section forty-one, subsection (2) from " and the common council" to the end of the subsection. Sections forty-three and ninety-four.
53 & 54 Vict. c. 8.	The Customs and Inland Revenue Act, 1890.	Section seven, except so far as it relates to Scotland.
53 & 54 Vict. c. 60.	The Local Taxation (Customs and Excise) Act, 1890.	The whole Act, except so far as it relates to Scotland.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	In section one hundred and eight, subsection (1) from " and one-half " to the end of the subsection.
57 & 58 Vict. c. 30.	The Finance Act, 1894.	Section nineteen, except so far as it relates to Scotland.
57 & 58 Vict. c. 53.	The London (Equalization of Rates) Act, 1894.	The whole Act.
57 & 58 Vict. c. 67.	The Diseases of Animals Act, 1894.	As respects Great Britain, in section eighteen, in subsection (1) the words

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		" (not exceeding " one hundred and forty " thousand pounds in any one " year)" and the proviso and subsection (2), and in the Second Schedule, paragraphs 3 to 6.
69 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	In section eleven, in paragraph (f) of subsection (3) the words " section two of the London " (Equalization of Rates) Act, " 1894, or," and the word " other."
62 & 63 Vict. c. 17.	The Tithe Rentcharge (Rates) Act, 1899.	The whole Act.
7 Edw. 7. c. 13.	The Finance Act, 1907	Section seventeen and the Second Schedule, except so far as they relate to Scotland.
8 Edw. 7. c. 16.	The Finance Act, 1908	In section six, subsection (3).
10 Edw. 7. c. 8.	The Finance (1909-10) Act, 1910.	In section forty-seven, subsection (2). In section eighty-eight, subsection (1) except so far as it relates to Scotland.
1 & 2 Geo. 5. c. 2.	The Revenue Act, 1911	Section seventeen, except so far as it relates to Scotland.
2 & 3 Geo. 5. c. 4.	The Metropolitan Police Act, 1912.	The whole Act so far as unrepealed.
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	In section thirty, proviso (i). Sections forty-seven and forty-eight.
6 & 7 Geo. 5 c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section nine and subsection (3) of section thirteen.
6 & 7 Geo. 5. c. 31.	The Police, Factories, &c. (Miscellaneous Provisions) Act, 1916	Section four.
6 & 7 Geo. 5. c. 55.	The Local Government Emergency Provisions (No. 2) Act, 1916.	The whole Act.
9 & 10 Geo. 5 c. 46.	The Police Act, 1919	Section eight.

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10 & 11 Geo. 5. c. 72.	The Roads Act, 1920	In section two, except so far as they relate to Scotland, subsection (2) and in subsection (3) the words " balance of the" and the words " after " deducting the sums to be " paid to the local taxation " accounts under this section."
11 & 12 Geo. 5. c. 12.	The Public Health (Tuberculosis) Act, 1921.	In section one, subsection (2) from " This subsection shall not" to the end of the subsection.
11 & 12 Geo. 5. c. 23.	The Public Health (Officers) Act, 1921.	In sections one and two the words " and charged to the " Exchequer contribution account." Section six.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act, 1921	In section twenty-two, subsection (3) except so far as it relates to Scotland, in subsection (4) the words from " and for the purpose" to " police fund," and subsection (5) except so far as it relates to Scotland.
11 & 12 Geo. 5. c. 32.	The Finance Act, 1921	Section sixty-two.
11 & 12 Geo. 5. c. 51.	The Education Act, 1921.	In section seventy, in subsection (1) the words from " shall apply all" to "unexpended and," and the word " further."
13 & 14 Geo. 5. c. 39.	The Agricultural Rates Act, 1923.	The whole Act, except so far as it relates to Scotland.
14 & 15 Geo. 5. c. 3.	The Diseases of Animals Act, 1924.	As respects Great Britain, the whole Act.
14 & 15 Geo. 5. c. 38.	The National Health Insurance Act, 1924.	In section one hundred and seven, subsection (6), except so far as it relates to Scotland.
15 & 16 Geo. 5. c. 10.	The Agricultural Rates (Additional Grant) Continuance Act, 1925.	The whole Act, except so far as it relates to Scotland.
15 & 16 Geo. 5. c. 87.	The Tithe Act, 1925	In section seven, subsection (3).

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15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	In section sixty-nine, paragraph (b) of subsection (2).
17 & 18 Geo. 5. c. 33.	The Mental Deficiency Act, 1927.	In section seven, paragraph (ii) of subsection (2).

PART VII

REPEALS CONSEQUENTIAL ON PART VII OR THIS ACT.

4 & 5 Will. 4. c. 76.	The Poor Law Amendment Act, 1834.	Section forty.
5 & 6 Will. 4. c. 69.	The Union and Parish Property Act, 1835.	The whole Act so far as unrepealed.
4 & 5 Vict, c. 38.	The School Sites Act, 1841.	In section six, in the second proviso the words from " a majority " to " and without the consent of" and from " and of the guardians" to " convey the same."
5 & 6 Vict, c. 18.	The Parish Property and Parish Debts Act, 1842.	The whole Act so far as unrepealed.
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Sections fourteen to sixteen.
9 & 10 Vict, c. 74.	The Baths and Wash-houses Act, 1846.	In section twenty-four the words " the guardians of the " poor of the parish (if any) " and of" and the words " such guardians or in."
15 & 16 Vict, c. 85.	The Burial Act, 1852	In section twenty-nine the words " the guardians of the poor of " the parish (if any) and of " and the words " such guardians " or in."
17 & 18 Vict. c. 112.	The Literary and Scientific Institutions Act, 1854.	In section six, in the second proviso the words from " a majority " to " and without the consent of " and from " and of the guardians " to " convey the same."
30 & 31 Vict. c. 106.	The Poor Law Amendment Act, 1867.	Sections seven, eight and eleven.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Section thirty-nine

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45 & 46 Vict. c. 21.	The Places of Worship Sites Amendment Act, 1882.	In section one, in proviso (c) the words from " a majority " to " 1835 and of " and from " and of the guardians " to " the conveyance."
52 & 53 Vict. c. 56.	The Poor Law Act, 1889.	The whole Act so far as unrepealed.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	In section thirteen, in paragraph (b) of subsection (2) the words from "save by the " to " belongs or ".
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section six, paragraph (d) of subsection (1). In section fifty-two, subsection (1).
15 & 16 Geo. 5. c. 59.	The Teachers' (Superannuation) Act, 1925.	In proviso (a) to subsection (1) of section two the words " the " Poor Law Officers Superannuation Act, 1896, or ".