Local Government Act 1888

1888 CHAPTER 41 51 and 52 Vict

An Act to amend the Laws relating to Local Government in England and Wales, and for other purposes connected therewith. [13th August 1888]

Modifications etc. (not altering text)

C1 Act amended by Local Government Act 1894 c. 73 (56 & 57 Vict.)

C2 Act amended with the substitution for any reference to a specified officer of a local authority as a reference to the proper officer of a local authority by Local Government Act 1972 (c. 70), **Sch. 29 Pt. I para. 4** subject as in that paragraph mentioned

C3 Councils of administrative counties, boroughs, (except those in rural districts), urban districts, rural districts and urban parishes outside Greater London and Isles of Scilly together with municipal corporations of boroughs outside Greater London now abolished and councils of metropolitan counties, non-metropolitan counties and districts constituted by Local Government Act 1972 (c. 70), ss. 1, 2, **Sch. 1**

C4 Functions of Local Government Board under this Act now exercisable by Secretary of State: Ministry of Health Act 1919 (c. 21), **s. 3(1)(a)**, S.I. 1951/142, 1900 (1951 I, pp. 1348, 1347), S.I. 1965/319 and 1970/1681
Act: transfer of functions (W.) (1.7.1999) by S.I. 1999/672, art. 2, **Sch.**

C5 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), **s. 3**

C6 Certain words repealed by Statute Law Revision Act 1908 (c. 49)

Commencement Information

I1 Act in force at Royal Assent but subject to s. 109 (now repealed)

PART I

COUNTY COUNCILS

1, 2. . . . . . [F1]

Textual Amendments

F1 Ss. 1, 2 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

3 . . . . . F2

Textual Amendments

F2 S. 3 repealed by S.I. 1974/1351

4 . . . . . F3

Textual Amendments

F3 S. 4 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

5 . . . . . F4

Textual Amendments

F4 S. 5 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

6 . . . . . F5

Textual Amendments

F5 S. 6 repealed by Highways Act 1959 (c. 25), s. 312(2), **Sch. 25** and London Government Act 1963 (c. 33), s. 16(2), **Sch. 6 para. 70**

7 . . . . . F6

Textual Amendments

F6 S. 7 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

8 . . . . . F7

Textual Amendments

F7 S. 8 repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

9 . . . . . F8

Textual Amendments

F8 S. 9 repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**

10 . . . . . F9

Textual Amendments

F9 S. 10 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

11 . . . . . F10

Textual Amendments

F10 S. 11 repealed by Local Government Act (c. 25), (c. 17), Sch. 12 Pt. III, Highways Act 1959 (c. 25), s. 312(2), **Sch. 25**, London Government Act 1963 (c. 33), s. 16(2), **Sch. 6 para. 70** and Local Government Act 1972 (c. 70), **Sch. 30**

12, 13. . . . . . F11

Textual Amendments

F11 Ss. 12, 13 repealed by Highways Act 1959 (c. 25), s. 312(2), **Sch. 25**

14 . . . . . F12

Textual Amendments

F12 S. 14 repealed by Rivers (Prevention of Pollution) Act 1951 (c. 64), **Sch. 3**

15 . . . . . F13

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

Textual Amendments

F13 S. 15 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

16 . . . . . F14

Textual Amendments

F14 S. 16 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London County Council (General Powers) Act 1934 (c. xl), s. 76, **Sch.**

17, 18. . . . . . F15

Textual Amendments

F15 Ss. 17, 18 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and Public Health (London) Act 1936 (c. 50), **Sch. 7**

19 . . . . . F16

Textual Amendments

F16 S. 19 repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3 Pt. V**, London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

Financial Relations between Exchequer and County, and Contributions by County for Costs of Union Officers

20 Payment to county council of proceeds of duties on local taxation licences.

(1) F17

(3) It shall be lawful for Her Majesty the Queen from time to time by Order in Council made on the recommendation of the Treasury to transfer to county councils as from the date specified in the Order the power to levy the duties on all or any of the local taxation licences, and after such date every county council and their officers shall (subject nevertheless to any exceptions and modifications contained in the Order) have within their county, for the purpose of levying the duties transferred, the same powers, duties, and liabilities as the Commissioners of Inland Revenue and their officers have with respect to the duties transferred, and to the issue and cancellation of licences on which the duties are imposed, and other matters under the Acts relating to those duties and licences, and all enactments relating to those duties and licences, and to punishments and penalties connected therewith, shall apply accordingly.

