Port sanitary authority of port of London.

8. The Local Government Board shall be deemed to have been empowered to assign to the port sanitary authority of the port of London for the whole of the said port the powers rights duties capacities liabilities and obligations which they have assigned to them; and the said Board may, from time to time, assign to the said port sanitary authority for the whole of the said port any powers rights duties capacities liabilities and obligations of an urban sanitary authority under the Public Health Act, 1875, with such modifications and additions (if any) as may appear to the Board to be required.

The said port sanitary authority may acquire and hold land for the purposes of their constitution without any license in mortmain.

Saving for duties, &c. of local authorities.

9. Nothing in this Act shall be deemed or construed to exempt any local authority in the metropolis from the performance of any duties or liabilities assigned to them by regulations of the Local Government Board under the Diseases Prevention Act, 1855.

Power of Local Government Board to make regulations.

10. The power of the Local Government Board to issue directions and regulations under the Diseases Prevention Act, 1855, shall extend to issuing directions and regulations with respect to the powers and duties of the managers as a local authority under the Diseases Prevention Act, 1855, and with respect to the adjustment of their functions relatively to those of other local authorities under the said Act and this Act.

Provision for hamlet of Mottingham.

11. The Diseases Prevention Act, 1855, shall be deemed to apply to the hamlet of Mottingham, in the county of Kent, and the rural sanitary authority of the Lewisham Union shall (subject to the provisions of this Act) be the local authority for the execution of the said Act in the said parish, and their expenses shall be defrayed in like manner as their general expenses in the execution of the Public Health Act, 1875. 38 & 39 Vict. c. 55.

Interpretation. 30 Vict. c. 6.

12. In and for the purposes of this Act, words and expressions have the same meanings, unless inconsistent with the context, as they have in the Metropolitan Poor Act, 1867.

"Cholera" includes choleraic diarrhœa.

"Diseases Prevention Act, 1855," includes any Act or Acts amending the same. 18 & 19 Vict. c. 116.

Duration of Act.

13. This Act shall not continue in force after the first day of September one thousand eight hundred and eighty-four, except so far as regards any property acquired, act done, or liability incurred under it prior to that date, and except as regards the Port Sanitary Authority of London.

CHAPTER 36.

An Act to provide for the better application and management of the Parochial Charities of the City of London.

[20th August 1883.]

WHEREAS it is desirable to make provision for the better application and management of the parochial charities of the City of London:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the City of London Parochial Charities Act, 1883.

I.—*Appointment and Powers of Commissioners.*

Appointment of Commissioners.

2. The Charity Commissioners for England and Wales (hereinafter called the Commissioners) shall be Commissioners under this Act and have the following powers for the purposes thereof, viz.:

16 & 17 Vict. c. 137.

(1.) Power to exercise, without application, any of the powers vested in them by the Charitable Trusts Act, 1853, and the Acts amending the same:

(2.) The like power, jurisdiction, and authority to summon or order persons to give evidence, or bring, produce, or give inspection of documents, and to administer oaths, and to take affidavits and declarations, and to enforce their orders or directions, and generally all such power, jurisdiction, and authority as might be exercised by the High Court of Justice if the matters and questions referred to them had come before that Court, and in relation to the taking of oaths and the making of affidavits and declarations the proceedings before them shall deem to be judicial proceedings:

(3.) Power to determine whether any property is or is not charity property subject to the powers of this Act.

Appointment of additional Charity Commissioners.

3. Her Majesty and her successors may at any time after the passing of this Act, by warrant under Her Sign Manual, appoint any number of persons, not exceeding two, to be paid Charity Commissioners for England and Wales, who shall hold office during Her Majesty's pleasure, and their salaries shall, unless otherwise directed by Parliament, cease to be paid after the expiration of the period prescribed by this Act for the duration of the powers and duties vested in or imposed upon the Charity Commissioners for England and Wales by this Act.

Save as in this section mentioned, the additional Commissioners shall have the same powers, and perform the same duties, and stand in all respects in the same position as the other paid Charity Commissioners, with the exception of the Chief Commissioner.

The Commissioners of Her Majesty's Treasury may allow the Charity Commissioners to employ such number of assistant commissioners, clerks, architects, actuaries, surveyors, and other officers as the Commissioners of Her Majesty's Treasury may think necessary for the purpose of enabling the Charity Commissioners to perform the additional duties imposed upon them by this Act.

Duration of powers of Commissioners.

4. The powers of the Commissioners conferred by this Act shall continue until the end of the year one thousand eight hundred and eighty-seven, but it shall be lawful for Her Majesty the Queen from time to time, with the advice of Her Privy Council, to continue the powers of the Commissioners for such time as Her Majesty thinks fit, but not beyond the end of the year one thousand eight hundred and eighty-nine.

