



Local Government Act 1894

1894 CHAPTER 73 56 and 57 Vict

PART IV

SUPPLEMENTAL

43, 44.^{F1}

Textual Amendments

F1 Ss. 43, 44 repealed by Representation of the People Act 1918 (7 & 8 Geo. 5 c. 64), **Sch. 8**

45^{F2}

Textual Amendments

F2 S. 45 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. IV**

46^{F3}

Textual Amendments

F3 S. 46 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. IV** and London Government Act 1939 (c. 40), **Sch. 8**

47^{F4}

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Textual Amendments

F4 S. 47 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)

48 **F5**

Textual Amendments

F5 S. 48 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#) and [London Government Act 1939 \(c. 40\)](#), [Sch. 8](#)

49 **F6**

Textual Amendments

F6 S. 49 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)

50 **F7**

Textual Amendments

F7 S. 50 repealed by [Rating and Valuation Act 1925 \(c. 90\)](#), [Sch. 8](#)

Parish and District Councils

51 **F8**

Textual Amendments

F8 S. 51 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)

52 †**Supplemental provisions as to transfer of powers.**

(1) **F9**

(2) **F10**

(3) **F11**

(4) **F12**

(5) All enactments in any Act, whether general or local and personal, relating to any powers, duties, or liabilities transferred by this Act to a parish council or parish meeting from justices or the vestry or overseers or church wardens and overseers shall,

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subject to the provisions of this Act and so far as circumstances admit, be construed as if any reference therein to justices or to the vestry, or to the overseers, or to the churchwardens and overseers, referred to the parish council or parish meeting as the case requires, and the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.

Textual Amendments

- F9** S. 52(1) repealed by [Local Government Act 1929 \(c. 17\)](#), **Sch. 12 Pt. VII**
- F10** S. 52(2) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)
- F11** S. 52(3) repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV**
- F12** S. 52(4) repealed by [Charities Act 1960 \(c. 58\)](#), **Sch. 7 Pt. I**

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)**

53 **F13**

Textual Amendments

- F13** S. 53 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

54–59 **F14**

Textual Amendments

- F14** Ss. 54–61 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV**

Miscellaneous

60, 61. **F15**

Textual Amendments

- F15** Ss. 54–61 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV**

62 **F16**

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Textual Amendments

F16 S. 62 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

63 **F17**

Textual Amendments

F17 S. 63 repealed by [S.I. 1979/1123](#), **art. 3(1)**

64 **F18**

Textual Amendments

F18 S. 64 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV**

65 Saving for harbour powers.

Where any improvement commission affected by this Act have any powers, duties, property, debts, or liabilities in respect of any harbour, the improvement commission shall continue to exist and be elected for the purpose thereof, and shall continue as a separate body, as if this Act had not passed, and the property, debts, and liabilities shall be apportioned between the district council for the district and the commission so continuing, and the adjustment arising out of the apportionment shall be determined in manner provided by this Act.

66 **F19**

Textual Amendments

F19 Ss. 66, 71 repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), **Sch. 1 Pt. XII**

67 Transfer of property and debts and liabilities.

Where any powers and duties are transferred by this Act from one authority to another authority—

- (1) All property held by the first authority for the purpose or by virtue of such powers and duties shall pass to and vest in the other authority, subject to all debts and liabilities affecting the same; and
- (2) The latter authority shall hold the same for the estate, interest, and purposes, and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not passed, so far as the same are not modified by or in pursuance of this Act; and

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- (3) All debts and liabilities of the first authority incurred by virtue of such powers and duties shall become debts and liabilities of the latter authority, and be defrayed out of the like property and funds out of which they would have been defrayed if this Act had not passed.

68, 69. F20

Textual Amendments

F20 Ss. 68, 69 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pt. IV and London Government Act 1939 (c. 40), Sch. 8

70 F21

Textual Amendments

F21 S. 70 repealed by Local Government Act 1958 (c. 55), Sch. 9 Pt. V

71 F22

Textual Amendments

F22 Ss. 66, 71 repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII

72, 73. F23

Textual Amendments

F23 Ss. 72, 73 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pt. IV and London Government Act 1939 (c. 40), Sch. 8

74 F24

Textual Amendments

F24 Ss. 74, 78 repealed by Local Government Act 1933 (c. 51), Sch. 11 Pt. IV

75 Construction of Act.

- (1) The definition of “parish” in section one hundred of the ^{M1}Local Government Act, 1888, shall not apply to this Act, but, save as aforesaid, expressions used in this Act shall, unless the context otherwise requires, have the same meaning as in the said Act.

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(2) In this Act, unless the context otherwise requires—

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The expression “ecclesiastical charity” includes a charity, the endowment whereof is held for some one or more of the following purposes:—

- (a) for any spiritual purpose which is a legal purpose; or
- (b) for the benefit of any spiritual person or ecclesiastical officer as such; or
- (c) for use, if a building, as a church, chapel, mission room, or Sunday school, or otherwise by any particular church or denomination; or
- (d) for the maintenance, repair, or improvement of any such building as aforesaid, or for the maintenance of divine service therein; or
- (e) otherwise for the benefit of any particular church or denomination, or of any members thereof as such.

Provided that where any endowment of a charity, other than a building held for any of the purposes aforesaid, is held in part only for some of the purposes aforesaid, the charity, so far as that endowment is concerned, shall be an ecclesiastical charity within the meaning of this Act; and the [^{F27}Charity Commission] shall, on application by any person interested, make such provision for the apportionment and management of that endowment as seems to [^{F28}it] necessary or expedient for giving effect to this Act.

The expression shall also include any building which in the opinion of the [^{F29}Charity Commission] has been erected or provided within forty years before the passing of this Act mainly by or at the cost of members of any particular church or denomination.

The expression “affairs of the church” shall include the distribution of offertories or other collections made in any church.

- F26

The expression “vestry” in relation to a parish means the inhabitants of the parish whether in vestry assembled or not, and includes any select vestry either by statute or at common law.

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The expression “local and personal Act” includes a Provisional Order confirmed by an Act and the Act confirming the Order.

- F26

Textual Amendments

- F25** Definition of “population” repealed by [Local Government Act 1958 \(c. 55\)](#), [Sch. 9 Pt. V](#)
- F26** Definition repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), [Sch. 1 Pt. XII](#)
- F27** Words in s. 75(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 9\(2\)\(a\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F28** Word in s. 75(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 9\(2\)\(b\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F29** Words in s. 75(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 9\(3\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)

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F30 Definition of “rateable value” repealed by [Local Government Act 1958 \(c. 55\)](#), [Sch. 9 Pt. V](#)

Marginal Citations

M1 [1888 c. 41](#).

76 **Extent of Act.**

This Act shall not extend to Scotland or Ireland.

77 **Short title.**

This Act may be cited as the Local Government Act, 1894.

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