



# Local Government Act 1894

1894 CHAPTER 73 56 and 57 Vict

## PART IV **E+W**

### SUPPLEMENTAL

#### *Miscellaneous*

60, 61. .... <sup>F1</sup> **E+W**

#### Textual Amendments

F1 Ss. 54–61 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. IV](#)

62 ..... <sup>F2</sup> **E+W**

#### Textual Amendments

F2 S. 62 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

63 ..... <sup>F3</sup> **E+W**

#### Textual Amendments

F3 S. 63 repealed by [S.I. 1979/1123](#), [art. 3\(1\)](#)

64 ..... <sup>F4</sup> **E+W**

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1894, Cross Heading: Miscellaneous. (See end of Document for details)*

**Textual Amendments**

**F4** S. 64 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV**

**65 Saving for harbour powers. E+W**

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** ..... <sup>F5</sup> E+W

**Textual Amendments**

**F5** Ss. 66, 71 repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), **Sch. 1 Pt.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. E+W**

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
- (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.** ..... <sup>F6</sup> E+W

**Textual Amendments**

**F6** 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** ..... <sup>F7</sup> E+W

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**Textual Amendments**

**F7** S. 70 repealed by [Local Government Act 1958 \(c. 55\)](#), **Sch. 9 Pt. V**

**71** ..... **F8** **E+W**

**Textual Amendments**

**F8** Ss. 66, 71 repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), **Sch. 1 Pt. XII**

**72, 73.** ..... **F9** **E+W**

**Textual Amendments**

**F9** 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** ..... **F10** **E+W**

**Textual Amendments**

**F10** Ss. 74, 78 repealed by [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV**

**75** **Construction of Act.** **E+W**

(1) The definition of “parish” in section one hundred of the <sup>M1</sup>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.

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

- ..... **F11**
- ..... **F12**
- ..... **F12**
- ..... **F12**

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.

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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 [<sup>F13</sup>Charity Commission] shall, on application by any person interested, make such provision for the apportionment and management of that endowment as seems to [<sup>F14</sup>it] necessary or expedient for giving effect to this Act.

The expression shall also include any building which in the opinion of the [<sup>F15</sup>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.

F12

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.

F16

F12

F12

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

F12

#### Textual Amendments

- F11** Definition of “population” repealed by [Local Government Act 1958 \(c. 55\)](#), **Sch. 9 Pt. V**
- F12** Definition repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), **Sch. 1 Pt. XII**
- F13** 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.
- F14** 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.
- F15** 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.
- F16** 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. **E+W**

This Act shall not extend to Scotland or Ireland.

#### 77 Short title. **E+W**

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

**Changes to legislation:**

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