II.—*Inquiry and Statement.*

Commissioners to inquire into the charity

5. The Commissioners shall as soon as may be proceed to inquire into the nature, tenure, and value of all the property and endow-

ments belonging to the charities mentioned in the Digest of Parochial Charities of the City of London, referred to in the Thirteenth Report of the Charity Commissioners for England and Wales, and every of them, and every other charity the property or income of which is applicable or applied to or for the benefit of any parish or part of a parish within the City of London or of any inhabitant or inhabitants thereof (herein-after called the said parochial charities), and the purposes or trusts for or upon which the same have heretofore been or are now held or enjoyed and to which the income thereof has been or is now applied, and shall classify the said property in two schedules. They shall place in one of such schedules all property (herein-after called "ecclesiastical charity property") which shall be proved to their satisfaction to have been originally given to or for, or to have been duly ordered by any Act of Parliament, judgment of a court, or other authority competent in that behalf, to be applied to or for, and to have been accordingly applied to or for any spiritual purpose which is now a legal purpose, or for the benefit of any spiritual person as such, or for the erection, maintenance, or repair of any ecclesiastical buildings, or for the maintenance of divine service therein, even although such purpose may now have failed, but the user of property for an ecclesiastical or any other purpose shall not be conclusive evidence that such property was originally given for such a purpose, but shall be taken into account by the Commissioners in determining whether in each case such property is or is not to be deemed to have been originally given for such a purpose, provided that no property shall be deemed to be ecclesiastical which shall not have been given or applied to or for or in connexion with the Church of England. In the other of such schedules they shall place all other charity property (herein-after called "general charity property"). The Commissioners shall specify in the said schedules the objects or purposes to or for which the said property is now applied, and all vested interests now existing in or upon or in anywise affecting any part of such property.

property, and classify same in two schedules, one of ecclesiastical and the other of general charity property.

6. Where property scheduled by the Commissioners as ecclesiastical has been mixed with property scheduled by them as general charity property, or where the income of any property is considered by them to be partly ecclesiastical and partly general, the Commissioners shall determine and state how much of such property or income, as the case may be, shall be taken to be ecclesiastical, and how much of the same shall be taken to be general.

Where property is mixed, Commissioners to apportion ecclesiastical and general.

7. No person shall be deemed to have any vested interest within the meaning of this Act if the office which he may hold or the emolument which he may receive shall be one tenable or receivable at the pleasure of some other person or persons, but the Commissioners shall consider and may declare what person or persons have, in their opinion, owing to the circumstances of the position of such person or persons, or generally on moral grounds, any fair or equitable claim to continue to receive any emolument now received by him or them out of any endowment.

As to vested interests and equitable claims.

8. The Commissioners shall in such form as they may think most convenient print and publish a statement or successive statements

Commissioners to publish result of inquiry.

containing the findings and determinations at which they shall have arrived in the course of the inquiry aforesaid.

Commissioners to send copy of statement to governing bodies, &c.

9. The Commissioners shall send a copy of every such statement to the governing body of every endowment affected by such statement, and also to the vestry clerk of every parish in which any endowment affected by such statement is applicable, and also to the Remembrancer of the City of London.

Person claiming vested interest not recognised by Commissioners or denying existence of charitable trust may apply to High Court of Justice.

10. Any person claiming any vested interest affecting any endowment mentioned in any such statement, and alleging that the Commissioners have not duly recognised such vested interest, or any person or persons alleging that any property which the Commissioners have determined to be charity property within the meaning of this Act is not charity property, but that he or they is or are entitled to the same free from any charitable trust affecting the same, may within two months from the date of the publication of such statement apply to the High Court of Justice, by petition or summons at chambers, asking for a declaration that he has a vested interest affecting such endowment or that such property is not charity property (as the case may be). The Commissioners may appear upon any such proceedings, and the decision of the judge before whom such petition or summons is heard shall be final (unless special leave to appeal shall be by him given). The judge shall make a declaration in conformity with the justice of the case, and shall have power to order that the costs of the application shall be paid out of the endowment or property in question or by any party to the application as he may think right. Whenever necessary the Commissioners shall amend their statement so as to make it conform to the judge's declaration.

III.—*Schemes for better application of Charity Funds.*

Commissioners to frame schemes for charity property.

11. The Commissioners shall, as soon as may be after the publication of the statement or statements aforesaid, proceed to prepare a scheme or schemes for the future application and management of the charity property and endowments so classified by them as herein-before directed.

Provisions to be inserted in all schemes.

12. In every such scheme the Commissioners shall provide for the following objects; that is to say,

(*a.*) For the vesting in the official trustee of charity lands appointed under the Charitable Trusts Acts, 1853 to 1869, of all real property and chattels real belonging to the charity or charities dealt with in the scheme, and for the vesting in the official trustees of charitable funds appointed under the last-mentioned Acts of all personal property belonging to the charity or charities dealt with in the scheme, upon trust to hold the same real and personal property respectively as in the said Acts and herein-after provided, but subject to all quitrents, leases, tenancies, equities, reservations charges, and all other incumbrances and liabilities affecting the same:

(*b.*) For carrying over to a separate account a sum of money out of the charity property and endowments dealt with by the scheme to answer and provide for the expenses incurred by the Commissioners in carrying out this Act:

(*c.*) For saving the vested interest of or making due compensation to every person whom the Commissioners may have declared entitled to any vested interest which may be prejudiced by the scheme, and for making compensation to any person whom the Commissioners may have considered as aforesaid to have a fair or equitable claim to any emolument taken away by the scheme.

