



Local Government Act 1888

1888 CHAPTER 41 51 and 52 Vict

PART I **E+W**

COUNTY COUNCILS

1, 2.^{F1} **E+W**

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F1 Ss. 1, 2 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pt.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} **E+W**

Textual Amendments

F2 S. 3 repealed by S.I. 1974/1351

4^{F3} **E+W**

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F3 S. 4 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pt.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} **E+W**

Status: Point in time view as at 22/07/2004.

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

Textual Amendments

F4 S. 5 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

6 ^{F5} **E+W**

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F5 S. 6 repealed by [Highways Act 1959 \(c. 25\)](#), s. 312(2), [Sch. 25](#) and [London Government Act 1963 \(c. 33\)](#), s. 16(2), [Sch. 6 para. 70](#)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} **E+W**

Textual Amendments

F6 S. 7 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

8 ^{F7} **E+W**

Textual Amendments

F7 S. 8 repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

9 ^{F8} **E+W**

Textual Amendments

F8 S. 9 repealed by [Police Act 1964 \(c. 48\)](#), [Sch. 10 Pt. I](#)

10 ^{F9} **E+W**

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F9 S. 10 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt.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} **E+W**

Status: Point in time view as at 22/07/2004.

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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F10 S. 11 repealed by Local Government Act (c. 25), (c. 17), Sch. 12 Pt.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} **E+W**

Textual Amendments

F11 Ss. 12, 13 repealed by Highways Act 1959 (c. 25), s. 312(2), **Sch. 25**

14 ^{F12} **E+W**

Textual Amendments

F12 S. 14 repealed by Rivers (Prevention of Pollution) Act 1951 (c. 64), **Sch. 3**

15 ^{F13} **E+W**

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F13 S. 15 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt.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} **E+W**

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F14 S. 16 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt.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} **E+W**

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} **E+W**

Status: Point in time view as at 22/07/2004.

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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.** **E**

+W

- (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)

C1 S. 20 amended by Finance Act 1908 (c. 16), s. 6

C2 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

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- C3** S. 20(3) extended by [London Government Act 1963 \(c. 33\)](#), s. 83, **Sch. 17 para. 2**
- C4** 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} **E+W**

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.** **E+W**

- (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 [^{F21}peace for a commission 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 ^{F22} the execution as local authority. ^{F23} 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 repealed by [Theatre Act 1968 \(c. 54\)](#), **Sch. 3** and [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F23** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

29 ^{F24} **E+W**

Textual Amendments

- F24** S. 29 repealed by [Local Government Act 1958 \(c. 55\)](#), s. 67, **Sch. 9 Pt. V**

Status: Point in time view as at 22/07/2004.

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30 F25 **E+W**

Textual Amendments
F25 S. 30 repealed by [Police Act 1964 \(c. 48\)](#), [Sch. 10 Pt. I](#)

PART II E+W

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

31–39 F26 **E+W**

Textual Amendments
F26 Ss. 31–39 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

Application of Act to Metropolis

40 F27 **E+W**

Textual Amendments
F27 S. 40 repealed by [Administration of Justice Act 1964 \(c. 42\)](#), [Sch. 5](#)

41 **E+W**

- (1) F28
- (3) F29
- (5) F30
- (6) F31
- (7) F32
- (8) F33

Textual Amendments
F28 S. 41(1)(2) repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), [Sch. 5 Pt. I](#)
F29 S. 41(3)(4) repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)
F30 S. 41(5) repealed by [Administration of Justice Act 1964 \(c. 42\)](#), [Sch. 5](#)
F31 S. 41(6) repealed by [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)
F32 S. 41(7) repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)
F33 S. 41(8) repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), [Sch. 5 Pt. I](#)

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

- (1) F34
- (8) F35
- (10) F36
- (11) F37
- (12) F38
- (13) F39
- (14) F40

Textual Amendments

- F34** S. 42(1)–(7) repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**
- F35** S. 42(8)(9) repealed by Statute Law Revision Act 1908 (c. 49)
- F36** S. 42(10) repealed by Local Government Act 1948 (c. 26), **Sch. 2 Pt. II**
- F37** S. 42(11) repealed by Statute Law Revision Act 1908 (c. 49)
- F38** S. 42(12) repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, **Sch. 3**
- F39** S. 42(13) repealed by Justices of the Peace Act 1968 (c. 69) Sch. 5 Pt. I
- F40** S. 42(14) repealed by City of London (Courts) Act 1964 (c. iv), **Sch.**

