

SCHEDULES.

NINTH SCHEDULE

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.

Status: This is the original version (as it was originally enacted).

- (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.
- (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.

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- (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.
 - (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.

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- (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.