Provisions to be inserted in schemes relating to parishes in First Schedule.

13. In every scheme relating to the charity property or endowments belonging to or now applicable in the parishes enumerated in the First Schedule to this Act, the Commissioners shall, subject to the carrying over and to the provision for saving or making compensation herein-before contained, provide for the following objects; that is to say,

(*a.*) For the application of the property scheduled as ecclesiastical charity property, or any part of the income thereof, to the maintenance of the fabric and the services of the church, or to such other of the ecclesiastical purposes to which the same is now applied as are, in the opinion of the Commissioners, still beneficial to the inhabitants of each of the said parishes, or to any class thereof; and, subject thereto, to such other ecclesiastical purposes within the parish to which such property and endowments belong as the Commissioners may think most conducive to the spiritual benefit of the inhabitants of the said parish:

(*b.*) For the application of the property scheduled as general charity property (to such extent as the Commissioners may think desirable) to such of the objects and purposes to or for which the same is now applied as the Commissioners may consider proper and legal and substantially beneficial to the inhabitants of each of the said parishes, or to any class thereof; and, subject thereto, for the application of such property to any one or more of the following objects, either within the parish to which the property belongs or in which it is now applicable, or within any parish which was formerly united with or formed part of such parish, or in such manner as to secure to the inhabitants of such parish, and to persons employed in such parish though not resident therein, the benefit of such application; that is to say,

To the promotion and improvement of the education of the poorer inhabitants of such parish, and other persons as aforesaid, whether by means of exhibitions, or of technical instruction, or of secondary education, or of art education, or of evening lectures, or otherwise, as to the Commissioners may seem good;

To the establishment and maintenance of libraries under such provisions as may make them useful to such poorer inhabitants and other persons as aforesaid;

To the preserving, providing, and maintaining of open spaces and recreation grounds or drill grounds;

To the promotion and extension, in such manner as the Commissioners may think desirable, of provident institutions and of working men's and women's institutes for the

benefit of such poorer inhabitants and other persons as aforesaid;

And generally to the physical, moral, and social improvement of the poorer inhabitants and other persons as aforesaid of such parishes by such means as the Commissioners may think suitable.

Provisions to be inserted in schemes relating to parishes in Second Schedule.

14. In every scheme relating to the property or endowments belonging to or now applicable in the parishes enumerated in the Second Schedule to this Act, the Commissioners shall, subject to the carrying over and to the provision for saving or making compensation herein-before contained, provide for the following objects; that is to say,

(*a.*) For the application of the property, or any part of the income thereof, scheduled as ecclesiastical charity property, to the maintenance of the fabric and the services of the church, if any, in each parish possessed of ecclesiastical charity property applicable to such purposes or to such other of the ecclesiastical purposes to which the same is now applied as are, in the opinion of the Commissioners, still beneficial, and to the maintenance of the fabric and monuments of any churches within the City of London of architectural or historical interest which may not already possess sufficient funds available for that purpose; and, subject thereto, for payment to the Ecclesiastical Commissioners of the surplus income of the said ecclesiastical property, to be by them applied to the maintenance of the fabric of churches, or to the better endowment of existing benefices, or to giving theological instruction to persons preparing for holy orders, or generally to extending the benefit of clerical or spiritual ministrations in accordance with the doctrines or by the ministers of the Church of England as by law established in the more populous districts of the Metropolis:

(*b.*) For the administration and management of the property scheduled as general charity property by the New Governing Body herein-after constituted, except in cases where the Commissioners may provide as herein-after mentioned for the administration and management of any property by any existing body or bodies of trustees thereof:

(*c.*) For the application by the said New Governing Body, or by any such existing body or bodies of trustees as lastly herein-before mentioned in any such case or cases as last aforesaid, of such last-mentioned property (to such extent as the Commissioners may think desirable) to such of the objects or purposes to or for which the same are now applied as the Commissioners may think proper and legal and substantially beneficial to the inhabitants of the parish in which the same is now applicable, or to any class thereof, or in such manner as to secure to the inhabitants of the said parishes, and to persons employed though not resident therein, the benefit of any one or more of the applications in this section herein-after mentioned; and, subject thereto, for the application by the said New Governing Body of such property to any one or more of the following objects within the Metropolis in manner to be specified by the said scheme or schemes; that is to say,

To the promoting the education of the poorer inhabitants of the Metropolis, whether by means of exhibitions, or of technical instruction, or of secondary education, or of art education, or evening lectures, or otherwise, as to the Commissioners may seem good;

To the establishment and maintenance of libraries, or museums, or art collections within the Metropolis under such provisions as may make them useful to the poorer inhabitants thereof;

To the preserving, providing, and maintaining of open spaces and recreation grounds or drill grounds within the Metropolis;

To the promotion and extension, in such manner as the Commissioners may think desirable, of provident institutions and of working men's and women's institutes for the benefit of the poorer classes of the Metropolis;

To the establishment and maintenance, in such places as the Commissioners may think suitable, of convalescent hospitals for the benefit of the poorer classes of the Metropolis;

And generally to the improving, by the above or any other means which to the Commissioners may seem good, the physical, social, and moral condition of the poorer inhabitants of the Metropolis.