43 F41 E+W

Textual Amendments

- F41** S. 43 repealed by Local Government Act 1929 (c. 17), **Sch. Pt. VI**

44 F42 E+W

Textual Amendments

- F42** S. 44 repealed by Local Government Act 1948 (c. 26), **Sch. 2 Pt. II**

45 F43 E+W

Textual Amendments

- F43** S. 45 repealed by Public Health (London) Act 1891 (c. 76), **Sch. 4**

46 F44 E+W

Status: Point in time view as at 22/07/2004.

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Textual Amendments

F44 S. 46 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

47 ^{F45} **E+W**

Textual Amendments

F45 S. 47 repealed by [Criminal Justice Administration Act 1956 \(c. 34\)](#), **Sch. 3 Pt. I**

48 ^{F46} **E+W**

Textual Amendments

F46 S. 48 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

49 ^{F47} **E+W**

Textual Amendments

F47 S. 49 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. III**

PART III **E+W**

BOUNDARIES

50–53 ^{F48} **E+W**

Textual Amendments

F48 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 ^{F49} **E+W**

Textual Amendments

F49 S. 54 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. III** and [London Government Act 1939 \(c. 40\)](#), **Sch. 8**

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55, 56. ^{F50} **E+W**

Textual Amendments

F50 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 ^{F51} **E+W**

Textual Amendments

F51 S. 57 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

58 ^{F52} **E+W**

Textual Amendments

F52 S. 58 repealed by Poor Law Act 1927 (c. 14), **Sch. 11**

59 **E+W**

(1) ^{F53}

(2) ^{F54}

(3) ^{F55}

Textual Amendments

F53 S. 59(1) repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

F54 S. 59(2) repealed by S.I. 1974/1351

F55 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 ^{F56} **E+W**

Textual Amendments

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**

63 ^{F57} **E+W**

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Textual Amendments

F57 S. 63 repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. VIII**

PART IV E+W

FINANCE

Property Funds and Costs of County Council

64 **F58 E+W**

Textual Amendments

F58 S. 64 repealed by S.I. 1974/1351

65 **F59 E+W**

Textual Amendments

F59 S. 65 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. III** and London Government Act 1939 (c. 40), **Sch. 8**

66 **F60 E+W**

Textual Amendments

F60 S. 66 repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**

67 **F61 E+W**

Textual Amendments

F61 S. 67 repealed by Justices of the Peace Act 1968 (c. 69), **Sch. 5 Pt. I**

68 **F62 E+W**

Status: Point in time view as at 22/07/2004.

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

Textual Amendments

F62 S. 68 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. III](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)

^{F63} **69** **Borrowing by county council.** **E+W**

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Textual Amendments

F63 S. 69 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

70 ^{F64} **E+W**

Textual Amendments

F64 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 ^{F65} **E+W**

Textual Amendments

F65 S. 71 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pts. III, V](#)

72 ^{F66} **E+W**

Textual Amendments

F66 S. 72 repealed by [Local Government Act 1958 \(c. 55\)](#), s. 67, [Sch. 9 Pt. V](#)

73 ^{F67} **E+W**

Textual Amendments

F67 S. 73 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pts. III, V](#)

74 ^{F68} **E+W**

Status: Point in time view as at 22/07/2004.

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

Textual Amendments

F68 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 E+W

SUPPLEMENTAL

Application of Acts

75 ^{F69} **E+W**

Textual Amendments

F69 S. 75 repealed by [Representation of the People Act 1949 \(c. 68\)](#), s. 175, **Sch. 9**

76, 77. ^{F70} **E+W**

Textual Amendments

F70 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. E+W

- (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, . . . ^{F71}, 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,

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F72

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- (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; ^{F73} ...
- (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

- F71** Words repealed by [Police Act 1964 \(c. 48\)](#), **Sch. 10 Pt. I**
- F72** Words repealed by [Justices of the Peace Act 1968 \(c. 69\)](#), **Sch. 5 Pt. II**
- F73** 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)

- C5** Functions of Board of Trade now exercisable by Secretary of State concurrently with Board of Trade: [S.I. 1970/1537](#)
- C6** 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. E+W

- (1) ^{F74}
- (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 . . . ^{F75} 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

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the county, such land shall be conveyed or granted to, and such contract and agreement shall be made with, the council of the . . . ^{F76} county concerned.

