



Local Government Act 1894

1894 CHAPTER 73 56 and 57 Vict

PART I

PARISH MEETINGS AND PARISH COUNCILS

Powers and Duties of Parish Councils and Parish Meetings

5 †Parish council to appoint overseers.

- (1) F1
- (2) F2
- (a) F1
- (b) references in any Act to the churchwardens and overseers shall, as respects any rural parish, except so far as those references relate to the affairs of the church, be construed as references to the overseers,
- (c) F3

Textual Amendments

- F1** S. 5(1)(2)(a) repealed by [Rating and Valuation Act 1925 \(c. 90\)](#), [Sch. 8](#)
- F2** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)
- F3** S. 5(2)(c) repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)

Modifications etc. (not altering text)

- C1** Unreliable margin note
- C2** Functions of churchwardens and overseers now generally exercisable in City of London by Common Council and elsewhere by rating authorities: [City of London \(Union of Parishes\) Act 1907 \(c. xl\)](#), [s. 11](#), [London Government Act 1899 \(c. 14\)](#), [s. 11\(1\)](#), [Rating and Valuation Act 1925 \(c. 90\)](#), [s. 62\(1\)](#), [S.R. & O. 1927/55 \(Rev. XIX, p. 599: 1927, p. 964\)](#), [London Government Act 1963 \(c. 33\)](#), [s. 63\(1\)](#) and [General Rate Act 1967 \(c. 9\)](#), [s. 1\(1\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1894, Cross Heading: Powers and Duties of Parish Councils and Parish Meetings. (See end of Document for details)

6 Transfer of certain powers of vestry and other authorities to parish council.

- (1) Upon the parish council of a rural parish coming into office, there shall be transferred to that council:—
 - (a) The powers, duties, and liabilities of the vestry of the parish except—
 - (i) so far as relates to the affairs of the church or to ecclesiastical charities; and
 - (ii) any power, duty, or liability transferred by this Act from the vestry to any other authority:
 - (b) The powers, duties, and liabilities of the churchwardens of the parish, except so far as they relate to the affairs of the church or to charities, or are powers and duties of overseers . . . ^{F4}
 - (c) The powers, duties, and liabilities of the overseers or of the churchwardens and overseers of the parish with respect to—
 - (i) ^{F5}
 - (ii) The provision of parish books . . . ^{F6} or matters relating thereto; and
 - (iii) The holding or management of parish property, not being property relating to affairs of the church or held for an ecclesiastical charity, and the holding or management of village greens, or of allotments, whether for recreation grounds or for gardens or otherwise for the benefit of the inhabitants or any of them;
 - (d) ^{F7}
- (2) ^{F8}
- (3) ^{F9}

Textual Amendments

F4 Words repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV**

F5 [S. 6\(1\)\(c\)\(i\)](#) repealed by [Rating and Valuation Act 1925 \(c. 90\)](#), **Sch. 8**

F6 Words repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV** and [Fire Brigades Act 1938 \(c. 72\)](#), **Sch. 3 Pt. I**

F7 [S. 6\(1\)\(d\)](#) repealed by [Local Government Act 1929 \(c. 17\)](#), **Sch. 12 Pt. VII**

F8 [S. 6\(2\)](#) repealed by [Housing Act 1925 \(c. 14\)](#), **Sch. 6**

F9 [S. 6\(3\)\(4\)](#) repealed by [Small Holdings and Allotments Act 1908 \(c. 36\)](#), **Sch. 3**

Modifications etc. (not altering text)

C3 Functions of churchwardens and overseers now generally exercisable in City of London by Common Council and elsewhere by rating authorities: [City of London \(Union of Parishes\) Act 1907 \(c. xl\)](#), **s. 11**, [London Government Act 1899 \(c. 14\)](#), **s. 11(1)**, [Rating and Valuation Act 1925 \(c. 90\)](#), **s. 62(1)**, [S.R. & O. 1927/55 \(Rev. XIX, p. 599; 1927, p. 964\)](#), [London Government Act 1963 \(c. 33\)](#), **s. 63(1)** and [General Rate Act 1967 \(c. 9\)](#), **s. 1(1)**

7 ^{F10}

Textual Amendments

F10 [S. 7](#) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

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8 Additional powers of parish council.

