



Local Government Act 1888

1888 CHAPTER 41

PART V

SUPPLEMENTAL.

Adaptation of Acts.

86 Adaptation of Lunatic Asylum Acts.

For the purpose of adapting the Acts relating to pauper lunatic asylums to the provisions of this Act, the following provisions shall have effect:—

- (1) The accounts of the committee of visitors and of their officers shall, for the purposes of the provisions of this Act with respect to accounts of a county council and their officers, and the audit thereof, be deemed to be accounts of the council and officers.
- (2) Nothing in this Act shall transfer to the county council or any members thereof the jurisdiction of quarter sessions or any justices in relation to the removal, reception, or detention of a lunatic into or in an asylum, or to making orders respecting the payment otherwise than out of the county fund of charges incurred on account of any pauper lunatic, or respecting any property of any such lunatic, or respecting his settlement or chargeability, or in relation to any appeal touching the said matters.
- (3) Where at the passing of this Act the recorder or justices or council of a borough appoint members of the committee of visitors of any lunatic asylum, then—
 - (a) if the representatives of that borough on the county council are entitled to vote for the appointment by that council of visitors of that asylum, such recorder or justices or council shall cease to have power to appoint the said members; and
 - (b) if the representatives of the borough are not so entitled to vote, the said power of appointment by the recorder or justices shall be transferred to the council of the borough.
- (4) Where at the passing of this Act a borough with a separate court of quarter sessions not being a county borough, but containing, according to the census of one thousand eight hundred and eighty-one, a population of ten thousand or upwards, contracts with

Status: This is the original version (as it was originally enacted).

the quarter sessions of the county in which the borough is situate for the reception of the lunatics of the borough in the asylum of the county, such borough shall, on the determination of such contract, cease to have power to build a lunatic asylum, and subject to the enactments providing for an additional charge for the maintenance of lunatics in cases where no contribution has been made towards the cost of building and furnishing an asylum, shall be liable to contribute to the county rate of the county in respect of such lunatic asylum in like manner as the rest of the county.

- (5) Any asylum provided in whole or in part at the cost of a county shall for the purposes of this Act be included in the expression " county lunatic asylum."
- (6) Where there is more than one county lunatic asylum, the county council may from time to time appoint one committee for the management and control of all the county lunatic asylums, and such committee shall be the committee of each asylum within the meaning of the Acts relating to pauper lunatic asylums, and shall from time to time appoint a subcommittee for each separate asylum, and may delegate to that subcommittee, such powers and duties as the committee from time to time think fit.
- (7) The said committee may, subject to any directions given by the county council, provide that a uniform charge shall be made for the maintenance of lunatics in the several county asylums, and that for that purpose any surplus arising on the accounts of one asylum shall be applied to meet the deficit arising on the accounts of another asylum.
- (8) The provisions of this Act with respect to the proceedings of committees of county councils shall apply to the proceedings of the committee of visitors for a lunatic asylum, and the chairman of such committee may be elected accordingly.

87 Application of provisions of 38 & 39 Vict. c.55 as to local inquiries and provisional orders.

- (1) Where the Local Government Board are authorised by this Act to make any inquiry, to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, sanction, or approval to any matter, or otherwise to act under this Act, they may cause to be made a local inquiry, and in that case, and also in a case where they are required by this Act to cause to be made a local inquiry, sections two hundred and ninety-three to two hundred and ninety-six, both inclusive, of the Public Health Act, 1875, shall apply as if they were herein re-enacted, and in terms made applicable to this Act.
- (2) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relate to the making of provisional orders by the Local Government Board), shall apply for the purposes of this Act as if they were herein re-enacted, and in terms made applicable thereto.
- (3) Provided that, where a provisional order transfers to county councils generally any powers, duties, or liabilities of Her Majesty's Privy Council, a Secretary of State, the Local Government Board, or other Government department, it shall not be necessary to hold a local inquiry nor to advertise in any local newspaper.
- (4) Where any matter is authorised or required by this Act to be prescribed, and no other provision is made declaring how the same is to be prescribed, the same shall be prescribed from time to time by the Local Government Board.
- (5) Where the Board cause any local inquiry to be held under this Act, the costs incurred in relation to such inquiry, including the salary of any inspector or officer of the

Board engaged in such inquiry, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Board may direct, and the Board may certify the amount of the costs incurred, and any sum so certified and directed by the Board to be paid by any council or authority shall be a debt to the Crown from such council or authority.

