



Local Government Act 1888

1888 CHAPTER 41 51 and 52 Vict

PART V

SUPPLEMENTAL

Application of Acts

78 Construction of Acts referring to business transferred.

- (1) All enactments in any Act, whether general or local and personal, relating to any business, powers, duties or liabilities transferred by or in pursuance of this Act from any authority to a county council, . . . ^{F1}, or to any joint committee, shall, subject to the provisions of this Act, and so far as circumstances admit, be construed as if—
- (a) any reference therein to the said authority or to any committee or member thereof or to any meeting thereof (so far as it relates to the business, powers, duties, or liabilities transferred) referred to the county council or to a committee or member thereof or to a meeting thereof, as the case requires, and as if—
 - (b) a reference to any clerk or officer of such authority referred to the clerk or officer of a county council or committee thereof, as the case requires,
- and all the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.
- (2) Provided that the transfer of powers and duties enacted by this Act shall not authorise any county council or any committee or member thereof—
- (a) to exercise any of the powers of a court of record; or
 - (b) to administer an oath; or
 - (c) to exercise any jurisdiction under the Summary Jurisdiction Acts, or perform any judicial business, or otherwise act as justices or a justice of the peace,
-^{F2}
- (3) Where under any such enactment as in this section mentioned, any powers, duties, or liabilities are to be exercised or discharged after any presentment or in any particular

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1888, Section 78. (See end of Document for details)

manner, or at any particular meeting, or subject to any other conditions, the county council may, by the standing orders for the regulation of their proceedings, provide for the exercise and discharge of those powers, duties, and liabilities without any such prior presentment or in a different manner, or at any meeting of the council fixed by the standing orders, or without such other conditions; and until such standing orders take effect shall exercise and discharge them in the like manner, and at the like time, and subject to the like conditions, so nearly as circumstances admit; ^{F3}...

- (4) For the purposes of this section the expression “authority” means a Secretary of State, the Board of Trade, the Local Government Board, and any Government Department, also any commissioners, conservators, or public body, corporate or unincorporate, specified in a Provisional Order transferring any powers, duties, or liabilities to the county council, also any quarter sessions and any justices, also the Metropolitan Board of Works, or other local authority mentioned in this Act; and the expression “member of an authority” includes, where the authority are quarter sessions or justices, any justice, and the expression “meeting of an authority” includes a court of quarter sessions and the assembly of justices in special or petty sessions; and the expression “clerk of an authority” includes in relation to any quarter sessions or justices, the clerk of the peace or the clerk to a justice as the case requires.

This section shall apply as if a joint committee were a committee of the county council.

Textual Amendments

- F1** Words repealed by [Police Act 1964 \(c. 48\)](#), **Sch. 10 Pt. I**
- F2** Words repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), **Sch. 5 Pt. II**
- F3** Words in [s. 78\(3\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 3
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Modifications etc. (not altering text)

- C1** Functions of Board of Trade now exercisable by Secretary of State concurrently with Board of Trade: [S.I. 1970/1537](#)
- C2** Functions of Metropolitan Board of Works now exercisable by Greater London Council: [Local Government Act 1888 \(c. 41\)](#), **s. 40(8)(9)**, [London Government Act 1963 \(c. 33\)](#), ss. 2, 3(1)(b), **Sch. 2** and [Local Government Act 1972 \(c. 70\)](#), s. 8, **Sch. 2**

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