- (1) A parish council shall have the following additional powers, namely, power—
- (a)^{F11}
 - (b)^{F12}
 - (c) to apply to the Board of Agriculture under section nine of the ^{M1}Commons Act, 1876; and
 - (d) ...^{F13} sections one hundred and eighty-three to one hundred and eighty-six of the ^{M2}Public Health Act, 1875, shall apply.^{F13} as if the parish council were a local authority within the meaning of those sections; and
 - (e)^{F14}
 - [^{F15}(g) to acquire by agreement any right of way, whether within their parish or an adjoining parish, the acquisition of which is beneficial to the inhabitants of the parish or any part thereof; and]
 - (h)^{F16}
 - (i) to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of any of the foregoing powers, or in relation to any parish property, not being property relating to affairs of the church or held for an ecclesiastical charity; and
 - (k) to contribute towards the expense of doing any of the things above mentioned, or to agree or combine with any other parish council to do or contribute towards the expense of doing any of the things above mentioned.
- (2)^{F16}
- (3)^{F17}
- (4) Notice of any application to the Board of Agriculture in relation to a common shall be served upon the council of every parish in which any part of the common to which the application relates is situate.

Textual Amendments

- F11** S. 8(1)(a) repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV**
- F12** S. 8(1)(b) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F13** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F14** S. 8(1)(e)(f) repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. V**
- F15** S. 8(1)(g) repealed so far as it applies to a highway within the meaning of the [Highways Act 1959](#) by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**
- F16** S. 8(1)(h)(2) repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV**
- F17** S. 8(3) repealed by [Public Health Act 1936 \(c. 49\)](#), s. 346, **Sch. 3 Pt. V**

Modifications etc. (not altering text)

- C4** Functions of Board of Agriculture now exercisable by Minister of Agriculture, Fisheries and Food: [Board of Agriculture and Fisheries Act 1903 \(c. 31\)](#), **s. 1(1)**, [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\)](#), **s. 1** and [S.I. 1955/554 \(1955 I, p. 1200\)](#)
- C5** S. 8(1)(i) extended by [Local Government Act 1929 \(c. 17\)](#), **s. 115(3)**

Marginal Citations

- M1** 1876 c. 56.
- M2** 1875 c. 55.

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9 F18

Textual Amendments
F18 S. 9 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pt. IV

10 F19

Textual Amendments
F19 S. 10 repealed by Small Holdings and Allotments Act 1907 (c. 54), Sch. 2

11, 12. F20

Textual Amendments
F20 Ss. 11, 12 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pt. IV

13 F21

Textual Amendments
F21 S. 13 repealed by Highways Act 1959 (c. 25), s. 312(2), Sch. 25

14 F22

Textual Amendments
F22 S. 14 repealed by Charities Act 1960 (c. 58), Sch. 7 Pt. I

15 F23

Textual Amendments
F23 S. 15 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pt. IV

16 F24

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Textual Amendments

F24 Ss. 16, 19(8) repealed by S.I. 1979/1123, **art. 3(1)**

17, 18. **F25**

Textual Amendments

F25 Ss. 17, 18, 19(1)–(3) repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. IV**

19 Provisions as to small parishes.

In a rural parish not having a separate parish council, the following provisions shall, . . .
^{F26} subject to provisions made by a grouping order, if the parish is grouped with some other parish or parishes, have effect:—

- (1) **F27**
- (4) All powers, duties, and liabilities of the vestry shall, except so far as they relate to the affairs of the Church or to ecclesiastical charities, or are transferred by this Act to any other authority, be transferred to the parish meeting;
- (5) **F28**
- (6) **F29**
- (8) **F30**
- (9) **F29**

Textual Amendments

F26 Words repealed by Statute Law Revision Act 1908 (c. 49)
F27 Ss. 17, 18, 19(1)–(3) repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. IV**
F28 S. 19(5) repealed by Rating and Valuation Act 1925 (c. 90), **Sch. 8** and Charities Act 1960 (c. 58), **Sch. 7 Pt. I**
F29 S. 19(6)(7)(9)–(11) repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. IV**
F30 Ss. 16, 19(8) repealed by S.I. 1979/1123, **art. 3(1)**

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