Schemes relating to parishes in First Schedule to this Act may provide for union of governing bodies.

15. In any scheme relating to the property or endowments belonging to or now applicable in the parishes enumerated in the First Schedule to this Act the Commissioners may, if they think fit, provide for the union of any existing governing bodies of two or more endowments into one new governing body for each of the said parishes, or for the creation of a new governing body or bodies in each such parish, and for the transfer to such new governing body or bodies (if created) of the control and management of the charity property and endowments belonging to or applicable in such parishes.

Schemes relating to parishes in Second Schedule may provide for payment of moneys to trustees of existing institutions.

16. In any scheme providing for the application of the property scheduled as general charity property now belonging to or applicable in the parishes mentioned in the Second Schedule to this Act, the Commissioners may, if they shall think fit, provide for the payment by the said New Governing Body of any capital or annual sum or sums of money to the trustees or managers of any institution now existing, or which may hereafter exist, for any of the charitable purposes to or for which such general charity property is hereby made applicable, to be applied by such trustees or managers to or for such purpose; and may, in the case of any scheme relating to an open space or recreation ground or drill ground, provide that any lands or hereditaments purchased in pursuance of such scheme shall be conveyed to and vested in the Metropolitan Board of Works or other proper local authority, and that any moneys to be paid for the maintenance of such space or ground shall be paid to the said Board or other local authority (as the case may be) in which the legal estate in such open space or ground may be vested.

Commissioners may create new bodies of trustees.

17. In any scheme relating to the general charity property now belonging to or applicable in the parishes mentioned in the said

Second Schedule, the Commissioners may (if they shall think fit) provide for the creation of a new body or bodies of trustees, either in a defined local area in the Metropolis or for any one or more of the charitable purposes to or for which such property is hereby made applicable, or in both of these ways, and may also provide for the payment to such new body or bodies of trustees by the said New Governing Body of such capital or annual sum or sums of money as the scheme may direct, to be applied by such new body or bodies of trustees in pursuance of the scheme. Where any such scheme provides for the creation of such a new body of trustees in or for any such defined local area, the Commissioners shall, so far as conveniently may be, provide for the representation on such new body of trustees of the inhabitants of such local area.

Commissioners may retain or modify existing bodies of trustees.

18. In framing any scheme relating to the general charity property now belonging to or applicable in the parishes mentioned in the said Second Schedule, the Commissioners shall consider and declare whether it is for the public advantage that any of the property or endowments belonging to the charity or charities dealt with by the scheme shall continue to be administered and managed by the body or bodies of trustees now administering and managing the same; and the Commissioners may in any such case provide that such property or endowments shall continue to be administered and managed by such body or bodies, and in any such case may alter the constitution of any such existing body or bodies of trustees, and, if they shall think fit, unite such bodies or body with any other body or bodies of trustees so as to create a new body or bodies of trustees for the administration, management, and application of such property and endowments in the said parishes, or any one or more of them, or for the application of such property and endowments, or any part of them, to any one or more of the objects to which such property and endowments may be applicable under the fourteenth section of this Act.

More schemes than one may be made, and other objects provided for.

19. The Commissioners shall not be bound to provide in any one scheme for all the objects aforesaid, but may make provision for such objects, or any one or more of them, by one or by more schemes in the manner they shall judge most convenient, nor shall anything herein be construed to prevent the Commissioners from providing in any such scheme or schemes for any other object which shall upon inquiry appear to them to be necessary or desirable for the purposes of this Act, nor from proposing in any scheme any such modifications and variations as to matters of detail and regulation as shall not be substantially repugnant to any of the provisions of this Act.

Scheme need not specify precise application of general charity property.

20. The Commissioners shall not be bound to specify in any scheme the precise objects to which or the manner in which the general charity property shall be applied by the New Governing Body, but they may (if they shall think fit) specify such objects or manner with such particularity as they may think necessary, and may (if they shall think fit) leave the details of such application to be subsequently settled by the New Governing Body in manner herein-after mentioned.

Saving for endowments less than fifty years old.

21. No scheme shall be so framed as to affect or shall affect any endowment or part of an endowment (as the case may be) originally

given to charitable uses less than fifty years before the commencement of this Act, unless the governing body of such endowment assent to the scheme.

Educational interests of girls to be regarded.

22. In making schemes for the application of charity property or endowments to educational purposes the Commissioners shall have as much regard to the educational interests of girls as of boys.

Saving for educational endowments under 32 & 33 Vict. c. 56. s. 5.

23. It shall not be obligatory upon the Commissioners to prepare a scheme under this Act for any endowment, or part of an endowment, which is an educational endowment as defined by section five of the Endowed Schools Act, 1869.