Textual Amendments

F74 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**

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

F76 Word repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

80 ^{F77} **E+W**

Textual Amendments

F77 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.** **E+W**

[^{F78}(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) ^{F79}

Textual Amendments

F78 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

F79 S. 81(2)–(8) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

82 ^{F80} **E+W**

Textual Amendments

F80 S. 82 repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

83 ^{F81} **E+W**

Textual Amendments

F81 S. 83 repealed by S.I. 1974/1351

Status: Point in time view as at 22/07/2004.

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84 ^{F82} **E+W**

Textual Amendments

F82 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.** **E+W**

- (1) ^{F83} bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the Highway Acts; ^{F84}
- (a) ^{F85}
- (b) ^{F86}
- (2) ^{F86}

Textual Amendments

- F83** 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](#)
- F84** Words repealed by [Road Traffic Act 1930 \(c. 43\)](#), [Sch. 5](#)
- F85** [S. 85\(1\)\(a\)](#) repealed by [Road Transport Lighting Act 1927 \(c. 37\)](#), [Sch.](#)
- F86** [S. 85\(1\)\(b\)](#), (2) repealed by [Road Traffic Act 1930 \(c. 43\)](#), [Sch. 5](#)

Adaptation of Acts

86 ^{F87} **E+W**

Textual Amendments

F87 S. 86 repealed by [Local Government Act 1958 \(c. 55\)](#), s. 67, [Sch. 9 Pt. V](#)

^{F88}87 **Application of provisions of 38 & 39 Vict. c. 55 as to local inquiries and provisional orders.** **E+W**

Textual Amendments

F88 S. 87 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

88 ^{F89} **E+W**

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

Textual Amendments

F89 S. 88 repealed by [London Government Act 1939 \(c. 40\)](#), **Sch. 8**

89 ^{F90} **E+W**

Textual Amendments

F90 S. 89 repealed by [Administration of Justice Act 1964 \(c. 42\)](#), **Sch. 5**

90 ^{F91} **E+W**

Textual Amendments

F91 S. 90 repealed by [Local Government Act 1958 \(c. 55\)](#), s. 67, **Sch. 9 Pt. V**

91 ^{F92} **E+W**

Textual Amendments

F92 S. 91 repealed by [Administration of Justice Act 1964 \(c. 42\)](#), **Sch. 5**

Savings

92 **E+W**

(1) ^{F93}

(2) ^{F94}

(3) ^{F95}

Textual Amendments

F93 S. 92(1) repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. III** and [London Government Act 1939 \(c. 40\)](#), **Sch. 8**

F94 S. 92(2) repealed by [Representation of the People Act 1949 \(c. 68\)](#), s. 176(2)(3), **Sch. 9**

F95 S. 92(3) repealed by [Representation of the People Act 1918 \(7 & 8 Geo. 5 c. 64\)](#), **Sch. 8**

93 ^{F96} **E+W**

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Textual Amendments

F96 S. 93 repealed by [Police Act 1964 \(c. 48\)](#), **Sch. 10 Pt. I**

94 ^{F97} **E+W**

Textual Amendments

F97 S. 94 repealed by [Local Government Act 1929 \(c. 17\)](#), s. 134, **Sch. 12 Pt. VI**

95 **Saving as to Middlesex, Surrey, and Kent.** **E+W**

(1) ^{F98}

(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 [^{F99}and the ^{M1}London Government Act 1963] had not passed, except where such application is inconsistent with this Act [^{F99}or 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 [^{F100}the area consisting of the inner London boroughs, the City of London, the Inner Temple and the Middle Temple].

Textual Amendments

F98 S. 95(1) repealed by [Administration of Justice Act 1964 \(c. 42\)](#), **Sch. 5**

F99 Words inserted by [S.I. 1965/654](#)

F100 Words substituted by [S.I. 1965/654](#)

Marginal Citations

M1 1963 c. 33.

96 ^{F101} **E+W**

Textual Amendments

F101 S. 96 repealed by [Local Government Act 1958 \(c. 55\)](#), s. 67, **Sch. 9 Pt. V**

97 ^{F102} **E+W**

Textual Amendments

F102 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**

Status: Point in time view as at 22/07/2004.

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

98 Saving for powers of Commissioners of Inland Revenue and Customs. E+W

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)

C7 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 **F103 E+W**

Textual Amendments

F103 Ss. 99, 103–108, 110–114 repealed by Statute Law Revision Act 1908 (c. 49)

100 Interpretation of certain terms in the Act. E+W

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:—

- **F104**
- **F104**
- **F105**
- **F104**
- **F106**
- **F104**
- **F104**

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 quarter or general sessions held for the borough . . . ^{F107}

- **F108**
- **F104**
- **F109**
- **F104**
- **F110**

Status: Point in time view as at 22/07/2004.

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

..... F104
..... F111
..... F104
..... F110

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

..... F112 F113
..... F104

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:

..... F104
..... F104
..... F114
..... F115

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

..... F104
..... F116
..... F117

Textual Amendments

- F104** Definition repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\), s. 1\(1\), Sch. 1 Pt. XII](#)
- F105** Definition repealed by [Local Government Act 1958 \(c. 55\), s. 67, Sch. 9 Pt. V](#)
- F106** Definition repealed by [Administration of Justice Act 1964 \(c. 42\), Sch. 5](#)
- F107** Words repealed by [Justices of the Peace Act 1968 \(c. 69\), Sch. 5 Pt. II](#)
- F108** 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](#)
- F109** Definitions repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)
- F110** Definitions repealed by [Local Government Act 1958 \(c. 55\), s. 67, Sch. 9 Pt. V](#)
- F111** 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](#)
- F112** Words repealed by [Local Government Act 1958 \(c. 55\), s. 67, Sch. 9 Pt. V](#)
- F113** Words repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\), s. 1\(1\), Sch. 1 Pt. XII](#)
- F114** Paragraph repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\), s. 1\(1\), Sch. 1 Pt. XII](#)
- F115** Definitions repealed by [Statute Law Revision Act 1908 \(c. 49\) and Local Government Act 1958 \(c. 55\), s. 67, Sch. 9 Pt. V](#)
- F116** 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](#)

Status: Point in time view as at 22/07/2004.

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

F117 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.** **E+W**

This Act shall not extend to Scotland or Ireland.

102 **Short title.** **E+W**

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

PART VI **E+W**

TRANSITORY PROVISIONS

103– **F118** **E+W**
108

Textual Amendments

F118 [Ss. 99, 103–108, 110–114](#) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

109 **F119** **E+W**

Textual Amendments

F119 [S. 109](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), **Sch. 1 Pt. XII**

110– **F120** **E+W**
114

Textual Amendments

F120 [Ss. 99, 103–108, 110–114](#) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

115 **F121** **E+W**

Textual Amendments

F121 [S. 115](#) repealed by [Administration of Justice Act 1964 \(c. 42\)](#), **Sch. 5**

116 **F122** **E+W**

Status: Point in time view as at 22/07/2004.

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

Textual Amendments

F122 S. 116 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

117 ^{F123} **E+W**

Textual Amendments

F123 S. 117 repealed by [Local Government Act 1958 \(c. 55\)](#), s. 67, [Sch. 9 Pt. V](#)

118– ^{F124} **E+W**
120

Textual Amendments

F124 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 ^{F125} **E+W**

Textual Amendments

F125 S. 121 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

Savings

122 ^{F126} **E+W**

Textual Amendments

F126 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.** **E+W**

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.

Status: Point in time view as at 22/07/2004.

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

Modifications etc. (not altering text)

- C8** Functions of Board of Trade now exercisable by Secretary of State concurrently with Board of Trade: [S.I. 1970/1537](#)
- C9** 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 ^{F127} **E+W**

Textual Amendments

F127 S. 124 repealed by [Local Government Act 1933 \(c. 51\), Sch. 11 Pt. III](#) and [London Government Act 1939 \(c. 40\), Sch. 8](#)

125, ^{F128} **E+W**
126.

Textual Amendments

F128 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](#)

Status:

Point in time view as at 22/07/2004.

Changes to legislation:

There are currently no known outstanding effects for the Local Government Act 1888.