(4) Provided as follows:—

(i) All penalties and forfeitures recovered by a county council in pursuance of this section shall, instead of being paid to the Exchequer, be paid to the county fund, and carried to the same account as the duties.

(ii) F18

(iii) Nothing in this section shall confer on the county council any special privileges of the Crown as respects legal proceedings.

(5) On a transfer under this section of the power to levy the duties on any licence—

(a) the county council shall provide for issuing, in different parts of their county, their licence for the same purpose, so as to enable persons to obtain it near their residences; and

(b) if such licence has operation in any place in the United Kingdom outside the county in which it is issued, the licence of a county council for the same purpose shall continue to have the like operation outside the county in such place.

Textual Amendments

F17 S. 20(1)(2) repealed by Local Government Act 1929 (c. 17), **Sch. 12 Pt. VI**

F18 S. 20(4)(ii) repealed by Customs and Excise Act 1952 (c. 44), **Sch. 12 Pt. I**

Modifications etc. (not altering text)

C7 S. 20 amended by Finance Act 1908 (c. 16), **s. 6**

C8 In the repealed s. 20(1) "local taxation licences", referred to in s. 20(3), were defined as meaning the licences specified in Sch. 1 to the Act

C9 S. 20(3) extended by London Government Act 1963 (c. 33), s. 83, **Sch. 17 para. 2**

C10 Functions of Commissioners of Inland Revenue as to excise duties now exercisable by Commissioners of Customs and Excise: S.R. & O. 1909/197 (Rev. V, p. 465: 1909, p. 239)

21–27 . . . . . F19

Textual Amendments

F19 Ss. 21–27 repealed by Local Government Act 1929 (c. 17), s. 134, **Sch. 12 Pt. VI**

General Provisions as to Transfer

28 General provisions as to powers transferred to county council.

(1) The county council shall, as respects the business by this Act transferred to them from quarter sessions or the justices out of sessions, be subject to the provisions and limitations in this Act specified, but, save as aforesaid, shall have and be subject to all the powers, duties, and liabilities, which the quarter sessions, or any committee thereof, or any justice or justices had or were subject to in respect of the business so transferred.

(2) . . . . . F20 the county council may also, without prejudice to any other power whether to appoint committees or otherwise, delegate to the justices of the **[**F21peace **[**F22acting in a local justice**]** area consisting of or including

the whole or part of the county**]** any power or duty transferred by this Act to the county council in respect of. . . . . [F23] the execution as local authority. . . . . [F24] of the Act relating to contagious diseases of animals.

(3) Provided that the county council shall not under this section delegate any power of raising money by rate or loan.

Textual Amendments

F20 Words repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III**, London County Council (General Powers) Act 1934 (c. xl), s. 76, **Sch.** and London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

F21 Words in s. 28(2) substituted (27.9.1999) by 1999 c. 22, ss. 76(2), 108(3)(c), **Sch. 10 para. 13** (with s. 107, Sch. 14 para. 7(2))

F22 Words in s. 28(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 64**; S.I. 2005/910, art. 3(y)

F23 Words repealed by Theatre Act 1968 (c. 54), **Sch. 3** and Local Government Act 1972 (c. 70), **Sch. 30**

F24 Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**

29 . . . . . [F25]

Textual Amendments

F25 S. 29 repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

30 . . . . . [F26]

Textual Amendments

F26 S. 30 repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**

PART II

APPLICATION OF ACT TO BOROUGHS, THE METROPOLIS, AND CERTAIN SPECIAL COUNTIES

31–39 . . . . . [F27]

Textual Amendments

F27 Ss. 31–39 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

Application of Act to Metropolis

40 . . . . . F28

Textual Amendments

F28 S. 40 repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**

41

(1) F29

(3) F30

(5) F31

(6) F32

(7) F33

(8) F34

Textual Amendments

F29 S. 41(1)(2) repealed by Justices of the Peace Act 1968 (c. 69), **Sch. 5 Pt. I**
F30 S. 41(3)(4) repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**
F31 S. 41(5) repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**
F32 S. 41(6) repealed by London Government Act 1939 (c. 40), **Sch. 8**
F33 S. 41(7) repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**
F34 S. 41(8) repealed by Justices of the Peace Act 1968 (c. 69), **Sch. 5 Pt. I**