88 Adaptation of Act to Metropolis.

In the administrative county of London the following provisions shall have effect:

- (a) The county council may from time to time appoint any fit person to be deputy chairman, and to hold office during the term of office of the chairman, and may pay to such deputy chairman such remuneration as the county council may from time to time think fit;
- (b) Subject to any rules from time to time made by the county council, anything authorised or required to be done by, to, or before the chairman, may be done by, to, or before such deputy chairman;
- (c) Section one hundred and ninety-one of the Public Health Act, 1875, shall apply to the Metropolis in like manner as if the Commissioners of Sewers in the City of London, and every vestry of a parish in Schedule A., and district board of a district in Schedule B. to the Metropolis Management Act, 1855, or under any Act amending the same, were a local authority within the meaning of that section, and as if any medical officer hereafter appointed by such commissioners, vestry, or district board were appointed under the said Act, and the provisions of this Act with respect to the qualification of a medical officer or to the payment by a county council of a portion of the salary of a medical officer shall apply accordingly.

89 Adjustment of law as regards courts, juries, sittings, and legal proceedings in Middlesex and London.

- (1) The Central Criminal Court Act, 1834, shall be construed as if the county of London were throughout mentioned therein as well as the county of Middlesex.
- (2) The County Juries Act, 1825, and the Acts amending the same, shall apply to the county of London in like manner as they apply to the county of Middlesex, and persons shall be qualified to serve as jurors, and lists of jurors shall be made out in like manner, so nearly as circumstances admit, as in that county ; and the present exemption of inhabitants of the liberty and city of Westminster from serving on juries at quarter sessions for the county of Middlesex shall cease ; but nothing in this section shall alter the qualification of persons to serve as jurors within the city of London.
- (3) Subject to rules of court made by the authority having power to make rules for the Supreme Court of Judicature, the county of London and the county of Middlesex shall be deemed to be one county for the purpose of all legal proceedings, civil or criminal, in the Supreme Court or Central Criminal Court, or any other court except the court of quarter sessions, and also for the purpose "of the sittings of the Supreme Court, Central Criminal Court, or such other court as aforesaid, or of any judge of any of such courts, and also for the purpose of any jury, and of any court of assize, oyer and terminer, and gaol delivery; and all enactments, rules, orders, and documents referring to Middlesex shall be construed so as to give effect to this section ; and rules of court may be from time to time made for the purpose of carrying this section into effect, and for regulating the issue of precepts to the sheriffs of the counties of London and Middlesex for the

return of jurors, and the jurors so returned shall have the same powers, duties, and liabilities as if the two counties were one county.

90 Special provisions as to adjustment in the Metropolis.

In the adjustment of the property, debts, and liabilities between the counties of Surrey and Middlesex respectively, and the county of London, the annual sums payable by the counties of Surrey and Middlesex respectively in respect of certain bridges in pursuance of the Metropolis Toll Bridges Act, 1877, shall be deemed to be liabilities which shall be taken into consideration upon such adjustment.

91 Adjustment as regards the Militia Act.

The Acts relating to the general and local militia of the rest of England and Wales shall apply to the whole of the county of London in like manner as they apply to any county at large ; and accordingly Her Majesty shall from time to time appoint a lieutenant of the county of London, provided that nothing in this section shall affect section fifty of the Militia Act, 1882.