IV.—*Procedure for approving Schemes.*

Schemes to be printed and circulated.

24. When the Commissioners have prepared the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the governing body of every endowment to which it relates, and to the vestry clerk of the parish in which such endowment is now applicable, and to the Remembrancer of the City of London, and shall also cause the draft, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

Commissioners to receive suggestions respecting schemes.

25. During two months after the first publication of the draft of a scheme, or any longer time which they may appoint, the Commissioners shall receive any objections or suggestions made to them in writing respecting such scheme, and shall duly consider the same.

Schemes to be reprinted and circulated anew.

26. After the expiration of the two months, or such longer time as to the Commissioners may seem proper, the Commissioners shall proceed to revise the scheme, and may, if they think fit, amend the same, and republish it and send copies of it as republished to the persons before mentioned, and shall submit the scheme for the approval of the Committee of Council on Education.

Approval of Committee of Council on Education to schemes.

27. The Committee of Council on Education, as soon as a scheme is submitted to them, shall, before approving the same, cause the scheme to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that during one month after the first publication of such notice the Committee of Council on Education will receive any objections or suggestions made to them in writing respecting such scheme. After the expiration of the said month the Committee of Council on Education may, if they think fit, approve the scheme or may remit the scheme, with such declaration as the nature of the case seems to them to require, to the Commissioners.

The Committee of Council on Education as soon as they approve a scheme shall forthwith cause the scheme so approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that unless within two months after the publication of the scheme when approved a petition is presented to the Committee of Council on Education, such scheme may be approved by Her Majesty without being laid before Parliament.

During the said two months a petition praying that the scheme may be laid before Parliament may be presented to the Committee

of Council on Education by the governing body of any endowment to which the scheme relates, or by not less than twenty inhabitant ratepayers of the parish in which the endowment is now applicable.

Petitions may be addressed to Her Majesty in Council in certain cases.

28. Any person conceiving himself aggrieved by any provision of a scheme, on the ground of its not making due compensation for any vested interest to which he has been declared entitled as aforesaid, may, within two months from the publication of such scheme when approved as aforesaid, petition Her Majesty in Council stating the grounds of the petition and praying Her Majesty to withhold her approval from the whole or any part of the scheme. Her Majesty may refer any such petition for the consideration and advice of three members at the least of Her Privy Council, of whom one shall be a member of the Judicial Committee, and such three members may, if they think fit, admit counsel to be heard in support of and against the petition, and shall have the same power with respect to the costs of all parties to the petition as the High Court of Justice would have if the petition were a proceeding therein for obtaining a scheme. Any petition not proceeded with in accordance with the regulations made with respect to petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

It shall be lawful for Her Majesty by Order in Council to declare that no cause has been shown why she should withhold her approval from the said scheme or to remit it to the Commissioners with such declaration as the nature of the case may require.

Proceedings where scheme is remitted.

29. Where a scheme is remitted with a declaration the Commissioners may either proceed to prepare another scheme in the matter in the same manner as if no scheme had been previously prepared, or may submit for the approval of the Committee of Council on Education such amendments in the scheme as will bring it into conformity with the declaration.

The Committee may, if they think fit, approve the scheme with such amendments, and the same shall be published and circulated in the same manner and subject to the same right of petition to Her Majesty in Council as is before directed in the case of the approval of a scheme, and so on from time to time as often as occasion may require.

Laying of schemes before and approval of Her Majesty in Council.

30. If within the said two months from the publication of the scheme, when approved as aforesaid, no petition praying that the scheme be laid before Parliament has been presented in pursuance of this Act to the Committee of Council on Education, it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme without the same being laid before Parliament.

If any petition praying that the scheme be laid before Parliament has been presented, but no petition to Her Majesty in Council is presented, then the scheme shall be laid before both Houses of Parliament after the expiration of the time for the presentation of a petition to Her Majesty in Council. If a petition is presented to Her Majesty in Council against the scheme, as well as a petition praying that the scheme be laid before Parliament, then the scheme shall be laid before Parliament after any later date at which the petition is withdrawn or Her Majesty in Council has declared as

aforesaid that no cause has been shown why she should withhold her approval from the scheme. If Parliament be then sitting the scheme shall be so laid before it forthwith. If Parliament be not then sitting, the scheme shall be so laid within three weeks after the beginning of the next ensuing session of Parliament; and if such scheme has lain before Parliament for not less than two months during the same session, then, unless an Address has been presented within such two months by one or other of the Houses of Parliament praying Her Majesty to withhold her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme or any part thereof to which such Address does not relate.

Exception as to schemes for endowments under 100*l.*

31. Where a scheme relates to an endowment or endowments which or each of which (as the case may be) during the three years preceding the commencement of this Act has had an average annual gross income of not more than one hundred pounds, no petition shall be presented to Her Majesty in Council with reference to such scheme so far as it relates to any such endowment or endowments. The statement of the Commissioners shall be conclusive evidence for the purpose of this section of the income of an endowment.