42 Arrangements for paid chairman and sitting of quarter sessions for London.

(1) F35

(8) F36

(10) F37

(11) F38

(12) F39

(13) F40

(14) F41

Textual Amendments

F35 S. 42(1)–(7) repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**
F36 S. 42(8)(9) repealed by Statute Law Revision Act 1908 (c. 49)
F37 S. 42(10) repealed by Local Government Act 1948 (c. 26), **Sch. 2 Pt. II**
F38 S. 42(11) repealed by Statute Law Revision Act 1908 (c. 49)
F39 S. 42(12) repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**

F40 S. 42(13) repealed by Justices of the Peace Act 1968 (c. 69) Sch. 5 Pt. I
F41 S. 42(14) repealed by City of London (Courts) Act 1964 (c. iv), **Sch.**

43 . . . . . F42

Textual Amendments
F42 S. 43 repealed by Local Government Act 1929 (c. 17), **Sch. Pt. VI**

44 . . . . . F43

Textual Amendments
F43 S. 44 repealed by Local Government Act 1948 (c. 26), **Sch. 2 Pt. II**

45 . . . . . F44

Textual Amendments
F44 S. 45 repealed by Public Health (London) Act 1891 (c. 76), **Sch. 4**

46 . . . . . F45

Textual Amendments
F45 S. 46 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

47 . . . . . F46

Textual Amendments
F46 S. 47 repealed by Criminal Justice Administration Act 1956 (c. 34), **Sch. 3 Pt. I**

48 . . . . . F47

Textual Amendments
F47 S. 48 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

49 . . . . . F48

Textual Amendments

F48 S. 49 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III**

PART III

BOUNDARIES

50–53 . . . . . F49

Textual Amendments

F49 Ss. 50–53 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

54 . . . . . F50

Textual Amendments

F50 S. 54 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

55, 56. . . . . . F51

Textual Amendments

F51 Ss. 55, 56 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

57 . . . . . F52

Textual Amendments

F52 S. 57 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

58 . . . . . F53

Textual Amendments

F53 S. 58 repealed by Poor Law Act 1927 (c. 14), **Sch. 11**

59

(1) F54

(2) F55

(3) F56

Textual Amendments

F54 S. 59(1) repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

F55 S. 59(2) repealed by S.I. 1974/1351

F56 Ss. 59(3)–(6), 60–62 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

60–62 . . . . . F57

Textual Amendments

F57 Ss. 59(3)–(6), 60–62 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

63 . . . . . F58

Textual Amendments

F58 S. 63 repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. VIII**

PART IV

FINANCE

Property Funds and Costs of County Council

64 . . . . . F59

Textual Amendments

F59 S. 64 repealed by S.I. 1974/1351

65 . . . . . F60

Textual Amendments

F60 S. 65 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

66 . . . . . F61

Textual Amendments

F61 S. 66 repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**

67 . . . . . F62

Textual Amendments

F62 S. 67 repealed by Justices of the Peace Act 1968 (c. 69), **Sch. 5 Pt. I**

68 . . . . . F63

Textual Amendments

F63 S. 68 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

F64 69 Borrowing by county council.

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Textual Amendments

F64 S. 69 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

70 . . . . . F65

Textual Amendments

F65 Ss. 69(10)(12), 70 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

71 . . . . . F66

Textual Amendments

F66 S. 71 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pts. III, **V**

72 . . . . . F67

Textual Amendments

F67 S. 72 repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

73 . . . . . F68

Textual Amendments

F68 S. 73 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pts. III, **V**

74 . . . . . F69

Textual Amendments

F69 S. 74 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

PART V

SUPPLEMENTAL

Application of Acts

75 . . . . . F70

Textual Amendments

F70 S. 75 repealed by Representation of the People Act 1949 (c. 68), s. 175, **Sch. 9**

76, 77. . . . . . F71

Textual Amendments

F71 Ss. 76, 77 repealed by Representation of the People Act 1918 (7 & 8 Geo. 5 c. 64), **Sch. 8**

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, . . . [F72], 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,

. . . . . [F73]

(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 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; [F74]...