New scheme on non-approval of scheme.

32. If any scheme, or any part thereof, is not approved by Her Majesty, the Commissioners may thereupon proceed to prepare another scheme in the matter, and so on from time to time as often as occasion may require.

Amendment of schemes.

33. Schemes may be from time to time framed and approved for amending any scheme approved under this Act, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, mutatis mutandis.

V.—*Supplemental Provisions.*

Schemes, when to take effect.

34. No scheme shall of itself have any operation, but the same, when and as approved by Her Majesty in Council, shall, from the date specified in the scheme, or if no date is specified then from the date of the Order in Council, have full operation and effect in the same manner as if it had been enacted in this Act.

Where a scheme shall have been so framed as to make it necessary that any further acts should be done in order to carry out the arrangements prescribed by such scheme, the Commissioners shall have power, immediately after the making of such Order in Council, to do and execute, or cause to be done and executed, all such acts and deeds, and all such conveyances and assurances in the law whatsoever, as may in their judgment be necessary for carrying out the provisions of the scheme approved by such order, and for securing the application of the property dealt with by such scheme to the purposes to which such scheme may direct it to be applied.

Effect of scheme.

35. Upon a scheme coming into operation every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject matter of the scheme, and expressed by such scheme to be repealed and abrogated, shall, by virtue of the scheme, and of this Act, be repealed and abrogated from the date in that behalf specified, or if no date is specified, from the date of the scheme coming into operation, and all property purporting to be

transferred by such scheme shall, without any other conveyance or act in the law (so far as may be), vest in the transferees, and so far as it cannot be so vested shall be held in trust for the transferees.

Evidence of scheme.

36. The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

Quorum of Commissioners.

37. A scheme of the Commissioners shall not be submitted to the Committee of Council on Education unless it has been approved at a meeting of the Commissioners at which there are present not less than three Commissioners, but in all other respects one Commissioner may act under this Act.

Extension of 16 & 17 Vict. c. 137. s. 11. and 18 & 19 Vict. c. 124. ss. 6–9. to Assistant Commissioners.

38. Section eleven of the Charitable Trusts Act, 1853 (which relates to the production of documents by public officers), and sections six, seven, eight, and nine of the Charitable Trusts Act, 1855 (which relate to evidence and the attendance and examination of witnesses) shall extend to the Assistant Commissioners under this Act, as if they were the inspectors mentioned in those sections.

Commissioners to have power to direct sale of charity property and invest proceeds.

39. Whenever it shall appear to the Commissioners that any part of the charity property and endowments subject to the provisions of this Act, may with advantage be sold and realised, they may direct such property to be sold upon such terms and conditions and to such purchasers as they may think fit, and the trustee or trustees for the time being of such property shall effect such sale, which shall require no further sanction than the order of the Commissioners under their seal directing the same, and the proceeds of every such sale shall be paid to the official trustees of charitable funds and invested in their names in Government or parliamentary securities.

Temporary restriction of powers of Charity Commissioners, court, &c.

40. During the continuance of the power of making schemes under this Act, no court or judge shall, with respect to any charity property or endowment which can be dealt with by a scheme under this Act, make any scheme or appoint any new trustees without the consent of the Commissioners.

Persons acquiring interest after passing of Act to be subject to schemes.

41. Every interest, right, privilege, or preference, or increased interest, right, privilege, or preference, which any person may acquire after the passing of this Act in or relative to any charity or endowment which can be dealt with by a scheme under this Act, or in the governing body thereof, or as member of any such governing body, or in or relative to any office, place, employment, pension, compensation, allowance, or emolument in the gift of any such governing body, or paid out of the funds of any such charity or endowment, shall be subject to the provisions of any scheme made under this Act; and the governing body of any such charity or endowment shall not, during the continuance of the power of making schemes under this Act, begin to build, rebuild, alter, or enlarge any buildings connected therewith, except with the written consent of the Commissioners or under the directions of such a scheme; and no moneys arising from any such charity or endowment shall after the passing of this Act be applied to the payment of any poor rate or other rate or public charge whatsoever, or to the payment to any parish official of any

salary or remuneration, except so far as he may be entitled to receive the same in respect of duties actually performed in connexion with the services of the church, or of services actually rendered in or about the management of any parochial charity, or of duties actually performed in connexion with public worship in the church of the parish.

Service of notices.

42. Notices and documents required to be served on or sent to a governing body or vestry clerk for the purposes of this Act may be served or sent by being left at the office, if any, of such governing body or vestry clerk, or being served on or sent to the chairman, secretary, clerk, or other officer of such governing body, or if there is no office, chairman, secretary, clerk, or other officer, or none known to the Commissioners (after reasonable inquiry), by being publicly advertised in such newspapers as the Commissioners shall think fit, or by being served upon such person or persons and in such manner as the Commissioners shall in their discretion think best calculated to give proper notice to the persons concerned with the management of the endowment dealt with by the scheme.

Service by post.