(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

F72 Words repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**

F73 Words repealed by Justices of the Peace Act 1968 (c. 69), **Sch. 5 Pt. II**

F74 Words in s. 78(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

Modifications etc. (not altering text)

C11 Functions of Board of Trade now exercisable by Secretary of State concurrently with Board of Trade: S.I. 1970/1537

C12 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**

Proceedings of Councils and Committees

79 Incorporation of county council.

(1) F75

(2) All duties and liabilities of the inhabitants of a county shall become and be duties and liabilities of the council of such county.

(3) Where any enactment (whether relating to . . . F76 bridges, or other county purposes, or to quarter sessions) requires or authorises land to be conveyed or granted to, or any contract or agreement to be made in the name of, the clerk of the peace, or any justice or justices or other person, on behalf of the county or quarter sessions, or justices of the county, such land shall be conveyed or granted to, and such contract and agreement shall be made with, the council of the . . . F77 county concerned.

Textual Amendments

F75 Ss. 79(1), 80 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

F76 Words repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

F77 Word repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

80 . . . . . F78

Textual Amendments

F78 Ss. 79(1), 80 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

81 Appointment of joint committees.

[F79(1) Any county council or councils, and any court or courts of quarter sessions, may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.**]**

(2) F80

Textual Amendments

F79 S. 81(1) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV** but reproduced for the purpose of construing the remaining provisions of this Act

F80 S. 81(2)–(8) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

82 . . . . . F81

Textual Amendments

F81 S. 82 repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

83 . . . . . F82

Textual Amendments

F82 S. 83 repealed by S.I. 1974/1351

84 . . . . . F83

Textual Amendments

F83 S. 84 repealed by Justices of the Peace Act 1949 (c. 101), s. 46(2), **Sch. 7 Pt. III**

Regulations for Bicycles, &c.

85 Regulations for bicycles, &c.

(1) . . . . . F84 bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the Highway Acts;. F85

(a) F86

(b) F87

(2) F87

Textual Amendments

F84 Words repealed by Statute Law Revision Act 1908 (c. 49), Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1963 (c. 33), s. 93(1), **Sch. 18 Pt. II**

F85 Words repealed by Road Traffic Act 1930 (c. 43), **Sch. 5**

F86 S. 85(1)(*a*) repealed by Road Transport Lighting Act 1927 (c. 37), **Sch.**

F87 S. 85(1)(*b*), (2) repealed by Road Traffic Act 1930 (c. 43), **Sch. 5**

Adaptation of Acts

86 . . . . . F88

Textual Amendments

F88 S. 86 repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

F89 87 Application of provisions of 38 & 39 Vict. c. 55 as to local inquiries and provisional orders.

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Textual Amendments

F89 S. 87 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

88 . . . . . F90

Textual Amendments

F90 S. 88 repealed by London Government Act 1939 (c. 40), **Sch. 8**

89 . . . . . F91

Textual Amendments

F91 S. 89 repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**

90 . . . . . F92

Textual Amendments

F92 S. 90 repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

91 . . . . . F93

Textual Amendments

F93 S. 91 repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**

Savings

92

(1) F94

(2) F95

(3) F96

Textual Amendments

F94 S. 92(1) repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

F95 S. 92(2) repealed by Representation of the People Act 1949 (c. 68), s. 176(2)(3), **Sch. 9**

F96 S. 92(3) repealed by Representation of the People Act 1918 (7 & 8 Geo. 5 c. 64), **Sch. 8**

93 . . . . . F97

Textual Amendments

F97 S. 93 repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**

94 . . . . . F98

Textual Amendments

F98 S. 94 repealed by Local Government Act 1929 (c. 17), s. 134, **Sch. 12 Pt. VI**

95 Saving as to Middlesex, Surrey, and Kent.

(1) F99

(2) Where any enactment, deed, instrument, or document refers to the county of Middlesex, Surrey, or Kent, such enactment, deed, instrument, or document shall be construed to apply to the same area to which it would have applied if this Act **[**F100and the M1London Government Act 1963**]** had not passed, except where such application is inconsistent with this Act **[**F100or with the said Act of 1963 or any instrument made thereunder**]**, or where the object of such enactment, deed, instrument, or document requires that it shall be construed to apply to **[**F101the area consisting of the inner London boroughs, the City of London, the Inner Temple and the Middle Temple**]**.

Textual Amendments

F99 S. 95(1) repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**

F100 Words inserted by S.I. 1965/654

F101 Words substituted by S.I. 1965/654

Marginal Citations

M1 1963 c. 33.

96 . . . . . F102

Textual Amendments

F102 S. 96 repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

97 . . . . . F103

Textual Amendments

F103 S. 97 repealed by Highways Act 1959 (c. 25), s. 312(2), **Sch. 25** and London Government Act 1963 (c. 33), s. 16(2), **Sch. 6 para. 70**

98 Saving for powers of Commissioners of Inland Revenue and Customs.

Notwithstanding anything in the foregoing sections of this Act, the Commissioners of Inland Revenue and the Commissioners of Customs, and the officers of those Commissioners respectively, shall have the same powers in relation to any articles subject to any duty of customs or excise, manufactured, imported, kept for sale, or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyances used in connexion therewith or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, or having the custody of the same, as they would have had if this Act had not passed, and any licences transferred in pursuance of this Act had continued to be granted by the Commissioners of Inland Revenue.

Modifications etc. (not altering text)

C13 Functions of Commissioners of Inland Revenue as to excise duty now exercisable by Commissioners of Customs and Excise: S.R. & O. 1909/197 (Rev. V, p. 465: 1909, p. 239)

Definitions

99 . . . . . F104

Textual Amendments

F104 Ss. 99, 103–108, 110–114 repealed by Statute Law Revision Act 1908 (c. 49)

100 Interpretation of certain terms in the Act.

In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them, that is to say:—

. . . . . F105

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The expression "quarter sessions" as respects any county, riding, division, or liberty, means the justices in quarter or general sessions assembled, and includes justices assembled in gaol sessions, annual general sessions, and adjourned sessions, and as respects any borough, means any court of qarter or general sessions held for the borough . . . F108

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. . . . . F105

. . . . . F111

The expression "person" includes any body of persons, whether corporate or unincorporate:

. . . . . F113 . . . . . F114

. . . . . F105

The expression "powers" includes rights, jurisdiction, capacities, privileges, and immunities:

The expression "duties" includes responsibilities and obligations:

The expression "liabilities" includes liability to any proceeding for enforcing any duty or for punishing the breach of any duty, and includes all debts and liabilities to which any authority are or would but for this Act be liable or subject to, whether accrued due at the date of the transfer or subsequently accruing, and includes any obligation to carry or apply any money to any sinking fund or to any particular purpose:

The expression "powers, duties, and liabilities," includes all powers, duties, and liabilities conferred or imposed by or arising under any local and personal Act:

. . . . . F105

. . . . . F105

. . . . . F115

. . . . . F116

The expression "office" includes any place, situation, or employment, and the expression "officer" shall be construed accordingly:

. . . . . F105

. . . . . F117

. . . . . F118

Textual Amendments

F105 Definition repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

F106 Definition repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

F107 Definition repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**

F108 Words repealed by Justices of the Peace Act 1968 (c. 69), **Sch. 5 Pt. II**

F109 Definitions repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1963 (c. 33), s. 93(1), **Sch. 18 Pt. II**

F110 Definitions repealed by Statute Law Revision Act 1908 (c. 49)

F111 Definitions repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

F112 Definitions repealed by Statute Law Revision Act 1908 (c. 49), Highways Act 1959 (c. 25), s. 312(2), **Sch. 25** and London Government Act 1963 (c. 33), s. 93(1), **Sch. 6 para. 70**

F113 Words repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

F114 Words repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

F115 Paragraph repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

F116 Definitions repealed by Statute Law Revision Act 1908 (c. 49) and Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

F117 Definitions repealed by Statute Law Revision Act 1908 (c. 49), Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V** and Local Government Act 1972 (c. 70), **Sch. 30**

F118 Words repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

101 Extent of Act.

This Act shall not extend to Scotland or Ireland.

102 Short title.

This Act may be cited as the Local Government Act, 1888.

PART VI

TRANSITORY PROVISIONS

103–108 . . . . . F119

Textual Amendments

F119 Ss. 99, 103–108, 110–114 repealed by Statute Law Revision Act 1908 (c. 49)

109 . . . . . F120

Textual Amendments

F120 S. 109 repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

110–114 . . . . . F121

Textual Amendments

F121 Ss. 99, 103–108, 110–114 repealed by Statute Law Revision Act 1908 (c. 49)

115 . . . . . F122

Textual Amendments

F122 S. 115 repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**

116 . . . . . F123

Textual Amendments

F123 S. 116 repealed by Statute Law Revision Act 1908 (c. 49)

117 . . . . . F124

Textual Amendments

F124 S. 117 repealed by Local Government Act 1958 (c. 55), s. 67, **Sch. 9 Pt. V**

118–120 . . . . . F125

Textual Amendments

F125 Ss. 118–120 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

121 . . . . . F126

Textual Amendments

F126 S. 121 repealed by Statute Law Revision Act 1908 (c. 49)

Savings

122 . . . . . F127

Textual Amendments

F127 S. 122 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

123 Saving for existing bye-laws.

All such bye-laws, orders, and regulations of the Privy Council, Secretary of State, Board of Trade, Local Government Board, or Government department, or of any quarter sessions, council of a borough, the Metropolitan Board of Works or other authority, whose powers and duties are transferred by or in pursuance of this Act to any county council, as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred, continue in force as if they had been made by such council, subject, nevertheless, to revocation or alteration by such council in the manner in which bye-laws can be made by such council, and also to any exceptions or modifications which may be made at the time of the transfer.

Modifications etc. (not altering text)

C14 Functions of Board of Trade now exercisable by Secretary of State concurrently with Board of Trade: S.I. 1970/1537

C15 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**

124 . . . . . F128

Textual Amendments

F128 S. 124 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

125, 126. . . . . . F129

Textual Amendments

F129 Ss. 125, 126 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

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

SCHEDULES

FIRST SCHEDULE

Section 20.

LOCAL TAXATION LICENCES

Licences for the sale of intoxicating liquor for comsumption on the premises;

Retailers of spirits (publicans).	Retailers of beer and wine.
Retailers of spirits, occasional licences.	Retailers of cider.
Retailers of beer.	Retailers of wine.
Retailers of beer, occasional licences.	Retailers of wine, occasional licences.
	Retailers of sweets.

F130 . . .

Textual Amendments

F130 Words repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. VIII**

F131 ...

Textual Amendments

F131 Words repealed (1.8.2007) by Regulatory Reform (Game) Order 2007 (S.I. 2007/2007), art. 1(1), **Sch. para. 1(d)**

Licences for—

Beer dealers.	**F132**
	. . .
Spirit dealers.	**F133**
	. . .
Sweets dealers.	**F134**
	. . .
Wine dealers.	**F130**
	. . .
F135	**F133**
. . .	. . .
F133	**F136**

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

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F131

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F137

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Textual Amendments

F132 Words repealed by Finance Act 1944 (c. 23), **Sch. 5 Pt. II**

F133 Words in Sch. 1 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Group1

F134 Word in Sch. 1 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group1

F135 Words repealed with saving by Finance Act 1949 (c. 47), s. 52(10), **Sch. 11 Pt. II**

F136 Words repealed by Finance Act 1937 (c. 54), s. 5(1), **Sch. 6**, Finance Act 1944 (c. 23), **Sch. 5 Pt. II** and with saving by Finance Act 1949 (c. 47), s. 52(10), Sch. 11 Pts. I, **II**

F137 Words repealed by Finance Act 1949 (c. 47), **Sch. 11 Pt. I** and Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. VIII**

F138F138SECOND SCHEDULE

Textual Amendments

F138 Sch. 2 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pts. III, **V**

F138

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F139F139THIRD SCHEDULE

Textual Amendments

F139 Sch. 3 repealed by S.I. 1974/1351

F139

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Changes to legislation:
There are currently no known outstanding effects for the Local Government Act 1888.