43. Notices and documents required to be served or sent for the purposes of this Act may be served or sent by post, and shall be deemed to be served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the post office.

Expenses of carrying out Act.

44. The salaries paid and expenses incurred in carrying into effect this Act shall in the first instance be defrayed out of moneys to be provided by Parliament, but shall be ultimately repaid to the Commissioners of Her Majesty's Treasury out of the sums carried over to a separate account as herein-before directed. The Commissioners shall determine, by orders under their seal, in what proportions such salaries and expenses are to fall upon the several sums so carried over under each scheme, having regard to the respective values of the endowments dealt with by such schemes respectively. If there shall be any surplus of the sums so carried over as aforesaid under each such scheme after making such repayment, such surplus shall form part of the endowments the application whereof is prescribed by each such scheme. If there shall be any deficiency, such deficiency shall be made up to the Commissioners of Her Majesty's Treasury by the New Governing Body herein-after constituted, out of the funds under their management and control.

Requisitions, &c. to be under seal.

45. All requisitions and directions made by the Commissioners under the authority of this Act shall be made by the order of the Commissioners under their seal.

Orders to be subject to Charitable Trusts Acts.

46. All orders made by the Commissioners shall be enforceable by the same means and be subject to the same provisions as orders of the Board of Charity Commissioners under the Charitable Trusts Acts, 1853 to 1869.

Commissioners to make annual report to be laid before Parliament.

47. The report of the Commissioners made under section sixty of the Charitable Trusts Act, 1853, shall describe the proceedings of the Commissioners under this Act during the year preceding the thirty-first day of December then last past, and there shall be annexed to such report copies of the schemes approved by Her

Majesty in Council under this Act during such year, and of any orders made by the Commissioners during such year under the forty-fourth section of this Act.

VI.—*New Governing Body.*

Establishment of New Governing Body for management of charity funds.

48. There shall be established a New Governing Body under this Act, which shall be called "The Trustees of the London Parochial Charities," and shall be a body corporate, with perpetual succession and a common seal. Such New Governing Body shall administer the property herein-before directed to be placed by schemes to be framed by the Commissioners under its administration and management, and shall consist of twenty-one persons, of whom five shall be nominated by the Crown, four by the Corporation of the City of London, and the remainder (four of whom shall, in the first instance, be chosen from among the persons who are now trustees of the Parochial Charities of the City of London) in such manner or by such persons or bodies as the Commissioners shall by scheme provide, regard being had by them to the interests of the various classes of the community who are or may hereafter be interested in the charity property to be administered by such New Governing Body.

Each member shall hold office for six years, but shall be re-eligible.

Every member who shall not have attended a meeting for the period of two years shall vacate his office, but shall be re-eligible.

Commissioners to make regulations for nomination of members of governing body, &c.

49. The Commissioners shall by a scheme make regulations prescribing the time and manner of the nominating or electing of the members of the New Governing Body and regarding the vacating of their office by a certain number of the first members thereof, so as to provide that some of them shall vacate their office at the end of two, others at the end of four, and the rest at the end of six years, and with respect to the filling up of vacancies arising from death or resignation, and generally with respect to the constitution of the New Governing Body, and the conduct by it of its business, and the making by it of regulations or byelaws, whether varying or merely subsidiary to the rules and regulations made by the Commissioners. The Commissioners shall also fix the date upon which the functions and powers of the New Governing Body shall commence.

Schemes to contain no preference for any religious denomination.

50. In all schemes framed under this Act affecting general charity property which is not expressly limited, by the deed of foundation, to spiritual purposes of any religious denomination no preference shall be shown to any person on account of membership of any church, nor shall conformity to any church be made the condition of enjoying any benefits, nor shall it be made a condition in appointing a master or mistress to any school founded or reformed under this Act, that he or she shall be a member of any church, nor shall endowments under this Act be attached to any institution, admission to which, or to the governing body of which, is limited to the members of any denomination.

Costs of Parliamentary proceedings to be determined

51. The Commissioners shall ascertain what costs, charges, and expenses have been reasonably incurred by the existing trustees of the City Parochial Charities, or any of them, in relation to this Act,

or the Bills of similar name in the sessions of 1881 and 1882, and shall direct the New Governing Body to pay to such trustees, or any two of them, to be chosen for that purpose by the Commissioners the amount of the costs, charges, and expenses so incurred as aforesaid out of the first moneys which shall come to their hands or be placed at the disposal of the said Governing Body. by Commissioners.

52. Nothing in this Act shall apply to any endowment or part of any endowment which, or the income whereof, is applicable, or is applied for the benefit of children maintained or educated by the Governors of Christ's Hospital, in the City of London, and presented thereto by any parochial authority in the City of London or otherwise. Saving for endowments at Christ's Hospital.

53. In this Act, unless the context otherwise requires— Interpretation of terms.

The term "Metropolis" means the places for the time being constituting the Metropolitan Police District, together with the City of London and the liberties thereof:

The term "governing body" means any body corporate, persons, or person, who hold or holds, or who have or has any power of control or management over, any charity property or endowment dealt with by this Act:

The term "endowment" means every description of property, real, personal, or mixed, which is dedicated to any such charitable uses as are referred to in this Act, in whomsoever such property may be vested and in whosesoever name it may be standing, and whether such property is in possession or reversion, or a thing in action:

The term "Committee of Council on Education" means the Lords of the Committee of Her Majesty's Privy Council on Education:

The term "person" includes any body of persons, whether corporate or unincorporate.

54. This Act, so far as is consistent with the tenor thereof, shall be construed together with the Charitable Trusts Acts, 1853 to 1869. Act to be construed together with Charitable Trusts Acts.

SCHEDULES.

The FIRST SCHEDULE.

Sections 13, 15.

Saint Andrew, Holborn.
Saint Botolph, Aldgate.
Saint Botolph, Bishopsgate.
Saint Bride, Fleet Street.
Saint Giles, Cripplegate.

The SECOND SCHEDULE.

Sections 14, 16, 17.

Allhallows, Barking.
Allhallows, Bread Street.
Allhallows the Great.
Allhallows the Less.
Allhallows, Honey-Lane.
Allhallows, Lombard Street.
Allhallows, London Wall.
Allhallows, Staining.
Christ Church, Newgate Street.
Saint Alban, Wood Street.
Saint Alphage, London Wall.
Saint Andrew by the Wardrobe.
Saint Andrew Hubbard.
Saint Andrew Undershaft.
Saint Anne and Saint Agnes.
Saint Anne, Blackfriars.
Saint Antholin.
Saint Augustine.
Saint Bartholomew the Great.
Saint Bartholomew the Less.

Saint Bartholomew, Exchange.
Saint Bartholomew, Moor Lane.
Saint Bene't, Fink.
Saint Bene't, Gracechurch.
Saint Bene't, Paul's Wharf.
Saint Bene't, Sherehog.
Saint Botolph, Aldersgate.
Saint Botolph, Billingsgate.
Saint Botolph, Glasshouse Yard.
Saint Christopher le Stocks.
Saint Clement, Eastcheap.
Saint Dionis, Backchurch.
Saint Dunstan in the East.
Saint Dunstan in the West.
Saint Edmund the King and Martyr.
Saint Ethelburga.
Saint Faith under Saint Paul's.
Saint Gabriel, Fenchurch.
Saint George, Botolph Lane.
Saint Gregory by Saint Paul.
Saint Helen, Bishopsgate.
Saint James, Garlickhythe.
Saint James within Aldgate.
Saint John the Baptist, upon Walbrook.
Saint John the Evangelist.
Saint John Zachary.
Saint Katherine Coleman.
Saint Katherine Cree.
Saint Lawrence, Jewry.
Saint Lawrence, Pountney.
Saint Leonard, East Cheap.
Saint Leonard, Foster Lane.
Saint Magnus the Martyr.
Saint Margaret Moyses.
Saint Margaret, Lothbury.
Saint Margaret, New Fish Street.
Saint Margaret Pattens.
Saint Martin, Ludgate.
Saint Martin, Orgars.
Saint Martin, Outwich.
Saint Martin, Pomeroy.
Saint Martin, Vintry.
Saint Mary, Abchurch.
Saint Mary, Aldermanbury.
Saint Mary, Aldermary.
Saint Mary-at-Hill.
Saint Mary, Bothaw.
Saint Mary, Colechurch.
Saint Mary-le-Bow.
Saint Mary Magdalen, Milk Street.
Saint Mary Magdalen, Old Fish Street.
Saint Mary, Mounthaw.
Saint Mary, Somerset.
Saint Mary, Staining.
Saint Mary, Woolchurch Haw.
Saint Mary, Woolnoth.
Saint Matthew, Friday Street.
Saint Michael, Basishaw.
Saint Michael, Cornhill.
Saint Michael, Crooked Lane.
Saint Michael-le-Querne.
Saint Michael, Paternoster Royal.
Saint Michael, Queenhithe.
Saint Michael, Wood Street.
Saint Mildred, Bread Street.
Saint Mildred the Virgin, Poultry.
Saint Nicholas, Acons.
Saint Nicholas, Coleabbey.
Saint Nicholas, Olave.
Saint Olave, Hart Street, with Saint Nicholas in the Shambles.
Saint Olave, Old Jewry.
Saint Olave, Silver Street.
Saint Pancras, Soper Lane.
Saint Peter, Cornhill.
Saint Peter-le-Poer.
Saint Peter, Paul's Wharf.
Saint Peter, West Cheap.
Saint Sepulchre.
Saint Stephen, Coleman Street.
Saint Stephen, Walbrook.
Saint Swithin, London Stone.
Saint Thomas Apostle.
Saint Thomas in the Rolls.
Saint Vedast, Foster.
Holy Trinity the Less.
Holy Trinity, Minories.
Holy Trinity, Gough Square.

CHAPTER 37.

An Act to amend the Public Health Act, 1875, and to make provision with respect to the support of public sewers and sewage works in mining districts.

[25th August 1883.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: