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Scottish Law Commission
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Statute Law (Repeals) Bill 2012
Notes on the Bill
Volume 2

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STATUTE LAW (REPEALS) BILL 2012

NOTES ON THE BILL

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PART 5

LOCAL COURTS AND ADMINISTRATION OF JUSTICE

<i>Reference</i>	<i>Extent of repeal or revocation</i>
1 Will. & Mar. c.17 (1688) (Erecting Newcastle-upon-Tyne Court of Conscience Act)	The whole Act.
1 Will. & Mar. c.18 (1688) (Erecting Bristol and Gloucester Courts of Conscience Act) ¹	The whole Act.
45 Geo.3 c.lxi (1805) (High Peak and Castleton Courts Baron Act)	The whole Act.
46 Geo.3 c.iii (1806) (West Riding of Yorkshire Court Houses Act)	The whole Act.
46 Geo.3 c.xxxi (1806) (York Judges' House Act)	The whole Act.
46 Geo.3 c.lxxxvii (1806) (Southwark and East Brixton Court of Requests Act)	The whole Act.
46 Geo.3 c.cxxx (1806) (Croydon Court House, Market House and Burial Ground Act)	Sections 9 to 12. Sections 15 to 18.
47 Geo.3 Sess.2 c.xxxii (1807) (Cumberland County Court Act)	The whole Act.
48 Geo.3 c.cxxxiv (1808) (Kingston-upon-Thames and Imworth Inclosure, Court House and Market House Act)	Sections 47 to 54.
49 Geo.3 c.lxxv (1809) (Lincolnshire Courthouse Act)	The whole Act.
49 Geo.3 c.clxxxv (1809) (Northumberland Gaol and Courts of Justice Act)	The whole Act.
55 Geo.3 c.ix (1815) (Hereford County Offices Act)	The whole Act.

¹ These two Acts of 1688 are, because of their date, both classified as private Acts (with italicised chapter numbers).

55 Geo.3 c.xciii (1815) (City of London Courts of Justice Act)	The whole Act.
1 & 2 Geo.4 c.xcvi (1821) (Salop County Judges' Accommodations Act)	The whole Act.
1 & 2 Geo.4 c.cxxiv (1821) (Louth County Court House Act)	The whole Act.
3 Geo.4 c.lxxiv (1822) (Lincolnshire County Offices Act)	The whole Act.
10 Geo.4 c.xxxiii (1829) (St. Albans Court House Act)	The whole Act.
1 & 2 Will.4 c.xxxiii (1831) (Lincoln County Offices Act)	The whole Act.
4 & 5 Will. 4 c.xl (1834) (Glamorgan, Brecon and Monmouth Court of Requests Act 1809 Repeal Act)	The whole Act.
6 & 7 Will.4 c.xi (1836) (Ipswich Assizes Act)	The whole Act.
6 & 7 Will. 4 c.xii (1836) (Bodmin Assizes Act)	The whole Act.
1 & 2 Vict. c.xci (1838) (Ashby de la Zouch Court of Requests Act)	The whole Act.
2 & 3 Vict. c.xcvii (1839) (Hatfield (Yorkshire) Small Debts Recovery Act)	The whole Act.
2 & 3 Vict. c.xcix (1839) (Newark Small Debts Recovery Act)	The whole Act.
3 & 4 Vict. c.lxix (1840) (Kingsnorton and Northfield Small Debts Recovery Act)	The whole Act.
Justices of the Peace Act 1949 (12, 13 & 14 Geo.6 c.101)	The whole Act.
Solicitors Act 1974 (c.47)	In Schedule 3, paragraph 4.
Access to Justice Act 1999 (c.22)	Section 45.
The Appointment of Queen's Counsel Fees Order 2002 (S.I. 2002 No.2037)	The whole Order.

Background

1. The first 25 proposed repeals within this group range over the years 1688 to 1840, and concern in the main the rebuilding or replacement of court houses and judges' lodgings in various counties across the United Kingdom (including what was then southern Ireland). The buildings and accommodation then existing had long ceased to be fit for purpose. However, before the projects could start, parliamentary authority was required in order to acquire land or alternative premises, to raise moneys (usually on the county rate), to effect construction, and then to run and maintain the public facilities.

2. These Acts broadly fall into two categories: those authorising the construction of court buildings and those enhancing the jurisdiction of local courts of conscience, or courts of requests.

(a) The first category of Acts, those authorising the construction of courthouses or judges' lodgings, became obsolete once their purpose was fulfilled, that is to say, once construction of the buildings was complete and the care of the buildings passed to another body. In many cases the buildings authorised by these Acts no longer exist or are no longer used as courthouses. Responsibility for the maintenance of court houses now lies with Her Majesty's Courts and Tribunals Service, which is an executive agency within the Ministry of Justice.

(b) The Acts extending the jurisdiction of courts of requests (also sometimes known as courts of conscience) are similarly obsolete. Courts of requests were established in 1483 as an inexpensive and simple means of achieving access to justice for the poor. Although these courts ceased to sit in 1642² they appear to have inspired the provision of more accessible justice at a local level. In the reign of Henry 8 the name *court of requests* was also given to inferior local courts established by special Acts of Parliament with jurisdiction in matters of debt under 40 shillings. Some of the Acts described in this note extended the jurisdiction of the local courts of

²www.nationalarchives.gov.uk/catalogue/RdLeaflet.asp?sLeafletID=143;
www.nationalarchives.gov.uk/familyhistory/guide/ancestorslaw/court.htm.

requests to deal with larger debts of up to £5. The courts of requests were abolished by the County Courts Act 1846.³

3. The various small debt court Acts contained provisions relating to the enforcement of court orders, including imprisonment of debtors until debts were paid. Those provisions have been superseded by the abolition of imprisonment for debtors - later governed by the Debtors Act 1869 - from 1971 onwards.⁴

4. The remaining proposed repeals in this consultation paper cover four Acts and one Order (1949 to 2007) spanning two main areas: qualification of solicitors who had served a period of years as justices' clerk assistant; and fees on application for appointment to the rank of Queen's Counsel.

Cornwall

6 & 7 Will. 4 c.xii (1836) (Bodmin Assizes Act)

Purpose

5. Prior to 1836 the county assizes and gaol delivery for Cornwall had been held alternately at Launceston and Bodmin. The Privy Council had indicated its wish to centralise trials at Bodmin once the courts there had been made "sufficiently commodious" for the conduct of both civil and criminal business.⁵

6. The assize hall and the judges' lodgings were owned by Bodmin corporation, and both buildings were in a "very dilapidated state". In 1834 the Bodmin quarter sessions received a report by two of its justices on the state of the buildings,⁶ which report recommended that a new shire hall should be built for holding the assizes. As a consequence, the sessions decided to negotiate with the corporation to acquire the existing buildings and some adjacent land, and to seek specific authorisation for the building project.⁷

³www.britannica.com/EBchecked/topic/498920/Court-of-Requests. The 1846 Act (9 & 10 Vict. c.95) related to the creation or redesignation of local courts in England. Once a court named in either Schedule A or B to the Act was redesignated a county court, the previous statutory provisions relating to that court were deemed repealed: see sections 5 and 6 of the 1846 Act.

⁴ See the Administration of Justice Act 1970 (c.31), ss 11, 12.

⁵ Preamble to 6 & 7 Will. 4 c.xii (1836) ("the Cornwall 1836 Act"), being "An Act for building new Courts of Assize at Bodmin for the County of Cornwall, and for providing Judges Lodgings, and other Purposes connected therewith".

⁶ Described as being "insufficient, inconvenient, defective, and in want of repair and improvement": the Cornwall 1836 Act, preamble.

⁷ General authorisation had previously been given by an Act in 1826 (7 Geo.4 c.63) to improve or rebuild shire halls and other buildings used for assize, general sessions and lodgings purposes across England and Wales. Doubts had arisen in Cornwall, however, as to whether the powers in that legislation were sufficient to cover the situation in Bodmin (notwithstanding the fact that the corporation's buildings were then in use for the summer assizes). The principal concern was whether the county justices were empowered to acquire, at the county's expense, premises and land under the 1826 Act for the purpose of re-provision. The Cornwall 1836 Act was designed to resolve the doubt.

7. The Cornwall 1836 Act provided authority for the Cornwall justices to do the following:

- (a) through general quarter sessions to enter into contracts for the purchase of the current assize building and the building used as lodgings for the assize judges,⁸ together with any necessary adjoining land;⁹ and likewise to contract for the demolition of the existing structures and the construction of a new “shire or county hall” (which could accommodate the assizes and quarters sessions and other public meetings for the county), and the erection or acquisition of a house to receive the assize judges;¹⁰
- (b) to assess and levy a special county rate to cover the expenses incurred in the project;¹¹
- (c) once complete, to vest in the justices as trustees the new buildings and fittings, to be held in accordance with the 1826 Act;¹²
- (d) to benefit from the powers in the 1826 Act and an Act of 1698 (for the building and regulation of gaols and houses of correction)¹³ so as to be able to acquire lands from persons or bodies with legal disability;¹⁴ and
- (e) to borrow moneys for the project, funded by the special rate, subject however to those moneys (and interest) being repaid within 14 years of the loan date.¹⁵

Status

8. The Cornwall 1836 Act authorised the construction of the shire hall and judges’ lodgings in Bodmin in Cornwall. That construction, in Mount Folly Square, Bodmin, was completed in 1837 and opened in 1838.¹⁶ Originally known as the Assize Hall, the buildings

⁸ Called in the Act “His Majesty’s Justices of Assize” to distinguish them from the lay magistracy.

⁹ The power extended to acquiring the interests of corporations and of any other person or body.

¹⁰ The Cornwall 1836 Act, s 1. The authorisation extended not just to building but also to fitting out and maintaining the accommodation once built or acquired, and to the making of orders for defraying the costs of such provision and on-going maintenance and support (together with the costs of obtaining the 1836 Act).

¹¹ The Cornwall 1836 Act, s 2. The special rate was to be collected in the same way as an ordinary county rate would be collected and enforced. Section 3 of the Act allowed the justices to direct that every tenant paying a rack rent should deduct from the landlord’s payment 50% of the rates payable which amount was then to be paid direct to the county.

¹² 7 Geo.4 c.63 (1826), above. See the Cornwall 1836 Act, s 4.

¹³ See 11 Will.3 c.19 (1698) (Gaols Act), repealed by 4 Geo.4 c.63 (1823) (Advances for Building Gaols, etc. (England) Act), s 1.

¹⁴ The Cornwall 1836 Act, s 5. This covered interests held, for example, by guardians or trustees of persons under age or suffering mental disorder.

¹⁵ The Cornwall 1836 Act, s 6.

¹⁶ At this point Bodmin became the county town of Cornwall, which status it held until the formation of the county council in 1888 (based in Truro).

ceased to hold courts in 1988, and were transferred to the present Bodmin Town Council.¹⁷ They are known today as Shire House.

9. The borrowing powers in the 1836 Act were time-limited and the provisions of the Act are now spent.

Cumbria

47 Geo.3 Sess.2 c.xxxii (1807) (Cumberland County Court Act)

Purpose

10. By 1807 the county justices for Cumberland had formed the view that there was neither a shire hall nor any other public building available which was suitable for the holding of the county's assize and quarter sessions and for the archiving of its public records. Since "time immemorial" the county assizes had been convened in the guildhall of the city of Carlisle (courtesy of the city corporation), but those premises were "so incommodious and in such a ruinous state" as to pose a risk to the health and safety both of the King's assize judges and those of the public (the King's "liege subjects") who had to resort to the courts.¹⁸

11. The county justices concluded, on the advice of their appointed engineer and architect, that the only appropriate site for the construction of a new court house was on land adjoining the existing common gaol for the county. This scheme would involve using the citadel and two bastions (and parts of the city wall) at the south entrance to the city, the freehold of which was vested in "the King's most Excellent Majesty, in right of His Crown". The King, however, had signified to the county justices (on their petition) that the freehold of the structures and the necessary site could vest in them in order to facilitate the construction of a shire hall or court house for the county of Cumberland.¹⁹ But before construction could commence the county justices needed parliamentary authority to defray the building costs and the expense of acquiring any further land for the project.

¹⁷ Up until transfer, the Bodmin Town Council (as successor to the Bodmin borough council, abolished 1974) had occupied the Town Hall premises at Fore Street in Bodmin. We are grateful to Ms Jennie Hancock, Archivist at the Cornwall Record Office, for supplying background historic information for us.

¹⁸ See the preamble to 47 Geo.3 Sess. 2 c.xxxii (1807) ("the Cumberland 1807 Act"), being "An Act to enable His Majesty to grant the Citadel and Walls of the City of Carlisle, and certain grounds adjoining thereto, to the Justices of the Peace for the County of Cumberland, for building Courts of Justice for the said County, and for other Purposes relating thereto". The assize judges had previously made representations to the county's grand juries as to the inadequacy of the court accommodation.

¹⁹ The Cumberland 1807 Act, preamble.

12. To this end the Cumberland 1807 Act authorised the following:
- (a) the permanent vesting of title of the citadel, bastions and walls of the city of Carlisle (and appurtenant land) in the county justices, free from any claim by the King;²⁰
 - (b) that the county justices, acting through quarter sessions, could make such orders and contracts as were appropriate for the conversion and fitting-out of the citadel and the bastions for court house use, for the erection of a new shire hall and court houses on the acquired land, and for the defraying of the costs through the county rate;²¹
 - (c) that the justices could acquire and pay for further land and buildings, either to advance the purposes of the Act or to create a “more easy, open, and convenient approach” to the city, the shire hall, the courts, and the county gaol;²²
 - (d) that special arrangements be put in place for the acquisition of land compulsorily where the owner was either unwilling or unable to effect transfer of title;²³
 - (e) that arrangements be made for the handling of minor interests and mortgages on land to be acquired;²⁴
 - (f) that the justices be permitted to sell the freehold of any land (acquired under the Act or purchased) which later may prove unnecessary, and the proceeds of sale were to be applied either towards the purposes of the Act or “in aid of the county rate”;²⁵

²⁰ The Cumberland 1807 Act, s 1.

²¹ The Cumberland 1807 Act, s 2.

²² The Cumberland 1807 Act, s 3. A limit of 3 acres was placed on the extent of land the justices could lawfully purchase. The justices were to be entitled to take possession of the necessary land on payment or tender of the purchase moneys, or payment into the Bank of England. By sections 4 and 13 of the Act corporate and other bodies, and trustees acting for infants or those of unsound mind or with some legal disability, were authorised to contract and convey their respective interests in the land to the acquiring justices; and such trustees were to be reimbursed by the county justices any reasonable expense incurred by them in acquiring alternative investment properties. The form of conveyance on sale was prescribed by section 16.

²³ The Cumberland 1807 Act, ss 5-11. In essence, the Act provided for the empanelling of a jury who would enquire into the value of the land to be taken and issue an award of compensation; and for the justices to tender the awarded sum and then take possession of the premises. [This was necessary because general statutes passed in the regnal years 11 & 12 Will. 3 (1698) and 24 Geo.3 (1784), relating to the construction of county gaols, did not extend to the building of court houses]. Depending upon the size of the award, the moneys would then be paid into the Bank of England (credited to the account of the Accountant General of the Court of Chancery) for application in accordance with the Court’s direction or the approval of two or more county justices. Where good title could not be made out, or where any dispute arose as to entitlement to adjudicated compensation moneys (or any dividend or interest accruing), the moneys would be paid into Court pending the Court’s direction. By section 12, the person in possession of the relevant parcel of land at the time of acquisition was deemed to be the lawful owner and entitled to the compensation moneys, until the contrary was proved.

²⁴ The Cumberland 1807 Act, ss 14, 15. The minor interests were those held by tenants at will or on an annual basis (where possession was to be handed over on notice or, in default, on execution by the county sheriff); and mortgages where the mortgagee (the lender) was not in possession (where principal and interest moneys were to be paid or tendered, and interest would terminate).

²⁵ The Cumberland 1807 Act, ss 17, 18.

- (g) that all the building materials, fixtures and fittings used for the shire hall and court buildings be vested in the county justices, and any person stealing or damaging that property should be liable to be convicted on indictment of a felony;²⁶
- (h) that within the court house or some adjoining building, provision be made for an office “for the purpose of depositing, keeping, and preserving the [county] public records”,²⁷ and
- (i) that various ancillary arrangements be made.²⁸

Status

13. A court was added to Carlisle Castle in 1841. In 1872 the headquarters of the 34th and 55th Westmorland Regiments were based in the castle. The castle was used by the Border Regiment until 1959,²⁹ and it today houses the King’s Own Royal Border Regiment museum.³⁰ The castle is now owned by English Heritage.³¹

14. Given that the castle is no longer in use for court purposes, the Cumberland 1807 Act is now of no practical utility and can be repealed in whole.

Derbyshire

45 Geo.3 c.lxi (1805) (High Peak and Castleton Courts Baron Act)

Purpose

15. In 1759 statutory power had been granted to two *courts baron*³² in Derbyshire (for the hundred of High Peak and the manor of Castleton, both within the King’s ownership as Duke of Lancaster).³³ Since “time immemorial” the courts had sat to hear pleas relating to actions for debt or damages of less than 40 shillings (£2).³⁴

²⁶ The Cumberland 1807 Act, ss 19, 20. The maximum sentence was transportation for 7 years. By section 21 the justices were required to hold the various buildings in trust for the county so that they could be used (“peaceably and quietly allow, permit, and suffer”) for the holding of the assizes, quarter sessions, and “other courts and meetings to be holden for the public administration of justice, and for transacting the public affairs and business of the said county”, together with “all such other public uses and purposes” as the justices may authorise (without restriction as to who may officiate or attend).

²⁷ The Cumberland 1807 Act, s 22.

²⁸ The Cumberland 1807 Act, ss 23-27. These arrangements related in the main to the ability of the justices to sue in civil proceedings through their clerk of the peace, the giving of notice of proceedings, and applying time limits for actions. The costs of obtaining the 1807 Act (section 27) were to be borne from the county stock or from moneys raised by county rate.

²⁹ <http://www.armymuseums.org.uk/museums/0000000052-Border-Regiment--King-s-Own-Royal-Border-Regiment-Museum.htm>

³⁰ See http://www.kingsownbordermuseum.btik.com/p_New_Home_Page.ikml . The museum opened in 1932 in the castle keep, and in 1973 transferred to Queen Mary’s Tower in the inner ward.

³¹ See <http://www.english-heritage.org.uk/server/show/nav.13665/chosenImageId/3>.

³² Courts baron were manorial courts which were responsible for regulating manors and their tenants.

³³ The 1759 Act was “An Act for regulating the Proceedings in Personal Actions in the respective Courts Baron of the Hundred of High Peak and Manor of Castleton, in the County of Derby”: 33 Geo.2 c.31 (1759), referred to in the preamble to 45 Geo.3 c.lxi (1805). This 1759 Act was repealed by the County Courts Act 1846 (c.95).

³⁴ 45 Geo.3 c.lxi (1805), preamble. The expression “time immemorial” today is treated as meaning since before the year 1189.

16. However, the geographic spread of the hundred and manor was significant, and by 1805 encompassed “a very populous manufacturing and increasing district”. This expanding population gave rise to jurisdictional problems. Actions for 40 shillings value or more had to be tried in “the superior courts for the county” which sat in the town of Derby, some 40 miles distant from the “most populous part” of the hundred and manor. This ranked as a disincentive to creditors to recover debts properly due to them from those “many evil disposed persons” who were exploiting this lack of local jurisdiction.³⁵

17. In order to extend the financial jurisdiction of the local courts (and to make other adjustments to the earlier statute) the Act of 1805 was secured.³⁶ The Derbyshire 1805 Act provided authority for the following:

- (a) that the jurisdiction to hear actions for debt or damages arising within the courts’ areas be extended to sums “not exceeding” five pounds;³⁷
- (b) that debtors who fraudulently sought to conceal their assets would be liable, on sworn proof of that concealment, to imprisonment for an enhanced term;³⁸ and
- (c) that certain provisions be put in place relating to court process.³⁹

Status

18. The Derbyshire county records office have advised that they hold no records relating to a court house established under the Derbyshire 1805 Act.⁴⁰

19. Courts baron and hundred courts were superseded by the establishment of the county courts system in 1846, and were formally abolished (so far as their judicial functions were concerned) in 1977.⁴¹

³⁵ 45 Geo.3 c.lxi (1805), preamble.

³⁶ See 45 Geo.3 c.lxi (1805) (“the Derbyshire 1805 Act”), being “An Act to explain and amend an Act, passed in the Thirty-third Year of His late Majesty, for regulating the Proceedings in Personal Actions in the respective Courts Baron of the Hundred of High Peak and the Manor of Castleton, in the County of Derby; and for extending the Powers of the said Courts”. The Derbyshire 1805 Act contained a specific saving for the powers and other provisions contained in the 1759 Act: see section 8.

³⁷ The Derbyshire 1805 Act, s 1. All previous powers vested in the courts, both “authorized and directed” and “heretofore used or exercised”, were to operate over the extended jurisdiction. However, by section 2 the local courts were not permitted to determine any cause which related to disputed title to land, or any action which concerned “testament or matrimony” or which fell within the jurisdiction of “the Ecclesiastical Court”. Likewise, by section 3, the local courts were not permitted to impose imprisonment on defaulting debtors which exceeded the tariff laid down by the Act (which set a maximum of 100 days for a debt not exceeding £5).

³⁸ The Derbyshire 1805 Act, s 4. In the circumstance of proven wilful and fraudulent concealment, for a debt of up to £5, the maximum term of imprisonment imposed could be 120 days. The clerk was to record the “circumstance or ground for further detention”.

³⁹ The Derbyshire 1805 Act, ss 5-7, 9. These provisions covered the non-liability of imprisoned debtors to pay gaol fees on release (and the inability of gaol keepers or turnkeys lawfully to demand payment as a prerequisite to release), prohibition on imprisonment for debt where distraint on goods had already been sanctioned by court order, and the need to give prior notice of action (with a 3 months’ limitation period).

⁴⁰ Moreover, manorial records for the High Peak (mainly moorland) area are very sparse.

⁴¹ The Administration of Justice Act 1977 (section 23 and schedule 4) curtailed the jurisdiction of certain ancient courts - such as courts baron, courts leet and hundred courts - by removing their legal proceedings powers but

20. The provisions of the Derbyshire 1805 Act are now obsolete and the Act may be repealed.

Glamorganshire

4 & 5 Will.4 c.xl (1834) (Glamorgan, Brecon and Monmouth Court of Requests Act 1809 Repeal Act)

Purpose

21. In 1809, an Act had been passed establishing a court of requests for various parishes within the counties of Glamorgan, Monmouth and Brecon. This court (comprising appointed commissioners) was designed to facilitate the recovery of small debts owed to trades people in the named towns (such as Merthyr Tydfil) and parishes. Its purpose was to reduce the disproportionate cost of litigation in the higher courts, to improve and encourage trade, and to protect “useful credit” in the places listed.⁴²

22. When the court of requests was set up, the Glamorganshire 1809 Act made savings for two existing courts, insofar as they related to manors within the named parishes: that of the court baron of the Marquis of Bute and Earl of Dumfries, and that of the court baron of the Duke of Beaufort.⁴³

23. By 1834 the court of requests had ceased to be an adequate tribunal. The Glamorganshire 1809 Act had “not been found to operate beneficially” and the court had failed “to answer the purposes for which the same was intended”. Instead, it had “been found inconvenient”.⁴⁴

24. As a consequence, a very short Act of that year - the Glamorganshire 1834 Act - was enacted with two purposes:

- (a) that as from 1 January 1835 no action should be heard and determined by the court, and

preserving their customary business role. These provisions were based on the Law Commission’s recommendations in their report *Jurisdiction of Certain Ancient Courts* (Law Com. No.72, Cmnd. 6385) February 1976.

⁴² See preamble to 49 Geo.3 c.cxli (1809) (“the Glamorganshire 1809 Act”), being “An Act for the more easy and speedy Recovery of Small Debts within the Parish of Merthyr Tidfil, and other Places therein mentioned, in the Counties of Glamorgan, Brecon, and Monmouth”. The jurisdiction of the court was limited to trying actions of up to £5 in value. This 1809 Act has been repealed: see below.

⁴³ The Glamorganshire 1809 Act, ss 50, 51.

⁴⁴ Preamble to 4 & 5 Will.4 c.xl (1834) (“the Glamorganshire 1834 Act”), being “An Act to repeal an Act of the Forty-ninth Year of King George the Third, for the more easy and speedy Recovery of Small Debts within the Parish of Merthyr Tidfil and other Places therein mentioned in the Counties of Glamorgan, Brecon, and Monmouth”.

(b) that as from 1 January 1837 the Glamorganshire 1809 Act⁴⁵ be “hereby repealed”.⁴⁶

Status

25. The Glamorganshire 1834 Act has already been partially repealed by the Mid Glamorgan County Council Act 1987.⁴⁷ However, the 1834 Act still appears in force for other parts of the former counties of Glamorgan, Brecon and Monmouth.⁴⁸

26. Repeal of a repeal statute (here the 1834 Act, repealing an earlier Act of 1809) does not today have the effect of reviving the earlier Act: see the Interpretation Act 1978, s 15. Likewise, repeal in whole of a statute which has previously been repealed only in part (as here, by the 1987 Act) does not cancel out the previous partial repeal.⁴⁹ The remainder of the Glamorganshire 1834 Act can now safely be repealed.

Gloucestershire

1 Will. & Mar. c.18 (1688) (Erecting Bristol and Gloucester Courts of Conscience Act)

Purpose

27. In 1688 the two cities of Bristol (then spelt Bristoll) and Gloucester (each of which also had county status) were “very populous” and were inhabited by “many poor artificers, labourers and others” who were on the receiving end of regular “divers vexatious suites for severall debts”, which were increasing their indebtedness and causing them and their families ruination. The prisons were also filling with “miserable debtors”, and the burden on the parishes to provide poor support was increasing.⁵⁰ The solution to this problem was to take small debts (under 40 shillings worth) away from the royal courts in Westminster and other inferior courts, and to arrange for such matters to be resolved locally, using - “to great benefit and advantage” - the model adopted in the city of London. This step required parliamentary approval and authorisation.

⁴⁵ Referred to in the marginal note as 49 Geo.3 c.141.

⁴⁶ The Glamorganshire 1834 Act, s 1. The marginal note referred in error to repeal as from 1 January 1835. Section 2 (in standard form) simply recited that this local Act be deemed a public Act for the purpose of judicial notice.

⁴⁷ c.vii (1987), s 56(1), sch 2 Pt I, which cites 4 & 5 Will.4 c.xl (1834) and repeals “The whole [of that 1834 Act] in so far as it extends to the county [of Mid Glamorgan]”. The county of Mid Glamorgan (post-1974 local government reorganisation) is defined in the preamble to the Mid Glamorgan 1987 Act, clause (1). Mid Glamorgan ceased to exist as an administrative county in 1996 when it was split into four unitary authority areas.

⁴⁸ Two areas named in the Glamorganshire 1809 Act (and carried forward by implication into the repeal by the Glamorganshire 1834 Act) appear to have escaped the further repeal by the Mid Glamorgan 1987 Act: the parishes of Llangunider (now in Powys) and Bedwelty (formerly in Monmouthshire and now in Blaenau Gwent), both of which - in whole or in part - fall outside the former county of Mid Glamorgan.

⁴⁹ Whole repeal of the 1834 Act is required now because the 1987 Act sought to repeal in whole with a territorial exception (leaving unspecified sections in force).

28. The Bristol 1688 Act authorised the following:
- (a) that a court of request or conscience be established for the “relief of the poorer sort of people” who had incurred small debts within the cities of Bristol and Gloucester (and their parishes and liberties), and that commissioners be appointed to hear and determine all claims within its jurisdiction;⁵¹
 - (b) that each of the appointed commissioners should take an oath of office;⁵²
 - (c) that fees be charged for specified court procedures (eg issuing plaints [court proceedings], committal to prison by warrant) and that various court officers be appointed (eg registrars and clerks);⁵³
 - (d) that the commissioners should assemble on a weekly basis in their own city, and sit “to heare and determine” actions for debt recovery not exceeding 40 shillings in value;⁵⁴
 - (e) that any inhabitant of the two cities who had an unpaid debt (under 40 shillings) owing to him or her by another inhabitant could summons that person before the commissioners to determine the issue (without recourse to “the exact formes and methods of the common law or other courts of justice”);⁵⁵
 - (f) that, in the event of non-appearance before the court of any party to proceedings or failure to comply with a court order, the court officers be empowered (on order of the commissioners) to arrest and imprison the defaulting party “without bayle or mainprise” pending that party performing in accordance with the court’s instructions (including by sale of the party’s “goods and chattels”);⁵⁶
 - (g) that any action for debt less than 40 shillings commenced after 1st August 1689 in the royal courts at Westminster or elsewhere would be deemed void;⁵⁷ and
 - (h) that - because the Newgate gaol in Bristol (which was used as the only county common gaol) was “very old and ruinous” and was on a very constrained site - the common gaol should be rebuilt on a convenient site and a tax levied by the

⁵⁰ See preamble to 1 Will. & Mar. c.18 (1688) (“the Bristol 1688 Act”), being an Act “For erecting Courts of Conscience in Bristol and Gloucester”. In this repeal note section numbers have been assigned to this Act for more easy reference, although numbered sections do not appear in the original text.

⁵¹ The Bristol 1688 Act, s 1. The commissioners for Bristol were to be the mayor, aldermen and common council for the city (or any three of them), and for Gloucester the mayor and aldermen for the city together with six named individuals (or any three of them).

⁵² The Bristol 1688 Act, s 2.

⁵³ The Bristol 1688 Act, s 3. The court officers were to hold office during good behaviour, and the commissioners were empowered to replace them in the event of misbehaviour. Each court registrar was to nominate a deputy and a beadle for approval by the respective commissioners.

⁵⁴ The Bristol 1688 Act, s 4. By section 8 of the Act, the jurisdiction of the commissioners was not to extend to any debt arising from non-payment of rent under any “lease for lands or tenements”, or from wills or marriage, or from any matter within the proper jurisdiction of the ecclesiastical court.

⁵⁵ The Bristol 1688 Act, s 5. Orders of the court were to be “final and conclusive”, and were not to be susceptible to review by writ of *certiorari* or the like. All orders were to be formally recorded by the court. The commissioners were empowered to take evidence on oath.

⁵⁶ The Bristol 1688 Act, s 6.

⁵⁷ The Bristol 1688 Act, s 7. This limitation applied only to actions arising in one of the two cities.

city corporation on the citizens and inhabitants to defray the costs of site acquisition, new-build and fitting-out.⁵⁸

Status

29. The Bristol 1688 Act was extended by an Act of 1836, which had the effect of enlarging the court of conscience's jurisdiction and making it coterminous with the new city boundary.⁵⁹

30. From the 13th century until 1551, civic business in Bristol - both municipal and judicial - was conducted in the medieval guildhall situate in Broad Street, with its adjoining chapel of St. George. In 1551 a new council house was built on the corner of Broad Street and Corn Street (partly on the site of St. Ewen's church, a former chantry chapel), and civic business transferred there. In 1704 or 1705 the council house was superseded by another building, and then (in 1824) was replaced on the same site by a further council house. The guildhall was replaced on another site in 1843, in nearby Small Street (with the courts opening in July 1846). The Bristol county court, replacing the court of conscience, was operational from March 1847.⁶⁰ The guildhall ceased to house court sittings in the 1980s, when new law courts were opened.

31. Until 1832 (the year of the Reform Act) Bristol had its own court jurisdictions: the court of conscience, established in 1688, and the ancient Tolzey court. The city was not then part of the assize circuit.⁶¹

32. The Bristol 1688 Act was repealed in part by the Bristol Court of Conscience Act 1837 (which Act was itself repealed in whole by the County Courts Act 1846).⁶² The effect of

⁵⁸ The Bristol 1688 Act, preamble and s 9. The existing gaol was described as being "unwholesome" and overcrowded, had given rise to prisoners contracting "severall sicknesses", and had been the subject of various presentations and recommendations by grand juries to the city's quarter sessions. Once built the new gaol was "for ever hereafter [to] be and be used as the common gaol" for Bristol. A ceiling of £16,000 was placed on the sum to be raised by levy.

Although the gaol-building provisions were incorporated within the Bristol 1688 Act, they were structured and drafted as if they were a stand-alone Act within that Act.

⁵⁹ See 6 & 7 Will 4 c.105 (1836) (Administration of justice in certain boroughs Act). This 1836 Act was repealed in 1882.

⁶⁰ The Tolzey court was allowed to continue to function with a limited jurisdiction relating to the resolving of debt disputes.

⁶¹ We are most grateful to William Smith, archivist with the Bristol City record office, for this information.

⁶² See 7 Will. 4 & 1 Vict. c.lxxxiv (1837), repealed by County Courts Act 1846 (c.95). The 1837 Act repealed (from September 1837) all that part of the Bristol 1688 Act ("all the clauses, powers, and provisions therein contained") which related to the city and county of Bristol : 1837 Act, s 1. By section 2 the successor provisions were to facilitate the "easy and speedy recovery of small debts" in Bristol city and county. Section 3 was a savings provision whereby previous actions by the court were preserved as valid, notwithstanding the repeal. Interestingly, the repeal - seemingly of all Bristol-related provisions - may have undermined the gaol rebuilding powers, although one can assume that 149 years on from 1688 the gaol had been rebuilt, and that part of the Act was already obsolete.

this repeal was that only those provisions in the Bristol 1688 Act relating to Gloucestershire remain in force today.

33. In Gloucester the court of conscience was established in 1689, and met once a month in the Tolzey (a building constructed in the city centre for town business, and functioning by 1455).⁶³ The court became a county court under the 1846 national legislation. The Tolzey was replaced by the new guildhall as the seat of city administration in 1892, and in 1893 the Tolzey building was sold by the city corporation and demolished. The county court now sits at a different site in the city.

34. The Bristol 1688 Act has long been rendered obsolete, and should now be repealed.

Herefordshire

55 Geo.3 c.ix (1815) (Hereford County Offices Act)

Purpose

35. It was customary to hold the county assizes and quarter sessions for Herefordshire, and other public meetings for the county, in the shire hall in the city of Hereford. But by 1814 the grand jury had reported at the assize sitting that the shire hall was in a very poor state of repair and was “a very inconvenient building, and ill adapted for the administration of justice”.⁶⁴ Moreover, because of the constraints of the existing site (surrounded by a public street), it was not practicable to enlarge the accommodation without “obstructing the highway and passage in the said street”.⁶⁵

36. The old gaol in Hereford had been relocated, and the vacated site still stood “unsold and undisposed of”.⁶⁶ However, in order to create a new complex for the assize, quarter sessions and county courts, a shire hall, and judges’ lodgings, it would be necessary to acquire further land adjacent to the site. The cost of acquisition, and of the new build, was going to involve “expenditure of a considerable sum of money”, which would have to be raised from the county rate (requiring statutory authority).

⁶³ See *Victoria History of Gloucestershire*, vol iv (1988, Oxford UP) at pp 116, 147 and 191. We are grateful to the Gloucestershire archives office for drawing our attention to this reference, and for other information.

⁶⁴ Preamble to 55 Geo.3 c.ix (1815) (“the Herefordshire 1815 Act”), being “An Act for erecting a Shire Hall, Courts of Justice, and other Buildings, for Public Purposes, and for providing suitable Accommodations for His Majesty’s Justices of Assize, in and for the County of Hereford”.

⁶⁵ The Herefordshire 1815 Act, preamble.

⁶⁶ The Herefordshire 1815 Act, preamble. The site fronted on to St. Owen Street, within the parish of St. Peter, just a short distance away from the existing shire hall, and within easy reach of the new gaol. The building materials from the old gaol were still on site.

37. The Herefordshire 1815 Act was designed to achieve the following:
- (a) that the county justices be designated commissioners for the works (which were to include “making, widening, beautifying, or improving the avenues or approaches” to the new development, and supervising the erection of the various buildings) and for the raising of the necessary moneys to defray the expense of the project (and securing the Act itself);⁶⁷
 - (b) that a rubric be established for the holding of commissioners’ meetings;⁶⁸
 - (c) that a treasurer and other officers be appointed by the commissioners;⁶⁹
 - (d) that the commissioners be authorised to utilise the “scite” of the old county gaol for construction of the “new shire hall, courts, offices, messuages, and other buildings” (including disposing of parts surplus to requirements),⁷⁰ and to acquire - and pay for - other land and buildings which “may be conveniently used for any of the purposes” of the Act, including improving the “avenues and approaches” to the new complex;⁷¹
 - (e) that legal mechanisms be put in place for the purchase of lands (for example, to facilitate purchase from parties with legal disabilities);⁷²
 - (f) that the commissioners be authorised to demolish existing buildings on acquired lands, and either to sell or to reuse the building materials; and to build on the combined site new courts of justice, a new shire hall, a lodging house for the assize judges, and offices for administration and records;⁷³

⁶⁷ The Herefordshire 1815 Act, s 1.

⁶⁸ The Herefordshire 1815 Act, ss 2-5. The quorum for meetings of commissioners was five, and prior notice was to be given of meetings. Commissioners were only to place orders or contracts through a formally constituted meeting, presided over by an appointed chairman. All proceedings were to be minuted by the clerk of the peace, and the minute books were to be available for inspection by ratepayers. Commissioners were also authorised to appoint committees to supervise the various works, and to issue instructions.

⁶⁹ The Herefordshire 1815 Act, s 6. The various officers were to be paid salaries and allowances from the project funds, subject to their giving security for “the faithful execution of their office”. The commissioners were authorised also to remove officers and to replace them (and those that died in service). By section 7 the commissioners were authorised to sue (and to defend proceedings) in the name of the clerk of the peace.

⁷⁰ The Herefordshire 1815 Act, ss 8, 29 and 30. The commissioners (and the county justices) were to hold the freehold of such land as was used for the project “for ever, upon trust”.

⁷¹ The Herefordshire 1815 Act, s 9. Where compensation moneys could not be agreed between the commissioners and vendor land-owners, they were to be assessed by a special jury.

⁷² The Herefordshire 1815 Act, ss 10-23. Thus, provision was made for all bodies corporate, trustees and persons of unsound mind to be able to contract to transfer their legal interests in land; for land valuations to be settled by a quarter sessions jury where an owner “shall neglect or refuse to treat” or where they were absent or unable to treat; for the payment of expenses of the jury (including the sums ordered); for the payment of purchase moneys into the Bank of England (to be distributed on application by claimants to the Court of Chancery), and the right to take possession and demolish buildings; for the passing of good title; and for dealing with tenants at will and mortgagees. By section 12 the power to purchase land compulsorily was limited to those six “tenements” set out and described in the Schedule to the Act.

⁷³ The Herefordshire 1815 Act, s 24. Land was also to be made available for the widening and improvement of public streets in the vicinity of the new complex. The Act stipulated that all the project building works (including provision of “other accommodations”) had to be completed within 3 years, *ie* by March 1818. By section 25 the judges’ lodgings could be provided either by demolition and rebuilding or by acquiring for refurbishment suitable dwelling houses within the city “at such a distance from the said scite of the said old gaol, as to the said commissioners or five or more of them shall seem most expedient”. And by section 26 the commissioners were authorised to take payment from the High Sheriff for provision of the lodgings during each assize session.

- (g) that, on completion of the new court complex, the land and buildings were to vest in the county justices to be held in trust for the holding of various forms of court sitting and other public purposes (such as the holding of meetings convened by the sheriff) and, at the same time, the old shire hall - which belonged to the city of Hereford corporation - was to be released from its obligations to the county;⁷⁴
- (h) that the new courts and shire hall be insured by the county justices and kept in good repair, the costs to be defrayed from the county rate;⁷⁵
- (i) that the moneys required for the project (to a maximum of £33,150) be raised by the commissioners through levy of “special rates” on the county of Herefordshire (but not the city of Hereford or the borough of Leominster), and that mechanisms be put in place to effect collection of the rates;⁷⁶
- (j) that the commissioners be authorised to raise moneys for the project by borrowing, mortgaged on the rates;⁷⁷ and
- (k) that provision be made for various issues arising in legal proceedings.⁷⁸

Status

38. The Shire Hall in St. Peter’s Square, Hereford was constructed in accordance with the terms of the Herefordshire 1815 Act, and operated as the court house for the county. It ceased to be used for court purposes on local government reorganisation in 1974 (when the administrations of the counties of Herefordshire and Worcestershire were amalgamated).

⁷⁴ The Herefordshire 1815 Act, s 27. The courts involved were listed as: courts of the justices of assize and *nisi prius*, oyer and terminer, general gaol delivery, special commissions for the county, general quarter sessions, county courts, inquisitions and writs of inquiry, and the hundred courts (and the like). When the old shire hall was decommissioned for court purposes the county of Hereford (as opposed to the city) ceased to be responsible for repair and maintenance of the building. By section 28 of the Act, once the new buildings were made ready and “fit for transacting business” the various court and other public functions could lawfully be conducted from them.

⁷⁵ The Herefordshire 1815 Act, s 31. This requirement (and power) supplemented that contained in three previous general Acts, the last of which was 9 Geo. 3 c.20 (1769) (since repealed in 1826) which enabled county justices to repair shire and county halls in which the assizes or grand sessions were held. Persons who sought to damage or destroy the new court and shire buildings were to be treated as felons, liable on conviction on indictment to seven years transportation or corporal or other punishment: section 32.

⁷⁶ The Herefordshire 1815 Act, ss 33-38. Precepts were to be issued to the high constables of each county division or hundred, apportioning the sums to be collected (which collection would be undertaken by the churchwardens and the “overseers of the poor” in each town or parish). Provision was made for enforcement in the event of default to collect; for extending the existing general statutory powers vested in justices for raising county rates; and for applying the moneys raised (in paying for the Act, in defraying the costs of the building project, and for adding any surplus to the county stock). Whilst the project was in train, the commissioners were required to audit the moneys both received and expended.

⁷⁷ The Herefordshire 1815 Act, ss 39-42. The form of mortgage was prescribed, with provision made for mortgagees to have equal creditor status, and for mortgages to be capable of being assigned (and registered).

⁷⁸ The Herefordshire 1815 Act, ss 43-50. Provision was made for, amongst other things, the effecting of distress, the form of conviction for offences, appeal to quarter sessions by persons aggrieved, perjury for giving false evidence on any statutory examination, and time limits on legal proceedings.

Today the building is used as council offices and reception rooms for the new Herefordshire Council (a unitary local authority formed in 1998).⁷⁹

39. The Herefordshire 1815 Act is no longer required and can be repealed.

Hertfordshire

10 Geo. 4 c.xxxiii (1829) (St. Albans Court House Act)

Purpose

40. In 1829 the inhabitants of the borough of St. Albans in Hertfordshire formed the view that their town hall and court house, being “an ancient building greatly decayed and out of repair, and being also too small and otherwise inconvenient”, was no longer suitable for the holding of mayoral and quarter sessions court hearings and “such other public business”.⁸⁰ It was impractical to rebuild the courthouse on the same site because it was “so confined in extent”.⁸¹ The solution was to dispose of the existing facility and to rebuild on a site which was more “central and conspicuous” in the town.⁸²

41. Site acquisition and rebuilding required the raising of moneys to defray the costs. That requirement necessitated the obtaining of parliamentary authority. The Hertfordshire 1829 Act authorised the following:

- (a) that at the next liberty and borough quarter sessions (or any later sitting) the borough justices be empowered to order the purchase of a suitable site for the new court house and the undertaking of the construction works, the costs of which were to be borne from the liberty and borough rates;⁸³
- (b) that provision be made for the legal mechanics of site purchase,⁸⁴

⁷⁹ Information supplied by courtesy of the Herefordshire archives office.

⁸⁰ Preamble to 10 Geo.4 c.xxxiii (1829) (“the Hertfordshire 1829 Act”), being “An Act for building a new Court House for the Liberty and Borough of Saint Alban in the County of Hertford”.

⁸¹ The Hertfordshire 1829 Act, preamble.

⁸² The Hertfordshire 1829 Act, preamble. The part of St. Albans chosen was St. Peter’s Street.

⁸³ The Hertfordshire 1829 Act, s 1. By section 24 all contracts were to be binding on the justices only in their official and not their personal capacity.

⁸⁴ The Hertfordshire 1829 Act, ss 2, 3. The provisions enabled the justices to contract with persons under legal disability (via, eg. trustees or guardians) to purchase land and premises for the new development, and to enter upon and take possession of the lands acquired once payment had been made to the parties or into the Bank of England (at which point good title would also pass to the borough corporation or to the liberty or borough justices). A ceiling of £300 was placed on the purchase by the justices (chargeable on the rates) of all the land to be assembled. All conveyances of title would be made free from trust or other encumbrance, and all trustees and the like would be indemnified from any form of claim.

By sections 4 to 9, detailed provision was made for the payment of moneys: either into the Bank of England (to the account of the accountant general of the Court of Exchequer, for distribution by that court); or, where the sum was less than £200, into that account for distribution by two trustees appointed by the justices; or, where the sum was less than £20, for direct distribution by the justices themselves. Where parties refused moneys, or the appropriate recipient could not be found, the moneys would be paid into court pending a claim being made. Where any dispute as to title of a claimant arose, a claimant in possession of the land would be presumed to hold good title (unless and until such possession was shown to have been unlawful). The expenses incurred by the

- (c) that ownership of the land (once acquired) and of the court house (once built) was to vest in the borough corporation and the liberty and borough justices;⁸⁵
- (d) that the justices be empowered to acquire waste land adjoining the purchased land, and also parts of the street or highway (so long as a minimum 30 feet of footpath and carriageway remained);⁸⁶
- (e) that the borough corporation be authorised to sell the existing town hall and courthouse in St. Albans, and to apply the proceeds towards the rebuilding project;⁸⁷
- (f) that the justices be required, “with all convenient speed”, to construct the new courthouse for the liberty and borough quarter sessions (and for the transaction of other public business)⁸⁸ and, once complete, hearings were to be conducted there, and a room was to be set aside as a council chamber for the borough corporation;⁸⁹
- (g) that the moneys for the rebuilding project be raised in the proportion of two-thirds (by the liberty) and one-third (by the borough),⁹⁰ and that the same proportions apply to the on-going maintenance and repair costs for the buildings;⁹¹
- (h) that the justices - acting in quarter sessions - be authorised to raise moneys for the land purchase and the building project by taking mortgages secured (as to

justices (for example, in purchasing alternative property to be held by trustees) were to be reimbursed on the order of the Court of Exchequer.

⁸⁵ The Hertfordshire 1829 Act, s 10. The land and buildings were to be held “for the time being, for ever” for the purposes of the Act.

⁸⁶ This land also was to vest formally in the borough corporation or the justices: see the Hertfordshire 1829 Act, s 11.

⁸⁷ By sections 12 to 14 of the Hertfordshire 1829 Act disposal could only be effected once the new buildings were complete and fit for purpose (pending which the borough and quarter sessions courts would continue to occupy their old premises); and the sale moneys were to be applied by the borough treasurer first towards the sale costs, and then used to fund one-third of the costs of site acquisition and new build.

⁸⁸ The Hertfordshire 1829 Act, s 15. The justices were also authorised to provide such ancillary accommodation as was necessary, and to fit out the various buildings. In this task they were empowered to employ contractors and to hire “surveyors, artificers, workmen, labourers, and others”. By section 16 all materials purchased for the building project were to be vested in the justices, and the justices were able collectively to prosecute for any theft of, or damage to, those materials or any furnishings.

⁸⁹ The Hertfordshire 1829 Act, s17. A proviso was made to the effect that justices for the liberty (who were not also borough justices) were not “to act or intermeddle” with borough matters; and that when the courts were not being used by the justices for liberty and borough business, the borough corporation should be free to use them for borough courts or other corporate duties or occasions.

⁹⁰ The Hertfordshire 1829 Act, s 18. The total costs were to include the cost of promoting the Bill for the Act, the cost of site acquisition borne by the justices (up to £300 - see section 2 above), the cost of securing good title, and the cost of building and fitting-out the courthouse. The borough’s one-third contribution was to be fulfilled, at least in part, by the application of the moneys from the sale of the old town hall and courthouse.

⁹¹ The Hertfordshire 1829 Act, s 26.

principal and interest) on the liberty and borough rates,⁹² and by granting life annuities funded by lump sum payments;⁹³

- (i) that the moneys raised by the justices were to be used to defray the costs of obtaining the 1829 Act, and then for site surveys, site purchase, building and fitting-out, and the payment of salaries and all other expenses;⁹⁴
- (j) that the borough justices be permitted to continue to commit prisoners to the liberty gaol and house of correction (subject to making a proper financial contribution to that facility);⁹⁵ and
- (k) that provision be made for various ancillary matters.⁹⁶

Status

42. The St. Albans court house was built in the market place adjoining St. Peter's Street. References to its building and administration are to be found in the Liberty Sessions records held by Hertfordshire Archives and Local Studies.

43. The building probably ceased to operate as a court house on abolition of quarter sessions by the Courts Act 1971: it then served as the town hall. Today the building is in the care of St Albans City Council, and provides a venue for functions and for arts events.

44. The purposes behind the Hertfordshire 1829 Act have now been superseded, and the Act may be repealed.

Leicestershire

1 & 2 Vict. c.xci (1838) (Ashby de la Zouch Court of Requests Act)

Purpose

45. In 1838 an Act was passed which constituted a court of requests (a court for the recovery of small debts) with jurisdiction to serve various towns and parishes within the

⁹² The Hertfordshire 1829 Act, s 19. Loans were to be taken out in £100 units. The form of mortgage deed was prescribed by the Act and, once executed, mortgages were to be "inrolled" by the clerk of the peace. By section 20 moneys borrowed were to be repaid within the period 15 to 40 years of borrowing, and regular repayments of principal and interest were to be made by the justices. Each quarter sessions was to receive an account of moneys owing.

⁹³ The Hertfordshire 1829 Act, ss 21-23. Annuities were also to be secured on the rates, and they were to be restricted to a 3% p.a. return (in accordance with the rate applied by the Commissioners for the reduction of the National Debt). Both mortgages and annuities were to be transferable.

⁹⁴ The Hertfordshire 1829 Act, s 25.

⁹⁵ The Hertfordshire 1829 Act, s 27. For some time the borough gaol facility (which was sited underneath the old town hall and courthouse) had been "in bad condition" and was "very inconvenient and insecure", which led to the borough justices making an arrangement with the liberty justices.

⁹⁶ The Hertfordshire 1829 Act, ss 28-31. These included the safekeeping of all records by the clerk of the peace for the liberty, the reservation of the rights and privileges of the borough corporation, the making of provision for appeal to quarter sessions by aggrieved persons against orders by the justices (within 4 months), and the limitation on commencement of legal proceedings (within 6 months).

counties of Leicestershire, Derbyshire, Warwickshire and Staffordshire.⁹⁷ Under the 1838 Act commissioners for the recovery of small debts were to be appointed. The Act was designed to cover, amongst other places, the town of Ashby de la Zouch, described as “a market town, and very populous”, and comprising “very considerable manufactories”.⁹⁸ Many people in this and other towns contracted small debts which “in the whole amount yearly to a very large sum of money”.⁹⁹

46. Shortly after enactment, it was realised that the first 1838 Act omitted to make specific provision for the appointment of commissioners with jurisdiction in Ashby de la Zouch (even though that had been intended as one of the “principal objects” of the Act).¹⁰⁰ In order to rectify this “mistake”, a second Act of 1838 was passed.¹⁰¹ This second Act was designed:

- (a) to appoint the designated commissioners additionally as “commissioners for the recovery of small debts” for Ashby de la Zouch in Leicestershire;¹⁰²
- (b) to extend all the powers and provisions within the first 1838 Act to the parish and town of Ashby de la Zouch;¹⁰³ and
- (c) to render valid retrospectively all meetings and proceedings held by the commissioners, and all acts undertaken by them, pursuant to the first 1838 Act, “whether relating to the said parish of Ashby de la Zouch or otherwise”.¹⁰⁴

Status

47. The Leicestershire record office does not hold any records for the Ashby de la Zouch court of requests, and has no direct information on where it may have sat. However, it is known that the court was superseded in 1847 by the new county courts system, and that both the county court (from 1849) and the magistrates’ court (from 1842) sat at the George

⁹⁷ The Act was 1 & 2 Vict. c.xv (1838) (Ashby-de-la-Zouch Court of Requests Act), being “An Act for the more easy and speedy Recovery of Small Debts within the Town of Ashby de la Zouch and other Places in the Counties of Leicester, Derby, Warwick, and Stafford”. This first 1838 Act was repealed in 1847. It did not seem to require or empower the appointed commissioners to build a new court house, merely to ensure that they sat “in some convenient place within the said town”: the first 1838 Act, s 18.

⁹⁸ See preamble to the first 1838 Act.

⁹⁹ The first 1838 Act, preamble.

¹⁰⁰ Preamble to 1 & 2 Vict. c.xci (1838) - the second 1838 Act - for which see below.

¹⁰¹ 1 & 2 Vict. c.xci (1838) (“the Leicestershire 1838 Act”), being “An Act to rectify a Mistake in an Act passed in the present Session of Parliament for the Recovery of Small Debts within the Town of Ashby de la Zouch and other Places in the Counties of Leicester, Derby, Warwick, and Stafford”. This second Act was very short: it contained only a preamble and four sections.

¹⁰² The Leicestershire 1838 Act, s 1.

¹⁰³ The Leicestershire 1838 Act, s 2.

¹⁰⁴ The Leicestershire 1838 Act, s 3. The validation was to operate as if the parish “had been specifically named” in the first 1838 Act. Under the same section, “all persons” were to be “fully indemnified for any irregularity which may have taken place in consequence of such [previous] omission”. By section 4, the Leicestershire 1838 Act was deemed to be “taken to be a public Act”.

Inn in Market Street in the town. It is possible that the court of requests used the same venue.

48. By 1858 the county court had moved its sittings to the town hall in Ashby de la Zouch.

49. The Leicestershire 1838 Act is now obsolete and may be repealed.

Lincolnshire

49 Geo.3 c.lxxv (1809) (Lincolnshire Courthouse Act)

Purpose

50. By 1808 the lodgings for the assize judges for the county of Lincolnshire had ceased to be fit for purpose: they were “very inconvenient, and [did] not afford proper and suitable accommodations”.¹⁰⁵ The divisional justices¹⁰⁶ for the county formed the view that it “would be expedient and proper for the future” to designate a specific house in Lincoln which could be “kept and appropriated” as judges’ lodgings for the duration of the assize sittings.¹⁰⁷

51. In October 1808 the justices gathered in general meeting at the county hall and decided to carry the project “into execution”.¹⁰⁸ This required, first, the seeking of parliamentary approval. The Lincolnshire 1809 Act authorised the following:

- (a) that twelve of the justices be appointed commissioners for the purposes of the Act (representing - albeit in different proportions - the three county divisions);¹⁰⁹
- (b) that all business pursuant to the Act be transacted only in formally constituted and notified meetings of the commissioners;¹¹⁰
- (c) that the commissioners be authorised to make orders for “erecting, building, repairing, purchasing, providing and furnishing” a house for use as an assize

¹⁰⁵ Preamble to 49 Geo.3 c.lxxv (1809) (“the Lincolnshire 1809 Act”), being “An Act to enable the Justices of the Peace for the several Parts of Lindsey, Kesteven, and Holland, constituting the Three Divisions of the County of Lincoln, to provide a convenient House, with suitable Accommodations, for His Majesty’s Judges at the Assizes for the said County”.

¹⁰⁶ For administrative and judicial purposes at that time the county comprised three divisions: Lindsey, Kesteven and Holland.

¹⁰⁷ The Lincolnshire 1809 Act, preamble.

¹⁰⁸ The Lincolnshire 1809 Act, preamble.

¹⁰⁹ The Lincolnshire 1809 Act, ss 1-3. Provision was made for replacement by quarter sessions of individual commissioners in the event of death or unwillingness to serve, and for the holding of the first commissioners’ meeting at county hall in Lincoln by 19 June 1809 (and thereafter at other “proper and convenient” venues in the county).

¹¹⁰ The Lincolnshire 1809 Act, s 4. Each meeting - with a quorum of three members - was to appoint a chairman; decisions were to be made by majority vote (the chairman having an additional casting vote); and all proceedings were to be minuted. By section 5 the commissioners were required to appoint a clerk (who was to be remunerated).

- judges' residence in the "city, bail, or close of Lincoln", and to pay for those works from the county rates or the "public stock";¹¹¹
- (d) that the commissioners be authorised to negotiate for, and purchase, any houses or land which were necessary for the project;¹¹²
- (e) that, to facilitate the sale and purchase of houses and land, all bodies or persons under legal disability be empowered to contract and to convey their interests to the commissioners, and that specific arrangements be put in place for the paying of moneys into the Bank of England (to be held and applied to the order of the Court of Chancery);¹¹³
- (f) that once purchase of the land and the necessary building had been completed, the commissioners be required to report to the county justices' AGM on the works undertaken and their costs;¹¹⁴
- (g) that all buildings erected pursuant to the Act (once completed and fully fitted-out) be vested in the commissioners "in perpetual succession", and the commissioners be authorised to let out the premises "for the best rent that can be got", subject to ensuring that the accommodation was available when required for the assize judges;¹¹⁵ and
- (h) that provision be made for various forms of legal proceeding.¹¹⁶

¹¹¹ The Lincolnshire 1809 Act, s 6. By section 8 the commissioners were not permitted to spend more than £7,000 on the provision of the new accommodation, and the moneys were to be raised by apportionment of rates levied across the county (one-half from the division of Lindsey, 2/7ths from Kesteven, and 3/14ths from Holland), using the existing power to raise rates for repair of the county gaol, county hall and Lincoln castle. By section 18, over and above the £7,000, the commissioners were authorised to raise moneys from the public stock or the county rates to cover the cost of obtaining the 1809 Act.

¹¹² The Lincolnshire 1809 Act, s 7. On payment of the purchase price, title was to be conveyed to the commissioners and the property was to be vested in them. The high sheriff of the county was to be entitled, prior to the assize sittings, to take over the accommodation (including temporarily dispossessing any occupiers) "in order that he may prepare and make ready the same for the reception of His Majesty's Judges", subject to his returning the premises in due course in a proper state.

¹¹³ The Lincolnshire 1809 Act, ss 9-12. Where the sum was under £200, the moneys could be handled and applied by two nominated trustees or (where it was under £20) by the commissioners themselves. By section 13, where any property-owner failed to accept the purchase price or to make good title, or where the lawful owner could not be traced, the commissioners were entitled to pay the moneys into the Bank of England (to be held and invested, pending a claim, and distributed to the order of the Court of Chancery). By section 14, where there was dispute as to lawful title, it was to be presumed - until the contrary was proved - that the person in possession had good title. And, by section 15, where sale moneys had to be reinvested in real property (to be held on continuing trust), the costs of that transaction were to be borne by the commissioners.

¹¹⁴ The Lincolnshire 1809 Act, s 16. The report was to be to the AGM held in Lincoln in the September following completion of the works.

¹¹⁵ The Lincolnshire 1809 Act, s 17. Any rental income received by the commissioners was to be utilised for effecting repairs to the buildings and furnishings (and any surplus was to be paid to the relevant treasurers in the county, in the prescribed proportions, for the county's use). By section 19, whenever the buildings required repair (or the furnishings were no longer fit for the judges' use), the commissioners were required to undertake repair or refurbishment, and to pay for the works from the rents received, topped-up if necessary from the county rate. Moreover, the commissioners were empowered both to appoint (and pay) a caretaker for the premises, and to insure the buildings against risk of fire (again financed from the rent receipts and the county rate).

¹¹⁶ The Lincolnshire 1809 Act, ss 20, 21. The commissioners were authorised to conduct legal proceedings through, and in the name of, their clerk. A limitation period of six months for any form of action was prescribed, and proceedings could only be commenced after due notice.

3 Geo.4 c.lxxiv (1822) (*Lincolnshire County Offices Act*)

Purpose

52. By 1822 the county hall for Lincolnshire (which was situated within the grounds of Lincoln castle) had become “very much out of repair and in great decay”, such that it posed a danger to users who were undertaking county business in it. At the spring assizes the grand jury had reported that the building was in such a state that it had to “be rebuilt or substantially repaired”.¹¹⁷ In order to demolish the existing hall, and to build a “convenient and proper” replacement within the castle yard, the county justices required parliamentary authority.

53. The Lincolnshire 1822 Act had the following purposes:

- (a) to authorise the appointment of 14 justices (representing the three county divisions) to act as commissioners for the project;¹¹⁸
- (b) to provide for the transaction of official business through formally-constituted commissioners’ meetings,¹¹⁹ and for the appointment of a remunerated clerk;¹²⁰
- (c) to authorise the commissioners to demolish the existing Lincoln county hall (including clearing the site) and to build, on or near the original site, “a new, proper, and convenient county hall” with adequate accommodation to hold the county assizes and to transact “other public business” for the county;¹²¹
- (d) to empower the commissioners to raise the necessary moneys for the project (including promoting the present Act) by drawing down moneys from the public stock or the county rates,¹²² and by using the proceeds of sale of the old county hall or its building materials;¹²³

¹¹⁷ Preamble to 3 Geo.4 c.lxxiv (1822) (“the Lincolnshire 1822 Act”), being “An Act to enable the Justices of the Peace for the Divisions of Lindsey, Kesteven, and Holland, in the County of Lincoln, to take down the present County Hall for the said County, and to erect a convenient Hall instead thereof, with suitable Offices, and other Accommodations”. The existing county hall building was sited within the castle yard at Lincoln (“the bail of Lincoln” in the county division of Lindsey), and was leased from the King - through the Duchy of Lancaster - for a term of 30 years (running from May 1814).

¹¹⁸ The Lincolnshire 1822 Act, s 1. The commissioners were to be nominated by each county division at the relevant general quarter sessions (seven from Lindsey, four from Kesteven, and three from Holland). By section 2, provision was made for the commissioners’ replacement in the event of death or inability or refusal to serve, and for the validation of their acts pending new appointment.

¹¹⁹ The Lincolnshire 1822 Act, ss 3, 4. The first formal meeting was to be convened (with a quorum of five members) either within the castle or within the “city bail or close of Lincoln” by 19 August 1822. Thereafter, further meetings (after due notice) were to be held, and business transacted on a majority vote (the elected chairman having a casting vote). All meetings were to be minuted.

¹²⁰ The Lincolnshire 1822 Act, s 5.

¹²¹ The Lincolnshire 1822 Act, s 6. The commissioners were also authorised to fit out and furnish the new building and, in the rebuilding project, to use any materials salvaged from the old county hall. By section 13, the commissioners were required, once the project was complete, to report that fact (and to set out all the costs incurred) to the Chancellor of the Duchy of Lancaster and to the justices of the three county divisions.

¹²² The Lincolnshire 1822 Act, s 7. The moneys to be raised from county rates were to be apportioned across the county divisions: ½ from Lindsey, 4/7th from Kesteven, and 3/7th from Holland (and each division’s quarter sessions were to issue the necessary order to levy, based on the commissioners’ certificates).

¹²³ The Lincolnshire 1822 Act, s 8.

- (e) to empower the commissioners to borrow moneys for the project, secured by mortgage on the county rates;¹²⁴
- (f) to provide that, on completion, the new county hall and ancillary offices were to be transferred to the county sheriff, the *custos rotulorum*,¹²⁵ and the various divisional justices to be held for public purposes, in the manner in which the old county hall was held, and were to be repaired and maintained by them (again, in the same manner as the old hall and castle were repaired);¹²⁶
- (g) to make provision for the lawful holding of assize hearings and other county meetings within the city of Lincoln whilst the building works were in train;¹²⁷
- (h) to authorise the various divisional justices to purchase the freehold of Lincoln castle (and the castle yard) from the King¹²⁸ for the benefit of the three county divisions, and to pay for that purchase from the county rates or the public stock;¹²⁹ and
- (i) to make provision for ancillary matters relating to legal proceedings.¹³⁰

1 & 2 Will 4 c.xxxiii (1831) (Lincoln County Offices Act)

Purpose

54. Notwithstanding the passing of the Act of 1822 (as discussed above), by 1830 the King remained the owner of the freehold of the site of Lincoln castle. The county justices were still in occupation under a lease granted to them (and to the county sheriff and the lord lieutenant) in May 1814, although the lease had expired in 1828. The new county hall and a new county gaol had “been recently erected” on the site, and nearby (under the Lincolnshire 1809 Act) the county commissioners had acquired and refurbished a house as judges’ lodgings.¹³¹

¹²⁴ The Lincolnshire 1822 Act, ss 9-12. As with the precept on the county rates, the commissioners were required to apportion the amounts of security across the three county divisions. Moneys borrowed were to be repaid with annual interest, and the form of mortgage and assignment deeds were prescribed by the Act. An overall time limit for making repayment of the borrowings, and discharging of the liability, was set at 14 years (expiring in June 1836).

¹²⁵ The *custos rotulorum* was the principal justice of the peace for the county, who was also designated the keeper of the rolls and the records of the sessions of the peace.

¹²⁶ The Lincolnshire 1822 Act, s 14. Additional uses - beyond use for county meetings and the holding of the assize sessions - could be approved by the Chancellor of the Duchy, the county lord lieutenant, and the divisional justices.

¹²⁷ The Lincolnshire 1822 Act, s 15.

¹²⁸ Selling in his personal capacity, “in right of His Duchy of Lancaster”: the Lincolnshire 1822 Act, s 16.

¹²⁹ The Lincolnshire 1822 Act, s 16.

¹³⁰ The Lincolnshire 1822 Act, ss 17-19. These sections made provision for the commissioners suing (and being sued) through their clerk, their formal styling, the ownership of fixtures and fittings passing from the commissioners to the divisional justices, the competence of ratepayer witnesses in proceedings, and the time limit for legal actions (4 months with prior notice).

¹³¹ See preamble to 1 & 2 Will.4 c.xxxiii (1831) (“the Lincolnshire 1831 Act”), being “An Act to enable the Justices of the Peace for the Three Divisions of the County of Lincoln to purchase the Site of Lincoln Castle; and to empower the Court of Gaol Sessions for the said County to maintain and support the Judges House, County Hall, and Courts of Assize; and for other Purposes affecting the County at large”. The new county gaol had been provided pursuant to 5 Geo.4 c.12 (1824) (Gaol Sessions Act). That statute had established a court of gaol

55. However, the general gaol sessions in October 1830 felt that, as “large sums of money had been expended” in building the county prison in 1790, and subsequently the county hall and assize courts, it was necessary to acquire the freehold of Lincoln castle (and castle yard and bulwark) and to do other things, namely:

- ◆ to arrange for the judges’ house to be held by other than a “limited number of commissioners”
- ◆ to make provision for the justices to be able to levy county rates for the future maintenance and repair of the county hall and the assize courts
- ◆ to prevent further encroachment on the castle walls by adjoining property owners (which was endangering prison security).¹³²

56. To this end, the Lincolnshire 1831 Act had the following purposes:

- (a) to authorise the court of gaol sessions to resolve that the divisional justices enter into a contract with the chancellor and council of the Duchy of Lancaster to purchase from the King the freehold of Lincoln castle, the castle yard and the bulwark and moat, and to take a conveyance of the land, to be held by the county sheriff, the *custos rotulorum*,¹³³ and the divisional justices for the Act’s purposes “for ever”,¹³⁴
- (b) to authorise the divisional justices, pursuant to a resolution of the court, to purchase such houses, buildings and lands adjoining the castle walls or bulwark, or the assize judges’ residence, as they thought proper (using the moneys raised by levy);¹³⁵
- (c) to empower any owner of land or buildings to effect a valid sale to the justices, notwithstanding any legal disability such owner may have,¹³⁶ and to provide

sessions for the county as a whole, and the court was empowered to levy rates on the constituent divisions of the county “for the repairs and purposes of the common gaol of such county”.

¹³² The Lincolnshire 1831 Act, preamble. The Gaol Sessions Act of 1824 had failed to include power to raise moneys by rate levy except for maintenance of the county gaol.

¹³³ The *custos rotulorum* was the principal justice of the peace for the county, who was also designated the keeper of the rolls and the records of the sessions of the peace.

¹³⁴ The Lincolnshire 1831 Act, s 1. On vesting, the land was to be freed from “all estate, right, title, claim, and interest” of the King, and from any restriction set out in the statutes 1 Ann. c.7 (1702) (relating to support for the royal household) and 4 Geo.4 c.64 (1823) (relating to the building, repair and regulation of gaols and houses of correction). On receipt of the proceeds of sale, the Duchy’s receiver general was to apply the moneys in accordance with 48 Geo.3 c.73 (1808) (relating to the revenues of the Duchy of Lancaster).

¹³⁵ The Lincolnshire 1831 Act, s 2. Once acquired the properties were to be held by, and vested in, the county sheriff, the *custos rotulorum*, and the divisional justices, for the Act’s purposes, “in perpetual succession . . . for ever”. By sections 3 and 4, the justices were required to purchase the whole of any adjoining house or building if the owner objected to the taking of part only (but, in so doing, the justices were permitted later to sell off or lease out any part surplus to their requirements). Before the court of gaol sessions could consider ordering the purchase of houses or other buildings, it was required to give notice to the clerks of the peace of the three county divisions (for the information of their divisional justices) and to the public: section 28.

¹³⁶ The Lincolnshire 1831 Act, s 5. Persons with a legal disability included the King, together with all corporate bodies, guardians and trustees. Sale under this provision would free the land of any encumbrance (such as trusts, remainders and reversions). By section 14, where any dispute arose as to the vendor’s title, and the

- the justices with power to purchase compulsorily where an owner refuses to negotiate or to agree a sale (including accepting the sale price) or is absent;¹³⁷
- (d) to require the conveyance of the lands and buildings - on payment or tender of the purchase moneys - to the county sheriff, the *custos rotulorum*, and the divisional justices (which public officials were to hold the lands, of which they were deemed to be in lawful possession, “in perpetual succession”);¹³⁸
- (e) to authorise the divisional justices to sell or exchange any parcels of land which they have purchased and which later become surplus to requirements (and where there are sale proceeds, that they be held by the treasurer to the court of gaol sessions);¹³⁹
- (f) to provide that the moneys to be expended on obtaining the Act, and on acquiring the castle, the castle yard, and the bulwark and moat lands, and the purchase of adjoining houses and buildings, be defrayed from the public stock or the county rates, or by borrowing (which borrowings were to be repaid within 14 years);¹⁴⁰

purchase moneys had been paid into the Bank of England to the order of the Court of Exchequer (see below), there was a rebuttable presumption that the person in possession was “lawfully entitled”. And, by section 15, where moneys due to a person or body with legal incapacity had to be reinvested in real estate (to be held in trust), the costs of that reinvestment were to be borne by the justices from the Act’s moneys.

¹³⁷ The Lincolnshire 1831 Act, s 6. The owner in question was to be afforded the opportunity to attend the general gaol sessions and, after hearing any submission, the sessions were empowered to appoint a jury to enquire into the appropriate valuation for the premises, and then to arrange for payment of the purchase moneys based on the valuation. The jury was to be empanelled in accordance with the procedure set down by section 7, and penalties were laid down for any person (including the sheriff and other officers) who defaulted in connection with jury summoning and jury service. By section 8, the costs and expenses associated with the valuation process were to be reimbursed either from the moneys to be raised under the Act or from the land owner who gave rise to the valuation dispute.

¹³⁸ The Lincolnshire 1831 Act, s 9. The purchase moneys were deemed to pay off, first, the value of any encumbrances or charges, and secondly, the value of the property passing. By sections 10 to 13, a mechanism was set down whereby moneys payable to persons who had legal incapacity could either be paid into the Bank of England to stand to the order of the Court of Exchequer (which could order payment out on a substantiated claim, and investment of unclaimed moneys in bank annuities), or, where the sum was less than £200, be held by two appointed trustees for the same purpose. If the sum was less than £20 it could be distributed as appropriate by the justices. Where good title was not made out, or the vendor could not be traced, the justices were to pay the purchase moneys into the Bank of England to be held to the order of the Court of Exchequer, pending an application for distribution: section 13.

¹³⁹ The Lincolnshire 1831 Act, s 16.

¹⁴⁰ The Lincolnshire 1831 Act, ss 17-21. The moneys to be raised from public stock or by county rate precepts were to be apportioned across the three county divisions: ½ from the Lindsey division, 2/7th from Kesteven, and 3/14th from Holland. On receipt of the precepts, the divisional treasurers were to make the necessary payments within six calendar months. Section 27 provided that when moneys were required for the “enlarging, improving, repairing, or maintaining” of the judges’ residence, the county hall, the assize courts, and other public buildings (all close to or within the castle walls), the court of gaol sessions could order payment be made from the public stock or the county rates (drawn down proportionately from each county division).

In order to carry the Act’s purposes forward “the more speedily and effectually”, the divisional quarter sessions within each county division were also empowered by section 18 to borrow moneys by way of mortgage charged on the rates (the lenders becoming non-preferential creditors). The form of mortgage was prescribed by the Act and, by section 19, the securities were to be transferable (and registrable). Interest was to be paid half-yearly: section 20.

- (g) to require that the assize judges' residence (and its fitments) - built by the special commissioners under the Lincolnshire 1809 Act¹⁴¹ - be transferred to, and held "in perpetual succession" by, the county sheriff, the *custos rotulorum*, and the divisional justices "for ever";¹⁴²
- (h) to repeal those parts of the Lincolnshire 1809 Act which laid down regulations for the holding of commissioners' meetings, and to authorise the justices in the gaol sessions court both to undertake the functions in that 1809 Act (relating to the upkeep of the assize judges' residence) and to raise moneys utilising its statutory powers;¹⁴³
- (i) to extend the powers relating to the county common gaol - which were then vested in the court of gaol sessions - to the maintenance and improvement of the judges' residence, the county hall and the assize courts (and other public buildings adjoining the castle yard);¹⁴⁴ and
- (j) to make provision for various legal issues.¹⁴⁵

Status

57. The Lincolnshire 1809 Act has already been repealed in part by the Lincoln County Offices Act 1831, s 24 (see above).

58. The Lincolnshire 1809 to 1831 Acts authorised the building of a courthouse within the grounds of Lincoln Castle, and the crown court (which was formerly the assize court) still sits within the castle grounds.¹⁴⁶ The Lincolnshire archive office has indicated (from the relevant Pevsner architectural history volume) that the buildings date in the main from 1823 to 1826. Although the court buildings are now owned and managed by HM Courts and Tribunals

¹⁴¹ 49 Geo.3 c.lxxv (1809), discussed above.

¹⁴² The Lincolnshire 1831 Act, s 22. The gaol sessions justices were empowered to appoint a salaried caretaker for the lodgings. The new owners of the lodgings were to honour the purposes of the Lincolnshire 1809 Act which authorised their construction. By section 23, all the powers vested in the original commissioners and their clerk in 1809 were transferred to the divisional justices (and their clerk) acting through the gaol sessions court for the county. And by section 25, the judges' residence and all additions to be made to Lincoln castle were deemed to be within the jurisdiction of all three county divisions and their justices.

¹⁴³ The Lincolnshire 1831 Act, s 24. The repeal by this Act of the obsolete provisions in the Lincolnshire 1809 Act was non-specific as to section numbers. The ability to raise moneys by rate levy was linked to the existing (but again unspecified) power to raise moneys for the maintenance of the county gaol.

¹⁴⁴ The Lincolnshire 1831 Act, s 26. The powers relating to the common gaol were contained in the statutes 4 Geo.4 c.64 (1823) (now repealed) and 5 Geo.4 c.12 (1824) (also repealed).

¹⁴⁵ The Lincolnshire 1831 Act, ss 29-34. For example, the provisions of the Act were not to interfere with the existing rights and privileges of the county sheriff in relation to the holding of prisoners on "mesne process", or in the appointment of a gaol keeper, or in his obtaining access to the common gaol or the castle yard. Similarly, provision was made for the justices bringing (and defending) civil proceedings in their corporate capacity; the defraying of costs incurred; the competence of ratepayer witnesses in proceedings; and the limitation period for legal actions (6 months, on notice). By section 33 there was a specific saving for the rights and privileges vested in the King and his successors, both "in right of His Crown as in right of His Duchy of Lancaster".

¹⁴⁶ <http://www.heureka.clara.net/lincolnshire/lincoln-castle.htm>.

Service, the 1809 to 1831 Acts are obsolete, as they relate to the construction phase, and can be repealed.

London (Greater)

46 Geo.3 c.lxxxvii (1806) (Southwark and East Brixton Court of Requests Act)

Purpose

59. By Acts passed in 1748 and 1758 provision was made to facilitate the recovery of small debts within the borough of Southwark and various parishes in its vicinity.¹⁴⁷ In 1806 it had become clear that the jurisdictional ceiling for the court of requests should be raised in order to encourage trade in the borough and in east Brixton.¹⁴⁸ To this end the Southwark 1806 Act was promoted.

60. The Act provided:

- (a) that those (unspecified) parts of the 1748 and 1758 Acts which limited the court's jurisdiction be repealed, and that the existing commissioners be appointed to a new court of requests with jurisdiction to determine inter-party disputes arising on debts not exceeding £5;¹⁴⁹
- (b) administrative and other arrangements for the running of the court of requests;¹⁵⁰
- (c) power to the commissioners to determine disputes brought before them relating to civil debts;¹⁵¹

¹⁴⁷ The Acts were 22 Geo.2 c.47 (1748) (Small debts, Southwark, etc. Act) and 32 Geo.2 c.6 (1758) (Small debts, Southwark, etc. Act), both of which were repealed by 1846 with the formation of the county courts jurisdiction. The parishes were: St. Saviour and St. Mary parishes in Newington, St. Mary Magdalen in Bermondsey, Christ Church and St. Mary in Lambeth, St. Mary in Rotherhithe and, after 1758, the eastern portion of the hundred of Brixton (all then within the county of Surrey).

¹⁴⁸ Preamble to 46 Geo.3 c.lxxxvii (1806) ("the Southwark 1806 Act"), being "An Act to explain, amend, and render more effectual Two Acts, passed in the Twenty-second and Thirty-second Years of His late Majesty, for the more easy and speedy Recovery of Small Debts, within the Town and Borough of Southwark, and the several Parishes and Places in the said Acts mentioned". The need was to extend the jurisdiction of the local court of requests to cover debts (contractual and otherwise) up to £5 rather than £2 (40 shillings) as then limited. The Southwark 1806 Act was to come into force in August 1806: see section 26.

¹⁴⁹ The Southwark 1806 Act, ss 1, 2. By section 3 the appointed commissioners were required to take an oath of office in prescribed form (which oath replaced a previously prescribed oath). The commissioners were, in effect, civil judges.

¹⁵⁰ The Southwark 1806 Act, ss 4, 5 which provided for the continuing employment of the clerks (now as clerks to the court of requests) and the regulation of the court's sitting hours.

¹⁵¹ The Southwark 1806 Act, ss 6-10. Any person living within Southwark borough or the eastern half of the Brixton hundred, to whom an unpaid debt of up to £5 was owed, could cause a summons to be issued against the debtor if that person resided or conducted a business within the court's jurisdictional area. The courthouse for the borough was situate at St. Margaret's Hill. The commissioners were empowered to give judgment ("as they shall find to stand with equity and good conscience") and to make the necessary orders (including for repayment by instalments). All orders were to be recorded, and no decision of the court was to be reviewable "by *certiorari*, or otherwise howsoever" (in other words, by no other court or body). Witness summonses were to be issued by the court officers, and failure to attend to give evidence was to be punishable with a fine of up to 40 shillings, to be applied in the "support and maintenance of the poor of the said parish" (with committal to the borough compter or the county common gaol for up to one month for continuing breach): see section 7. Where a debtor failed to appear, the commissioners were empowered to proceed in his or her absence; if the claimant (plaintiff) failed to

- (d) that the court's jurisdiction should include actions for the recovery of wages due to "any menial or other servant under the age of twenty-one years",¹⁵² but should exclude debt actions where title to land was in question, or where the debt was by "specialty" (arising under a deed) and not for a fixed sum, or where it originally exceeded £5,¹⁵³
- (e) for various procedural matters in the court;¹⁵⁴
- (f) for the regulation of the holding of prisoners in custody in debt and related matters;¹⁵⁵ and
- (g) for various savings.¹⁵⁶

Status

61. The Southwark 1806 Act was extended, and part repealed,¹⁵⁷ by the Southwark Court of Requests Act 1823¹⁵⁸ (itself now repealed). The 1823 Act made further provision for the regulation of the Southwark court of requests, including putting a cap on fees charged to litigants, revising the commissioners' oath of office, redefining the gaols to hold Surrey county and Southwark borough debtors, and ring-fencing the jurisdiction of the court (so as to exclude matters relating to title to land).

appear, the commissioners could dismiss the claim and award costs to the defendant. Section 10 extended the statutory provisions relating to perjury (including penalties) to proceedings of the court of requests.

¹⁵² The Southwark 1806 Act, s 11. The debt could not exceed £5, and the minor was deemed "of full age" for this purpose.

¹⁵³ The Southwark 1806 Act, s 12. The jurisdiction of the court also excluded any debt arising from occupation of land outside the borough and the half-hundred, from wills ("testament") or matrimony, and from matters within the jurisdiction of the ecclesiastical court or relating to retainer of tythes (irrespective of sum).

¹⁵⁴ The Southwark 1806 Act, ss 13-15. The matters included the non-award of costs to a claimant where an action for a debt of less than £5 was commenced in a court of record at Westminster, although this did not bar actions for recovery of rent or distress where the amount was less than £5; and the time-barring of actions commenced outside the statutory limitation period. By sections 21, 23 actions in general under the 1748 and 1758 small debts Acts (see above) were subject to a limitation period, and the commissioners were required to make rules for the handling and audit of parties' moneys held by the court.

¹⁵⁵ The Southwark 1806 Act, ss 16-20. Where a debtor was committed to the borough compter or other gaol by order of the court of requests, that person should only be held up to the maximum prescribed period (up to a maximum term of 100 days, dependent on the size of the debt outstanding, although multiple debts could lead to successive terms). The provisions in an Act of 25 Geo.3 (1785) (which, amongst other things, abolished the paying of fees by debtors to gaolers) were deemed to apply to the present Act. However, in their place a table of maximum fees payable to the bailiff, the clerks and the court officers was prescribed by the Act. An annuity-based compensation scheme was to be put in place for the loss of fees which would result to the four counsel of the "ancient court of the Marshalsea and the court of His Majesty's Palace of Westminster" (whose lifetime earnings from their offices were required to pay land tax on certain freeholds they also held).

¹⁵⁶ The Southwark 1806 Act, ss 22, 24 and 25. Savings were made for the 1748 and 1758 Acts (see above), except for those provisions "expressly repealed or otherwise provided for", for the continuing jurisdiction of the court of the King's Palace of Westminster (save for the small debt provisions relating to the court of requests), and for the continuing rights and privileges of the Lord Mayor of the City of London, the court of the Mayor and Aldermen, the city recorder, the steward of the city court, and the borough court of Southwark, which were exercisable within the borough, "as if this Act had not been made".

¹⁵⁷ Sections 6 and 13 of the Act were partially repealed by the 1823 Act, ss 15, 16 (below).

¹⁵⁸ 4 Geo.4 c.cxxiii (1823), repealed by the County Courts Act 1846.

62. From contemporary paintings the Southwark court of requests can be placed at Trinity Place in Southwark.¹⁵⁹ According to James Grant, writing in the mid-1830s, the Court sat in Swan Street, Southwark:¹⁶⁰

'The Southwark Court of Requests has a more extensive jurisdiction than that of Westminster. It embraces the town and borough of Southwark, Lambeth, and the eastern half of the hundred of Brixton. It possesses the power of imprisoning the person in execution, but not for a longer period than one hundred days. It is competent to hear and decide all cases under five pounds. Five commissioners are necessary to constitute a Court when the debt is above forty shillings; and three, when the debt is under that sum. The number of commissioners is 152. They are chosen in the same way as the commissioners for the Westminster Court of Requests. When the Court was established, I have not been able to ascertain. The average number of suits instituted in this court every year, is rather above 16,000. Perhaps there is no other Court of Requests in the kingdom in which there is so slight a variation in the number of cases tried, as in the Court of Requests for Southwark. This fact will appear from the following statement of the respective numbers for the five consecutive years preceding the year 1835. In 1830, the number was 16,441; in 1831, 16,751; in 1832, 16,192; in 1833, it was 16,250; and in 1834, it was 16,450. The total average amount of debts sued for each year is about 22,000/.; and the annual average expenses of prosecuting this amount of debts is close on 4000/., giving, as in the case of the Westminster Court of Requests, the expenses of each case at somewhere about three shillings and sixpence. The Southwark Court usually sits two days each week. It begins its sittings at ten o'clock, and rises at half-past three. It is divided into two branches; an arrangement indispensable for getting through the great quantity of business, the transaction of which devolves on the commissioners. Instead of the chief bailiff for Southwark, and the two principal clerks, as in the case of the Westminster Court of Requests, deriving their emoluments from fees on the cases which are tried before the Court, they have severally a fixed yearly salary. That of the chief bailiff is 500/., while one of the two principal clerks, namely, Mr. Meymott, has 750/. The other chief clerk, viz., Mr. George Drew, receives the same amount of yearly salary as the chief bailiff, which I have stated to be 500/. The Court sits in Swan-street.'

Swan Street was originally built in the same style, and at the same time, as Trinity Church Square and Cole Street. Both sides (north and south) of Trinity Street contained small houses or shops. The Southwark Court of Requests was built in 1824 at the western end of the street, on the site of the present Inner London crown court annexe.

Apart from the Trinity Arms, none of the original buildings in the area remain. Gloucester Court, and various buildings in Swan Street, were all built in the early 1960s.¹⁶¹

63. The Southwark 1806 Act is now obsolete and may be repealed.

¹⁵⁹ See: [http://collage.cityoflondon.gov.uk/collage/app;jsessionid=CB413BEB226A4A9EE4A544BF7FF11E43?service=external/SearchResults&sp=l%3ACourt+of+Requests+\(L.B.+of+Southwark\)++++++++](http://collage.cityoflondon.gov.uk/collage/app;jsessionid=CB413BEB226A4A9EE4A544BF7FF11E43?service=external/SearchResults&sp=l%3ACourt+of+Requests+(L.B.+of+Southwark)++++++++)

¹⁶⁰ See <http://www.victorianlondon.org/publications/sketchesinlondon-10.htm>.

¹⁶¹ <http://www.tnra.net/theEstate/estate.html>.

55 Geo.3 c.xciii (1815) (City of London Courts of Justice Act)

Purpose

64. In 1815 the courts of King's Bench and of Common Pleas, when determining matters arising within the City of London, would sit in "certain apartments in the Guildhall", and the court of requests for the city would sit in the Guildhall chapel (on the east side of Guildhall Yard).¹⁶²

65. Because neither of these venues was suitable for court sittings, the City corporation ("the Mayor and Commonalty and Citizens of the City of London") decided that they should acquire land to build alternative premises. The corporation already owned Blackwell Hall cloth market and warehouses - regulated by statute since 1557¹⁶³ - which had long fallen into both disuse and disrepair, and felt that that site, together with the Guildhall chapel site, could be used to erect new court buildings for the King's Bench and Common Pleas courts and for the court of requests.¹⁶⁴ This project required specific parliamentary authority.

66. The City 1815 Act was designed to authorise the following:

- (a) the repeal of various Acts (in whole or in part) relating to the Blackwell Hall market, which market was to cease - and "be utterly void" - in its entirety;¹⁶⁵
- (b) to permit the City corporation to purchase portions of the Guildhall chapel and Blackwell Hall sites (and ancillary buildings) which they did not already own, and to authorise persons or bodies with legal disability to effect sale for value and transfer of their interests to the corporation;¹⁶⁶
- (c) to make provision for the payment of purchase moneys to persons or bodies under legal disability, either by payment into the Bank of England to be held to the direction of the Court of Chancery (which could order payment out or reinvestment in other land to be held in trust), or by other means;¹⁶⁷

¹⁶² See preamble to 55 Geo.3 c.xciii (1815) ("the City 1815 Act"), being "An Act to enable the Mayor and Commonalty and Citizens of the City of London, to provide convenient Courts of Justice in and for the said City". The Guildhall chapel was formerly known as the Chapel of St. Mary Magdalen or All Saints, and physically adjoined the Guildhall building. The chapel building was now "much decayed" and had not been used for divine service "for many years".

¹⁶³ 4 & 5 Ph. & M. c.5 (1557) (Woollen cloths Act), recited in the preamble to the City 1815 Act.

¹⁶⁴ The City 1815 Act, preamble. Any lands surplus to requirements were to be sold off by building lease, and the ground rents were to be used to help defray the new-build costs.

¹⁶⁵ The City 1815 Act, s 1. The Acts (which were identified by reference to those cited in the City 1815 Act's preamble) spanned the years 1557 to 1714.

¹⁶⁶ The City 1815 Act, ss 2-4. The decision to purchase was to be made by the City corporation sitting in common council. Apart from the provisions relating to capacity to sell, specific provision was made by section 5 for sales by "any feme covert" (a woman lacking independent legal status by virtue of marriage), which were to be enrolled in the city's court of hustings or in the Court of Chancery, and were to be enforceable in the same way as fines and recoveries.

¹⁶⁷ The City 1815 Act, ss 6-9. Where the compensation sum exceeded £200 payment was to be made into the Bank of England (where it was to be invested in the short term in 3% consolidated or reduced bank annuities); where it was less than £200 but exceeded £20 it was to be paid into the Bank, without need for court direction, to

- (d) to authorise the City corporation to demolish the Guildhall chapel and Blackwell Hall (and ancillary buildings), and to build new accommodation to house the King's Bench, Common Pleas and City requests courts on the cleared sites (together with the construction of other buildings for public business, and the laying out of avenues and streets);¹⁶⁸
- (e) to authorise the City corporation to lease off any lands within the development site which may become surplus to requirements, with a stipulation that the lessees build such houses or buildings as the corporation prescribe;¹⁶⁹
- (f) to authorise the City corporation to use or to sell off any reclaimable building materials from the several demolitions, and to put the proceeds of sale from both the lands and materials towards the cost of the court building project;¹⁷⁰ and
- (g) to permit the City corporation to appoint a committee or committees to supervise (on its behalf) the whole site acquisition and building scheme.¹⁷¹

Status

67. A court house (for the City of London courts of justice) was built by William Mountague on the site of the old Guildhall Chapel around 1822 under the provisions of the City 1815 Act. By an Order in Council of May 1883 (made under the Courts of Justice Building Act 1865)¹⁷² it was declared that "all or any issues or inquiries in cases at *nisi prius*, which would otherwise be tried and executed within the county of the City of London, shall be tried and executed at the Royal Courts of Justice". Accordingly, by a resolution of the Court of Common Council in July 1885, the law courts at Guildhall ceased to function as such and were converted into the new Guildhall Art Gallery.

be distributed by two appointed trustees (approved by the Lord Mayor); and where it was less than £20 it could be paid direct by the City corporation to the parties concerned or their trustees or guardians. By section 9, where moneys were to be paid into the Bank and then used for the purchase of alternative lands (to be held in trust), the court could order the City corporation to reimburse the expenses incurred.

¹⁶⁸ The City 1815 Act, ss 10, 11. In so doing, two monuments on the walls of the Guildhall chapel were to be preserved and reinstalled in the parish church of St. Lawrence Jewry (to the direction of the bishop of London), and the internal floor and foundations of the chapel - including the gravestones set within them - were to be left undisturbed: sections 12, 13.

¹⁶⁹ The City 1815 Act, ss 14, 15. Building leases were to be granted for terms not exceeding 99 years, with the payment of rent yearly. On completion of the building works the corporation was empowered to sell the reserved ground rents and freeholds of the properties in question.

¹⁷⁰ The City 1815 Act, ss 16, 17.

¹⁷¹ The City 1815 Act, s 18.

¹⁷² 28 & 29 Vict. c.48 (1865), s 20.

68. The building was damaged during the Second World War and has since been demolished as part of the construction of Guildhall Yard East.¹⁷³ Accordingly, the provisions of the City 1815 Act are now obsolete.

Louth (Ireland)

1 & 2 Geo.4 c.cxxiv (1821) (Louth County Court House Act)

Purpose

69. In 1813 the grand jury for the county of Louth in Ireland (then part of the UK, and today within the Republic of Ireland) decided that a new county court house was required, and that it should be sited in Dundalk. The jury, sitting in the county assizes, appointed eleven named individuals as “overseers” of the project. This body entered into a contract with a builder from Dublin in that same year.¹⁷⁴

70. By 1818 the builder (William Moore) had been paid some £14,525, but “great delays [had] occurred in the execution of the said building, and great public inconvenience [had] been occasioned”.¹⁷⁵ The grand jury decided to dispense with the builder’s services, and the overseers employed alternative builders. As a consequence, the building project was “speedily finished” by early 1819, and the assizes were then held in the new court house.¹⁷⁶

71. However, not everything ran smoothly. By 1821 Mr Moore had issued civil proceedings in the Irish Court of Common Pleas against various of the overseers for non-payment of an alleged contract debt. At trial in November 1820 he was successful.¹⁷⁷ Contributions were made by each of the overseers, but the grand jury - by this juncture - had no funds left to reimburse them. Given that they had each acted “solely for the public benefit and advantage of the said county”, it was felt “just and reasonable” that moneys be found for this purpose.¹⁷⁸ In order to obtain the necessary authority to raise the moneys from the county, the Louth 1821 Act was sought. This short Act provided:

- (a) that any grand jury assembled for the Louth county assizes be empowered to present sufficient sums as would “reimburse and indemnify” the named

¹⁷³ Information provided by courtesy of the London Metropolitan Archives.

¹⁷⁴ See preamble to 1 & 2 Geo. 4 c.cxxiv (1821) (“the Louth 1821 Act”), being “An Act for enabling the Grand Jury of the County of Louth to levy by Presentment certain Sums of Money expended for the Building of the Court House of the said County”. The courthouse was to be built within 3 years for the contract sum of £16,190 10s (of which only £14,500 was to be paid prior to completion). If any alterations to the original plans were required by the overseers, additional time and moneys would have to be allowed within the contract.

¹⁷⁵ The Louth 1821 Act, preamble.

¹⁷⁶ The Louth 1821 Act, preamble.

¹⁷⁷ William Moore obtained judgment for £3,500 owed to him for works undertaken, plus costs.

¹⁷⁸ The Louth 1821 Act, preamble.

overseers for their lawful expenditure on the courthouse project (which sums were to be raised by a levy on “the said county at large”);¹⁷⁹

- (b) that any person liable to a grand jury “cess” be entitled to “traverse” (contest) the “presentment”, and to have the issue tried;¹⁸⁰ and
- (c) that the expense of obtaining the Louth 1821 Act be borne out of the county levy.¹⁸¹

Status

72. The courthouse as built exists today and is still in operational use. However, because the courthouse lies outside the United Kingdom, the Louth 1821 Act no longer serves a useful purpose within the UK jurisdiction, and it can be repealed. Repeal of the Act will not affect its continuing status or functioning within Ireland.

Northumberland

1 Will. & Mar. c.17 (1688) (Erecting Newcastle-upon-Tyne Court of Conscience Act)

Purpose

73. In 1688 the town and county of Newcastle-upon-Tyne was “very large and populous”, and a significant part of the population were poor freemen, artificers and labourers. When these people needed to recover debts owed to them they were forced to issue proceedings in the Westminster courts in London, at great expense and inconvenience. Whilst they were away from home, the responsibility for, and cost of, support and maintenance for their wives and children fell upon the city corporation.¹⁸²

74. Experience in London had shown that the creation of a local court for recovery of small debts (with a limited monetary jurisdiction)¹⁸³ was “of great benefit and advantage” to the poor in the city who needed a means of redress.¹⁸⁴ The purpose of promoting the Newcastle 1688 Act was therefore to replicate that arrangement in Newcastle. To this end the Act authorised the following:

- (a) that a court of requests or conscience be established to benefit “the poorer sort of people” within the county and city of Newcastle upon Tyne;¹⁸⁵

¹⁷⁹ The Louth 1821 Act, s 1. Before making a “presentment”, the grand jury was required to take sworn evidence of, and to examine documentation to support, the expenditure claims: section 3.

¹⁸⁰ The Louth 1821 Act, s 2.

¹⁸¹ The Louth 1821 Act, s 4.

¹⁸² Preamble to 1 Will. & Mar. c.17 (1688) (“the Newcastle 1688 Act”), being “An Act for erecting a Court of Conscience at Newcastle upon Tyne”. This Act had no section numbers, so the numbers referred to here have been assigned to the Act’s text for reference purposes.

¹⁸³ Up to 40 shillings (£2).

¹⁸⁴ The Newcastle 1688 Act, preamble. The small debts court in London had prevented “many great mischiefs and inconveniences” which would have flowed from the cost of due process in the Westminster courts.

¹⁸⁵ The Newcastle 1688 Act, s 1.

- (b) that the mayor, aldermen and common council of the town (the corporation), or the mayor and six aldermen, nominate 13 or more individuals to be commissioners of the court - initially for one year - and to appoint court officers including a beadle and a registrar or clerk;¹⁸⁶
- (c) that the commissioners were to meet within Newcastle on days to be appointed, and were to be authorised to determine all *assumpsit* debt or damages actions within the court's jurisdictional limit;¹⁸⁷
- (d) that any inhabitant of the town or its liberties who had debts owing to him or her be permitted to require the debtor to be summoned to the court of conscience by the beadle or other officer, and to seek an appropriate order;¹⁸⁸ and in the event that any party failed to appear without "some just and reasonable cause or excuse" (or failed to comply with the court's order) the court could order the beadle to levy distress on that party's "goods and chattels";¹⁸⁹
- (e) that the court's orders were to be "final and conclusive", and binding on all parties, and were not to be capable of being impugned by writ of error or *certiorari* in law or in equity;¹⁹⁰
- (f) that the various commissioners were required, before undertaking their duties, to take an oath in prescribed form to fulfil their duties properly;¹⁹¹
- (g) that any action commenced after August 1688 in any court (other than the new court) for recovery of a sum of less than 40 shillings would be non-effective;¹⁹² and
- (h) that the court's registrar or clerk should take no more in fees for various stages in an action than those set out in the Act.¹⁹³

¹⁸⁶ The Newcastle 1688 Act, s 1. Of the 13 nominees, a minimum of six were to be aldermen and the remainder were to be common councilmen. Either the mayor or the senior alderman was to be an *ex officio* commissioner.

¹⁸⁷ The Newcastle 1688 Act, s 2. *Assumpsit* debt actions were those for simple debt arising from non-performance of a contract. As with London, the jurisdictional ceiling was to be 40 shillings. The court was prevented, however, by section 6, from determining matters relating to debts arising from occupation of land, or from testaments (probate) or matrimony, or from anything within the jurisdiction of the ecclesiastical court.

¹⁸⁸ The Newcastle 1688 Act, s 3. The commissioners were required to determine the claim summarily, in a manner consistent "with equity and good conscience".

¹⁸⁹ The Newcastle 1688 Act, s 5. Any surplus moneys realised on the sale of the goods or chattels were to be repaid to the party concerned. If the belongings were insufficient to satisfy the court order, the court's officers were authorised to hold the relevant party in the town prison (without bail or mainprize) until the order was complied with.

¹⁹⁰ The Newcastle 1688 Act, s 3. The commissioners were empowered to take evidence on oath, and to examine witnesses.

¹⁹¹ The Newcastle 1688 Act, s 4.

¹⁹² The Newcastle 1688 Act, s 6. In such circumstance, judgment would not be given on any verdict, and the defendant would be awarded his legal costs.

¹⁹³ The Newcastle 1688 Act, ss 7, 8. The scale of fees covered issue and service of complaints, committal warrants, distress warrants and the like, and was to be applied notwithstanding any law or custom to the contrary.

Status

75. Records for the court of conscience held at Newcastle are still in existence for the years 1697 to 1847.¹⁹⁴ The court was held in the guildhall in Sandhill, together with the other town courts. The guildhall had been erected between 1655 and 1658 (to plans drawn by Robert Trollope of York).

76. The guildhall building exists today, and operates principally as a tourist information centre. It had previously been used to house the magistrates' court.

77. The court of conscience was superseded by the county court system of 1846. As a consequence the Newcastle 1688 Act is now obsolete and can be repealed.

49 Geo. 3 c.clxxxv (1809) (Northumberland Gaol and Courts of Justice Act)

Purpose

78. In 1809 the grand jury for the county of Northumberland, noting that the existing moot hall (in which the county assizes had been held "for time immemorial"), the grand jury room and the holding gaol were all in a bad state of repair, decided that the buildings should be replaced on the same site within Newcastle's castle garth.¹⁹⁵

79. The King - who owned the existing buildings and land "in right of his crown" - had signified his willingness to transfer his freehold interest to the county justices so that new buildings could be constructed. The justices, however, required parliamentary authority to defray the costs of the building project, and of the acquisition of additional land, and to levy a poor relief rate on the towns and parishes within the county.¹⁹⁶ To this end, the Newcastle 1809 Act provided that:

- (a) the moot hall, grand jury room and adjoining waste ground (more particularly described in the Act's preamble), and the stones contained within the buildings, be vested in the Northumberland county justices "for ever";¹⁹⁷
- (b) the county justices be authorised to enter into contracts for the demolition of the existing buildings, and to erect and fit out a new moot hall, courts of justice and

¹⁹⁴ The records are held by the Tyne and Wear Archive Service.

¹⁹⁵ Preamble to 49 Geo.3 c.clxxxv (1809) ("the Newcastle 1809 Act"), being "An Act to enable His Majesty to grant the Moot-hall, Grand Jury Room, and certain Grounds and Buildings adjoining thereto, in the Castle Garth, within the Scite of the Old Castle of Newcastle-upon-Tyne, to the Justices of the Peace for the County of Northumberland; for building Courts of Justice, and also a Gaol for the said County; and for other Purposes therein mentioned relating thereto". The moot hall and the jury room were both inconvenient, as the judges of assize had "repeatedly . . . represented" to the grand jury, and the gaol (used for the temporary holding of prisoners brought for trial from the county gaol at Morpeth) was "unwholesome".

¹⁹⁶ The Newcastle 1809 Act, preamble. The costs of obtaining the Act were to be defrayed from the county stock or the county rates, and repaid in due course from the moneys raised under the Act: section 26.

¹⁹⁷ The Newcastle 1809 Act, s 1.

- assize gaol for the county (together with other suitable accommodation) on the vested and acquired lands;¹⁹⁸
- (c) the county justices could purchase any other adjoining lands which they thought necessary for the project, including creating a “more easy, open, and convenient approach” to the court complex;¹⁹⁹
 - (d) the county justices be authorised to sell off any lands which become surplus to requirement, and the proceeds of sale were to be applied towards defraying the costs of the project;²⁰⁰
 - (e) all materials to be used for the building project (and for furnishing the buildings) were to remain the property of the county justices as a body, and any person damaging or stealing the materials would be liable to prosecution;²⁰¹
 - (f) the county justices could raise the moneys necessary for the Act and the building project by levying a rate precept of up to 2d in the £ based on annual values of properties within the county (by warrants delivered to the overseers of the poor within each county division);²⁰²
 - (g) the county justices could sell “a large ruinous building” owned by the county in Morpeth (which structure was linked to, but some distance from, the house of correction there), and put the proceeds of the freehold sale towards the various costs of the present project;²⁰³

¹⁹⁸ The Newcastle 1809 Act, s 2.

¹⁹⁹ The Newcastle 1809 Act, s 3. The power to acquire was restricted to land owned or occupied by willing sellers at a price to be agreed mutually, and by section 5 the justices were given power to acquire lands by exchanging other lands surplus to the requirements of the project. However, by section 4, the new street to be built - running from Bailey Gate to Castle Garth - was not to exceed 25 feet in width, in accordance with a contract already entered into with one John Turner, unless sales of adjoining property were mutually agreed.

²⁰⁰ The Newcastle 1809 Act, ss 6, 7.

²⁰¹ The Newcastle 1809 Act, s 8. By section 9, all the project buildings (once complete) were deemed to be vested in the county justices for Northumberland in order that they be held in trust “at all times for ever hereafter” for the purpose of holding the assize and quarter sessions hearings, for the transaction of county business, and for such other public purposes as the justices may direct. And by section 10, all the project buildings and adjoining court yard were deemed to lie within the county of Northumberland, and all the remaining parts of the old castle and castle garth were deemed to lie within the town and county of Newcastle-upon-Tyne (notwithstanding any law or custom to the contrary).

²⁰² The Newcastle 1809 Act, s 11. The levying of a precept was seen as preferable to taking the moneys from the county stock because the burden would then fall on some land occupiers “who have no permanent interest in the effects of this Act”. By the precept route the justices could vary the amount of levy dependant upon the degree of financial commitment already borne by particular parishes and townships. The justices were also given powers of enforcement by distress on goods. By sections 12 and 13, in the event that a particular place had no overseers of the poor, the county justices were required to summon two or more “respectable inhabitants” so that they could be examined as to the appropriate values to be placed on hereditaments for rate assessment purposes; and where any “extra-parochial, peculiar, or other places” had no overseer who could execute the Act’s provisions, the justices could appoint an overseer or overseers (with the necessary powers) “for effectuating the purposes” of the Act. The county treasurer was to keep separate accounts for all moneys raised under the Act (to be laid before each general quarter sessions), and any balance found at the end to be surplus to requirements was to be applied towards the county rate: sections 14, 20.

²⁰³ The Newcastle 1809 Act, s 15. As well as being in disrepair, the building was “of no public utility”.

- (h) the county justices, pending completion of the new building project, could utilise alternative premises for the assize sittings and for holding prisoners for trial;²⁰⁴
- (i) a constable should be appointed “for the better preservation of the peace and protection of the property” within the castle garth precincts;²⁰⁵
- (j) once constructed and operational, the new moot hall, shire hall and courts were to be “for ever after repaired, supported, maintained” and insured from fire out of the moneys raised on the county general rate;²⁰⁶ and
- (k) provision be made for various legal issues.²⁰⁷

Status

80. The Newcastle 1809 Act authorised the building of a gaol and courts of justice on land at the old castle of Newcastle. According to a record of 1839 -

‘The town and county gaol is a massive stone building of modern erection, large and commodious, and admitting the requisite classification. The moot-hall, or County Court-house, erected in part of the precincts of the ancient castle, is a building of elegant proportions, adorned with a fine portico of six Doric columns on the south front, and a similar portico of four columns on the north front. The architectural details are from the temple of Theseus at Athens. Much of the old castle, which was formerly used as a county prison and for holding the assizes, is yet standing; many alterations have been made in it within the last twenty or thirty years, but by no means in harmony with the original architecture of the building, which is Norman’.²⁰⁸

81. Today, all that remains of Newcastle castle is the keep and the Black Gate. The remainder of the castle garth - including the half-moon battery, on which was built the court house - has been redeveloped.²⁰⁹ The courthouse building, which was formally opened in 1812 (after two years in the construction)²¹⁰ is in existence today, and is still used for court purposes.

82. The Act of 1809 is however redundant because it was required only to facilitate relocation and construction of the court building. It may be repealed.

²⁰⁴ The Newcastle 1809 Act, s 16. Notwithstanding the change of venue, all actions were still deemed to be held at the castle in Newcastle. By section 18 the sheriff was authorised to erect gallows within the castle garth precincts “for the more speedy execution of justice in certain cases” when so ordered by the assize judges.

²⁰⁵ The Newcastle 1809 Act, s 17. The constable was to be appointed from the group of inhabitants resident within the castle garth. Service in the office was to be voluntary, although the duties were to be enforceable, and the officer was to be remunerated from the Act’s moneys (section 19).

²⁰⁶ The Newcastle 1809 Act, s 21. The moneys were to be raised in the same manner as applied to other public buildings for a county.

²⁰⁷ The Newcastle 1809 Act, ss 22-25. These sections provided for the conduct of civil actions by the county justices, competence to give evidence, payments into court, and limitation of actions (commencement within 12 months).

²⁰⁸ See <http://oldtowns.co.uk/Northumberland/newcastle.htm> (last accessed 27.8.09).

²⁰⁹ See http://www.castlekeep-newcastle.org.uk/keep_guide.htm. (last accessed 27.8.09).

²¹⁰ See Eneas Mackenzie ‘Public buildings: The county courts’ in *Historical Account of Newcastle-upon-Tyne: Including the Borough of Gateshead* (1827) at pp 224-229, available at <http://www.british-history.ac.uk/report.aspx?compid=43348> (accessed on 27.8.09).

Nottinghamshire

2 & 3 Vict. c.xcix (1839) (Newark Small Debts Recovery Act)

Purpose

83. By 1839 the borough of Newark in Nottinghamshire had become a “large and populous” market town, and “a place of extensive trade”. In Newark and in many surrounding places - some within Lincolnshire - a considerable number of “mills, malt-kilns, and manufactories” employed a large number of workers who ran up small debts which they were then either unable or unwilling to pay.²¹¹ In those circumstances creditors either had to forgo their moneys or incur disproportionate expense in recovery.

84. The purpose behind the Nottinghamshire 1839 Act was to institute “an easy and speedy method” of debt recovery. It authorised or required the following:

- (a) that the Newark court of requests (to be presided over by a judge) be established as “a court of justice for the recovery of small debts” within the constituent borough, townships and parishes;²¹²
- (b) that the Lord Chancellor, the Lord Keeper or the Lords Commissioners for England be authorised to appoint a suitably qualified judge to the court;²¹³
- (c) that the county justices be permitted (with the judge’s approval) to appoint an attorney as clerk to the court, and the judge to appoint the court bailiffs and other “inferior officers”;²¹⁴
- (d) that the county justices appoint a treasurer to the court (who was not to be the clerk),²¹⁵ and that the various appointed officials be required to undertake their duties as prescribed;²¹⁶

²¹¹ See preamble to 2 & 3 Vict. c.xcix (1839) (“the Nottinghamshire 1839 Act”), being “An Act for the more easy and speedy Recovery of Small Debts within the Borough of Newark and other Places in the Counties of Nottingham and Lincoln”. The Act listed in its preamble the various townships, parishes, hamlets and places affected.

²¹² The Nottinghamshire 1839 Act, s 1. By section 3 the court was to sit within the borough of Newark at intervals of no more than two months. By section 20 the court’s jurisdiction was to extend only to the recovery of small debts of £5 or less (to be determined in accordance with English law), but not to matters of title to land, tithes, tolls, fairs, markets or franchises, or to wills or trusts. And by section 28 the judge was to be the sole arbiter of all matters of fact and law.

²¹³ The Nottinghamshire 1839 Act, s 2. The power of appointment also included the power to remove for misbehaviour, and to replace in the event of death or resignation. By section 4 the appointed judge was empowered to appoint a deputy to sit during periods of “illness or unavoidable absence”.

²¹⁴ The Nottinghamshire 1839 Act, s 5. The Newark petty sessions justices were also empowered to appoint a “provisional clerk” in the event of an unexpected vacancy arising. By section 6 the appointed clerk was authorised (with the judge’s approval) to appoint a deputy to act in his absence. The clerk was required (amongst other things) to keep records of all proceedings issued and of all judgments of the court: section 43.

²¹⁵ The Nottinghamshire 1839 Act, ss 7, 8. By sections 9, 10 the treasurer (or, on death, his personal representative) was required to hand over to his successor any monetary balances then in his control (enforceable by court action).

²¹⁶ The Nottinghamshire 1839 Act, ss 11-13. The clerk was required to maintain registers of all summonses issued and orders made; the bailiffs had to execute all orders and warrants; and the treasurer was required “quarterly or oftener” to audit and settle all accounts. Each officer who handled moneys had to give security to the

- (e) that the treasurer be permitted to borrow moneys at appropriate rates of interest in order to defray the costs of the court (including acquiring suitable premises for it to sit), which sums would be paid from the general rate fund, supplemented by a special fund;²¹⁷
- (f) that responsibility for care of the court house be vested in the clerk, who was to have power to arrange all furnishings, cleaning, heating, lighting and the like;²¹⁸
- (g) that court fees were to be charged in accordance with a published table, and all moneys taken were to be accounted for;²¹⁹
- (h) that court process should follow the rubric set down in the Act;²²⁰
- (i) that arrangements be put in place for the enforcement of orders of the court;²²¹
- (j) that a rubric be put in place for the conduct and protection of bailiffs and court officers;²²² and
- (k) that provision be made for miscellaneous matters (including savings).²²³

Status

85. The Nottinghamshire 1839 Act was repealed in part by 4 & 5 Vict. c.lxxix (1841) (Newark Small Debts Recovery Act), section 13, which was itself repealed in 1846 on the formation of the county courts system.

county justices “for the due performance of his office”. By section 18 the treasurer and all the appointed officials were to be paid salaries, payable from the general fund (see below).

²¹⁷ The Nottinghamshire 1839 Act, ss 14, 15. The special fund (“The General Fund of the Newark Court of Requests”) was to be raised by the clerk levying a charge of 1 shilling in the £ on each plaintiff’s quantified claim.

²¹⁸ The Nottinghamshire 1839 Act, s 16.

²¹⁹ The Nottinghamshire 1839 Act, ss 17, 19. The county justices were from time to time to fix the levels of fee, and the fee income was to be certified and reported to the judge and (annually) to the county quarter sessions. Fee levels were to be reviewed and varied according to the balance held in the court’s general fund. The initial fee levels were set down in the Schedule to the Act.

²²⁰ Various aspects of court process and procedure span the Nottinghamshire 1839 Act, ss 21-45. The list of matters includes: actions to commence by plaint, non-division of causes of action to circumvent jurisdiction rules, minors to sue for wages, payments into court (and unclaimed moneys), making rules of court (to be approved by two assize judges), non-appearance of parties, witness summonses and perjury, judgments and costs.

²²¹ The Nottinghamshire 1839 Act, ss 46-55. In the event of default on a court judgment, the court could issue a warrant of execution (imprisoning the defaulting party or levying distress on goods), with power to suspend. Committal to any common gaol or house of correction within Nottinghamshire or Lincolnshire was for a maximum period of 40 days. The court’s general fund was to finance the maintenance of prisoners held in custody. Where goods were taken in execution, they were not to be sold for 8 days, and then only by “sworn brokers and appraisers” (section 51). The bailiff also had power to apply for distress on goods held - and for arrest - outside the court’s territorial jurisdiction.

²²² The Nottinghamshire 1839 Act, ss 57-59. Penalties were laid down for any court official who committed “extortion or misconduct”, or who failed to account for moneys received or sought fees beyond the authorised level. By the same token, protection was afforded to officers of the court who lawfully took goods in execution, and were claimed against, as if they were sheriffs falling within 1 & 2 Will. 4 c.58 (1831).

²²³ The Nottinghamshire 1839 Act, ss 60-69. Actions which could have been brought at Westminster or in “any hundred court, court baron, court leet, manor court, or other court” could continue to be brought in those courts. The sections also covered recovery of penalties by the justices (including by committal); savings of rights for various courts (the Peveril royal court of record, the Nottinghamshire and Lincolnshire county courts, the Newark borough court of record, the Loveden hundred court, and other unspecified courts); the cesser and determination of the Act’s provisions relating to jurisdiction on the coming into force of any subsequent general Act which dealt with small debt recovery, and the selling of the court of requests’ assets (sections 67, 68); and interpretation.

86. Although the Nottinghamshire Archives Office has references within its catalogues and indexes to a court for the recovery of small debts in Newark (Acts of 1839 and 1841) - and holds papers for the court of record (1579-1847) and the court of pleas (1591-92) - there are no records as to when the court buildings ceased to be used for court purposes or as to subsequent use of the site.

87. Given the formation of the county courts system, which rendered the Newark small claims court obsolete, the Nottinghamshire 1839 Act is likewise obsolete, and can now be repealed.

Shropshire

1 & 2 Geo.4 c.xcvi (1821) (Salop County Judges' Accommodations Act)

Purpose

88. In January 1821 the Shropshire²²⁴ county justices in quarter sessions reviewed the state of the assize judges' lodgings in Shrewsbury, and concluded that they were "very inconvenient" and failed to "afford proper and suitable accommodations".²²⁵ Accordingly they felt that alternative premises should be acquired or built, but that this would require specific statutory authority.

89. The Shropshire 1821 Act was designed to authorise the following:

- (a) that the county justices, acting in quarter sessions, be empowered to make appropriate orders for the purchase, leasing or construction of a house or "suite of apartments" (with suitable office accommodation) within Shrewsbury for use as a judges' residence, together with land to form an approach to the building;²²⁶
- (b) that the county justices be authorised to borrow moneys for the project (to a maximum of £4,000), mortgaged on the county rates;²²⁷
- (c) that the county justices be authorised to negotiate and agree the purchase price of buildings and land to be acquired and, once the moneys had been paid over

²²⁴ Then referred to as the county of Salop.

²²⁵ Preamble to 1 & 2 Geo.4 c.xcvi (1821) ("the Shropshire 1821 Act"), being "An Act for providing a convenient House, with suitable Accommodations, for His Majesty's Judges at the Assizes for the County of Salop, and for maintaining and supporting the same".

²²⁶ The Shropshire 1821 Act, s 1. The judges' residence was to be used for when the judges were sitting at the county assizes or at "any special commission of oyer and terminer". The power to acquire and/or build extended to the raising of the necessary moneys from the public stock or the county rates (subject to certain restrictions spelt out later in the Act eg. by section 5 the project was not to exceed £4,000 in cost, although additional moneys could be raised to cover the cost of obtaining the Act). By section 2 the county justices were permitted to remunerate the clerk of the peace for the additional work involved in this project.

²²⁷ The Shropshire 1821 Act, s 3. The form of mortgage was prescribed by the Act. By section 4, mortgages could be assigned or transferred by lenders. All transfers had to be recorded by the clerk of the peace.

- (either to the owner or into the Bank of England), to effect conveyance to the clerk of the peace and the taking of possession;²²⁸
- (d) that arrangements be put in place to ensure that persons or bodies with legal incapacity could effect sale, and that compensation moneys be paid either into the Bank of England (to be held to the order of the court of chancery) or to the appropriate trustees;²²⁹
- (e) that, on completion of the project and the accommodation being put into “a proper state for the reception” of the assize judges, notice be given to the high sheriff so that he could take possession of the building prior to the judges’ arrival;²³⁰
- (f) that land or buildings surplus to requirements be sold off by the county justices, and the proceeds of sale be transferred to the public stock;²³¹
- (g) that the justices be empowered to ensure that the judges’ residence be “sufficiently and properly supplied with water”, and that the new complex be maintained and repaired as necessary, the cost of which was to be borne by the public stock or county rates;²³² and
- (h) that provision be made for legal proceedings.²³³

Status

90. The property used as judges’ lodgings under the Shropshire 1821 Act was located at No 6 Belmont in Shrewsbury (which was built in 1701). Today the property, which is a listed building, has reverted to private house status. Until December 1996 the building was owned by Shropshire County Council, at which juncture it was sold to a property company.

91. The Shropshire archivist holds records of the judges’ lodgings committee from 1821 until 1875 and account books from 1850 to 1889.

²²⁸ The Shropshire 1821 Act, s 6.

²²⁹ The Shropshire 1821 Act, ss 7-10. Moneys in excess of £200 were to be paid into the bank to be held to the court’s order; moneys below that limit were to be handled in a more flexible manner. By sections 11, 12, in the event that a dispute should arise as to title of property, the person in possession was to be deemed lawfully entitled (until the contrary were proved); and where property had to be purchased in substitution for property held in trust for an individual under legal disability, the expense of that purchase was to be borne by the justices.

²³⁰ The Shropshire 1821 Act, s 13. The sheriff or his deputy was to be provided with an inventory of furniture and household goods, for which he would then be responsible. The sheriff was authorised to remove any other occupant from the premises who failed to leave prior to the judges’ arrival date. By section 14 the sheriff was to pay over to the county treasurer moneys provided from the Exchequer to accommodate the judges during the period of their stay.

²³¹ The Shropshire 1821 Act, s 15.

²³² The Shropshire 1821 Act, s 16. The justices were also authorised to appoint a salaried caretaker, to pay any rental charges for the buildings, and to effect fire insurance cover, all funded from the public stock or county rates.

²³³ The Shropshire 1821 Act, ss 17, 18. Civil actions for or against the county justices were to be issued in the name of the clerk of the peace; witnesses were to be competent to give evidence, notwithstanding being county ratepayers; and actions were to be subject to a limitation period of six months.

92. The purpose underpinning the Shropshire 1821 Act was exhausted in the main once the lodgings were acquired and made suitable for their judicial occupants. Given that they have now been decommissioned, the Act of 1821 is now obsolete and may be repealed.

Suffolk

6 & 7 Will.4 c.xi (1836) (Ipswich Assizes Act)

Purpose

93. The county of Suffolk, in the early part of the 19th century, was divided administratively into two parts: the division of Bury St Edmund's and the eastern part of the county (itself comprising three sub-divisions, including Ipswich).²³⁴ Traditionally the county assizes had been held at the county hall in Bury. But by 1836 there was a feeling that it would be more convenient for the eastern part residents if the assizes could be held occasionally at Ipswich. However, the shire hall in Ipswich (which could accommodate quarter sessions) was too small to permit assize sitting, and the town itself lacked any judges' lodging.²³⁵

94. The county justices believed that it would be expedient for a new county hall (with courts) and judges' lodgings to be built in Ipswich, but this first required parliamentary authority. To this end the Suffolk 1836 Act provided:

- (a) that the county general or quarter sessions to be held in Ipswich should be empowered to order the purchase of a suitable site for the construction project, and to defray the necessary costs;²³⁶
- (b) that the county justices be authorised to negotiate with any person or body (irrespective of legal incapacity) for the purchase of any buildings or land within, or close to, Ipswich borough which would be appropriate for the Act's purpose;²³⁷
- (c) that, in order to effect sale to bodies or persons under legal disability, mechanisms be put in place for the payment of the acquisition moneys either into

²³⁴ The eastern part comprised the divisions of Beccles, Woodbridge and Ipswich (and two hundreds, Hartsmere and Stow).

²³⁵ Preamble to 6 & 7 Will.4 c.xi (1836) ("the Suffolk 1836 Act"), being "An Act for erecting a County Hall and Courts of Justice, and for providing Accommodation for His Majesty's Justices of Assize, for the Eastern Part of the County of Suffolk". Not only was the accommodation inadequate, but the Ipswich shire hall was not in the ownership of the county justices. This meant that any enlargement fell outside the existing rebuilding provisions - relating to county buildings - in the statute 7 Geo.4 c.63 (1826) (itself now repealed). The expression "the eastern part of the county" was defined more particularly in section 2 of the Act.

²³⁶ The Suffolk 1836 Act, s 1. As an alternative, and "in lieu of purchasing a site", the county justices were authorised to construct the new county hall, courts of justice, offices and assize judges' lodgings on land adjacent to the existing county gaol and house of correction: section 13.

²³⁷ The Suffolk 1836 Act, s 3. On payment of the purchase moneys (in the manner later prescribed by the Act), the justices or their agents were then to be entitled to take lawful possession of the premises. By section 4, all persons or bodies under legal disability were able to effect sale and convey their interest in the land to the justices.

- the Bank of England (to be held and invested to the order of the court of exchequer, pending the purchase of replacement land) or to trustees;²³⁸
- (d) that the county justices be authorised - upon finding a “commodious site” - to build a new county hall, courts of justice, ancillary office accommodation, and assize judges’ lodgings, and to fit-out those buildings as necessary;²³⁹
- (e) that the new county hall, courts, offices and lodgings, once built, should vest in the county justices “upon trust peaceably, quietly, and freely to permit” their use for the assize and quarter sessions, and the county court sittings (for both administrative and judicial use),²⁴⁰ and for other “public uses and purposes”;²⁴¹
- (f) that the county hall was deemed to be a county building for the purposes of the statute 7 Geo.4 c.63 (1826),²⁴² and that it was to be a place “in which the county court for the election of knights of the shire” could be held;²⁴³
- (g) that the new county hall was to be maintained and insured “for ever thereafter” at the expense “of the eastern part of the said county of Suffolk”;²⁴⁴
- (h) that the county justices be permitted to charge the high sheriff a “consideration” for making the new judges’ lodgings available for the period of the assize sittings, and to let the lodgings when not in use for assize or other court sessions (the rental income to be used for “cleaning, airing, or repairing” the building);²⁴⁵

²³⁸ The Suffolk 1836 Act, ss 5-7. Where the moneys were less than £200 they could be paid to two trustees (approved by the justices), and where they were less than £20 they could be applied by the justices themselves. By section 8, if the existing owner could not make good title, or could not be found, the justices were able to pay the purchase moneys into the Bank of England, under the control of the court of exchequer (which court could order distribution on claims being made). In the event that dispute arose as to title, by section 9 the person in possession of the land was deemed to be the lawful owner until the contrary was proved.

²³⁹ The Suffolk 1836 Act, s 11. In order to facilitate the construction and fitting-out, the justices were empowered to enter into contracts with all manner of contractors (surveyors, workmen and so on) and, by section 12, those contracts were only to bind the justices in their official rather than their personal capacity. In the event that the justices were not able to build the judges’ lodgings in time - or at all - they were authorised by section 18 to take a lease of suitable accommodation, and to charge the expense to the general rates collectable for the eastern part of the county.

²⁴⁰ In this context the administrative use was the holding of elections. The courts involved included those for assize, *nisi prius*, oyer and terminer (in other words, general criminal and civil proceedings), general gaol delivery, special commissions and quarter sessions. Once constructed, the new county hall and court complex were deemed to lie within the county of Suffolk (for the purpose of transacting county business), even though they were situated within the borough of Ipswich: section 21.

²⁴¹ The Suffolk 1836 Act, s 15. By section 14, the various materials used in the building process were to become the property of the justices, and the clerk of the peace could bring proceedings against any person who sought to steal or damage the materials.

²⁴² *ie* that the more general powers relating to the repair and maintenance of county halls and other public buildings should apply to the new buildings on this site.

²⁴³ The Suffolk 1836 Act, s 16.

²⁴⁴ The Suffolk 1836 Act, s 17. Responsibility was to lie with the county justices sitting at quarter sessions in Ipswich. They were empowered to appoint a salaried or fee-paid caretaker or caretakers, and to recoup the expenditure from the general rates.

²⁴⁵ The Suffolk 1836 Act, ss 19, 20. The high sheriff was reimbursed the cost of providing the lodgings from His Majesty’s Exchequer.

- (i) that the justices be authorised to borrow moneys for the project, secured on the eastern county rates, up to a maximum of £10,000;²⁴⁶
- (j) that, as an alternative to borrowing, the justices be permitted to raise up to £1,000 each year by levy on the county rate (up to £10,000);²⁴⁷ and
- (k) that provision be made for various forms of legal procedure which might arise under the Act.²⁴⁸

Status

95. According to *A Topographical Dictionary of England* published in 1848:

'The [Ipswich borough] corporation hold courts of session for the determination of all civil and criminal causes, except capital offences, twice in the year, prior to the assizes; and a court of record on alternate Mondays, for the recovery of debts to any amount. Petty-sessions are held weekly. The town hall was built on the site, and partly with the materials, of the ancient parochial church of St. Mildred, which was a building of extraordinary solidity. Courts of justice have been lately erected, the exterior of which is very elegant, light, and chastely ornamented; and a house for the accommodation of the judges has been built, the summer assizes being now held here, as are also the quarter-sessions for a portion of the county. The powers of the county debt-court of Ipswich, established in 1847, extend over the registration-districts of Ipswich, Sampford, and Bosmere and Claydon'.²⁴⁹

96. Because the principal purpose of the Suffolk 1836 Act was to provide for the building of new law courts and judges' lodgings, and that purpose having been now long achieved, the Act of 1836 is no longer required.

Surrey

46 Geo.3 c.cxxx (1806) (Croydon Court House, Market House and Burial Ground Act)

Purpose

97. In 1806 various issues had arisen within the parish of Croydon (then in the county of Surrey) which required parliamentary intervention. One of these concerned the adequacy of the existing court house (which accommodated the county assize sittings) and the butter market house. These buildings were said to be (in the case of the former) "extremely

²⁴⁶ The Suffolk 1836 Act, ss 22-24. The form of mortgage was prescribed by the Act. Mortgages could be transferred by the lenders, subject to enrolment of the transfer by the clerk of the peace. Interest payable on the mortgages was chargeable to the county rates, and the justices were authorised to create a sinking fund which would ensure that the principal was paid off within 20 years. An account of all payments was to be tendered to each sitting of the quarter sessions, and each security was to be discharged in an order of priority settled by lot.

²⁴⁷ The Suffolk 1836 Act, ss 25-27. The justices were authorised to assess a special county rate for this purpose. By section 28 all the moneys raised under the Act were to be applied towards the project, from the initial surveys through to fitting-out the new buildings and paying the necessary salaries and allowances.

²⁴⁸ The Suffolk 1836 Act, ss 29-33. The Act provided for summary enforcement of penalties and fines, for the form of proceedings (information and conviction), for appeal by aggrieved persons to quarter sessions (without recourse to the Westminster courts of record), and for the award of costs.

²⁴⁹ From: 'Ingrave - Ipswich', *A Topographical Dictionary of England* (1848), pp. 614-620. URL: <http://www.british-history.ac.uk/report.aspx?compid=51063> Last accessed 1 September 2009.

incommodious and much out of repair” and (in the case of the latter) “very ruinous and decayed”, and too small for its purpose.²⁵⁰ The rebuilding of these two public facilities required specific parliamentary authority.

98. The Surrey 1806 Act had the following purposes:

- (a) to authorise the sale of certain enclosed allotments (being part of former common and waste lands), the creation of additional burial ground,²⁵¹ and the protection of various gravel pits;²⁵²
- (b) to require the vicar, churchwardens, overseers of the poor, and six inhabitants (chosen annually by the vestry) of Croydon parish - who under the Act formed a corporate body - to repair or rebuild the present court house to form “a proper and commodious town hall or court house” within the parish, either on the present site or elsewhere; and likewise to build a new butter market house with ancillary rooms²⁵³ (and a replacement corn market);²⁵⁴
- (c) to provide that, once constructed, the town hall or court house, and the new butter market, be vested in the corporate body to hold the buildings in trust for the parish inhabitants “for the time being”,²⁵⁵
- (d) to authorise the corporate body to purchase lands and hereditaments in order to facilitate the building project (expending no more than £7,000), and to authorise the county justices (in the hundred of Wallington) to order the diversion or alteration of any “publick streets, lanes, or passages” which the project necessitated;²⁵⁶
- (e) to authorise the corporate body to acquire vacant land adjoining the existing town hall and butter market, and to use it for the project (subject to ensuring provision of a proper causeway between the new buildings and the existing houses);²⁵⁷ and

²⁵⁰ See preamble to 46 Geo.3 c.cxxx (1806) (“The Surrey 1806 Act”), being “An Act for rebuilding the Court-House and Butter Market-House of the Town of Croydon in the County of Surrey, for providing an Additional Burial-Ground, and for selling certain Waste Lands belonging to the said Parish”.

²⁵¹ The Surrey 1806 Act, ss 13, 14. The burial ground land was to be sited as close as possible to the Croydon parish church, and was to be used “for ever thereafter” as consecrated ground.

²⁵² None of these provisions in the Surrey 1806 Act are presently recommended for repeal. The gravel pits were used primarily for creating or repairing public roads.

²⁵³ The Surrey 1806 Act, s 9. The corporate body for the parish was authorised to contract with surveyors and workmen for the building works, and to defray the costs from moneys raised from the sale of allotment lands under an earlier part of the Act.

²⁵⁴ The Surrey 1806 Act, s 11. Once the existing court house was demolished, the old corn market would also be destroyed. It would need to be replaced under the Act.

²⁵⁵ The Surrey 1806 Act, s 10. The buildings were to be used for the purposes for which the previous Croydon town hall was used and other public purposes.

²⁵⁶ The Surrey 1806 Act, s 15. The diversion power did not extend to the High Street in Croydon; and use of the power had first to be approved by a special vestry meeting on behalf of the inhabitants of the parish. Aggrieved persons had a right of appeal.

²⁵⁷ The Surrey 1806 Act, s 16.

(f) to permit the corporate body to let any spare rooms within the new buildings (using the rental income for the repair and improvement of the buildings), and to sell off the existing sites or any other land surplus to requirements (with the moneys raised again being used for the Act's purposes).²⁵⁸

Status

99. Croydon's first town hall was built in the 1500s. It was replaced in 1809 by a building sited in the High Street. The town hall housed the assize court hearings (which alternated in Surrey between Guildford and Croydon). In 1893 the building was vacated and demolished as part of the Croydon improvement scheme (which involved widening High Street and rebuilding the town hall on a nearby site fronting Katharine Street).²⁵⁹ The court transferred to the new town hall building where it operated until the opening of the replacement law courts complex in Barclay Road in the late 1960s.

100. The Surrey 1806 Act was amended by the Local Government Supplemental Act 1869 (32 & 33 Vict. c.cxxiv), s 1 and Sch, Provisional Order No. 1 relating to Croydon (16.3.1869) (transferring certain lands from Local Act trustees to the Local Board of Health). This Act remains in force so far as it applies to Croydon. However, the statutory amendment was cast in such general terms that it is not appropriate to seek to repeal either a small portion of the 1869 Act or the Provisional Order.

101. Although portions of the Surrey 1806 Act may still have validity (relating to the allotments and the burial ground), those sections relating to the town hall and court house - sections 9 to 12 and 15 to 18 - are now unnecessary and can be repealed.

48 Geo.3 c.cxxxiv (1808) (Kingston-upon-Thames and Imworth Inclosure, Court House and Market House Act)

Purpose

102. In 1808 an Act was promoted which encompassed two principal purposes: first, the enclosing of various common lands within the manors of Kingston-upon-Thames and Imbercourt in the county of Surrey; and secondly the reconstruction of the existing court house in the town of Kingston-upon-Thames. In connection with the latter, where the Lent

²⁵⁸ The Surrey 1806 Act, ss 17, 18.

²⁵⁹ The scheme was facilitated by the Croydon Improvement Act 1890 (53 & 54 Vict. c.iii), which Act was repealed by the Croydon Corporation Act 1960 (c.xi). The 1890 Act, ss 10-13 permitted the corporation to demolish the existing town hall and butter market-house (notwithstanding anything in the Surrey 1806 Act), to rebuild the town hall building with public offices and a library on land to be acquired, and to dispose of the site of the former town hall and market-house. We are grateful to the Croydon local studies team for their guidance on the history of the town hall and law courts.

assizes and the Michaelmas quarter sessions for the county were held, the buildings were “extremely incommodious and much out of repair” and were unfit for reception of the assize judges or the county bench.²⁶⁰

103. The solution was to rebuild the court house and market house, utilising the moneys to be released from sale of various common lands. This, however, required specific parliamentary authority.

104. The Surrey 1808 Act authorised the following:

- (a) that two commissioners be elected to supervise the dividing and allotting of the identified common and waste lands, and to carry the Act generally “into execution”,²⁶¹
- (b) that the bailiffs and freemen of the town of Kingston-upon-Thames (who were empowered under the Act, both as lords of the manor and in their corporate capacity, to sell off allotment lands vested in them)²⁶² be empowered to provide -
 - ◆ “a proper and commodious town hall or court house” to accommodate the assize judges in the town, either by repairing and enlarging the existing court house, or rebuilding on the site of the old town hall (or somewhere else convenient within the town), and
 - ◆ a market house, also in the town, with ancillary rooms on the upper storey or adjoining the building;²⁶³
- (c) that the new buildings, once constructed, were deemed to be vested in the bailiffs and freemen of the town, and were to be used as the old town hall was used and for “other parochial purposes”,²⁶⁴
- (d) that the bailiffs and freemen could purchase lands and hereditaments within the town where required for “the more commodious and the better forming, erecting, and completing” of the building project; and where parcels of land (including the site of the existing town hall and market house) became surplus to requirements -

²⁶⁰ Preamble to 48 Geo.3 c.cxxxiv (1808) (“the Surrey 1808 Act”), being “An Act for inclosing Lands in the several Manors of Kingston-upon-Thames, and Imworth, otherwise Imbercourt, in the County of Surrey, and for selling Part of such Lands for the Purpose of providing a Court House and Market House for the said Town”. This repeal note does *not* propose repeal of those sections of the Act which relate to the enclosure and sale of commons and waste lands (which covered some 1,350 acres in the parishes of Kingston-upon-Thames and Thames Ditton).

²⁶¹ The Surrey 1808 Act, s 1. Neither this section, nor the succeeding sections which set out the rubric under which the two commissioners were to operate, are proposed for repeal.

²⁶² The Surrey 1808 Act, s 46.

²⁶³ The Surrey 1808 Act, s 47. The bailiffs and freemen were also authorised to enter into building and other contracts for the project, and were required to defray the resulting costs from the moneys realised on the sale of the allotments (as previously authorised under the Act). By section 50, in the event that the existing town hall and market house were demolished to make way for the new buildings, the salvaged building materials were to be sold and the moneys also applied to the rebuilding project.

“useless and unnecessary” as the Act put it - the bailiffs and freemen could sell them off for the best price obtainable;²⁶⁵ and

- (e) that any financial surplus accruing after sale of lands (and after deduction of all costs and expenses related to the building works) was to be paid into the Bank of England and held - subject to the direction of the court of chancery - for application by the bailiffs and freemen “to such parochial purposes and improvements of the said town [of Kingston] as to them shall seem right and proper”.²⁶⁶

Status

105. The original guildhall in Kingston was constructed around 1500, but by the 19th century the building had become very dilapidated, necessitating improvement or rebuilding. The Surrey 1808 Act was designed to facilitate that process. However, sales of land to raise moneys, and then the rebuilding, took time. The old guildhall building was finally demolished around 1838, and the new building opened on the site in 1840.

106. This guildhall building served as the seat of local government for 95 years until it was replaced by a further guildhall (sited on the High Street) in 1935. Until that date the 1840 building housed the court room and council chamber on the first floor, with market accommodation beneath. Kingston borough council ceased to use the building once it transferred to the new premises in 1935 (from which premises the London borough council still operates today).

107. The 1840 building exists today (known as the ‘Market House’) and, although not used for mainstream municipal purposes, since 1995 it has housed the Kingston tourist information centre.²⁶⁷

108. Although portions of the Surrey 1808 Act may still have validity today, sections 47 to 54 (which relate to construction of the town hall, courts and market house) are now no longer required, and can be repealed.

²⁶⁴ The Surrey 1808 Act, s 49. By section 48, the obtaining of that part of the Act which related to the new-build project was to be funded by the bailiffs and freemen from the moneys provided under the Act.

²⁶⁵ The Surrey 1808 Act, s 51. On sale of surplus land by the bailiffs and freemen, the moneys raised were likewise to be put towards the Act’s purposes. Section 52 set down the mechanics for sale of parcels of land by public auction.

²⁶⁶ The Surrey 1808 Act, s 53. This surplus (or “overplus”) was to be invested in navy or victualling bills, or in exchequer bills (issued by the government), pending a court order - on the application of the bailiffs and freemen - that they could be sold and the moneys reused: section 54.

²⁶⁷ The historic information contained in this part of the note has been supplied to us by the Surrey History Centre at Surrey County Council (whose help we gratefully acknowledge), and is based in part on June Sampson’s *The Kingston Book* (Historical Publications, 2006) at p48.

Worcestershire

3 & 4 Vict. c.lxix (1840) (*Kingsnorton and Northfield Small Debts Recovery Act*)

Purpose

109. In 1840 the parishes of Kingsnorton and Northfield, both in the county of Worcestershire, were “very populous”, and the population was still expanding. A proportion of the population had run up small debts which amounted, cumulatively, to a significant sum (and a number of debtors, who were “well able to discharge” the moneys they owed, simply refused to do so). It had become uneconomic for creditors to instigate recovery proceedings because the expense of litigation had become disproportionate to the size of the debt.²⁶⁸

110. The solution was to put in place “a more easy and less expensive method of recovering small debts within the said parishes”.²⁶⁹ To this end the Worcestershire 1840 Act provided for:

- (a) the Kingsnorton court of requests to be established - to sit in the parishes of Kingsnorton and Northfield at least every two months - and for a judge (and his successors) to be appointed by the Lord Chancellor, Lord Keeper or the Commissioners of the Great Seal;²⁷⁰
- (b) the appointment, by the county justices in quarter sessions, of an attorney as clerk of the court, and a treasurer;²⁷¹
- (c) the duties of the clerk, the court bailiffs and the treasurer to be laid down;²⁷²
- (d) all moneys paid into court (fees and fines) to be accounted for, and the accounts to be submitted regularly to the judge and annually to the clerk of the peace for the county;²⁷³
- (e) the jurisdiction and process of the court to be laid down, including the arrangements under which actions were to be determined and judgment given;²⁷⁴

²⁶⁸ See preamble to 3 & 4 Vict. c.lxix (1840) (“the Worcestershire 1840 Act”), being “An Act for the more easy Recovery of Small Debts within the Parishes of Kingsnorton and Northfield in the County of Worcester”.

²⁶⁹ The Worcestershire 1840 Act, preamble.

²⁷⁰ The Worcestershire 1840 Act, ss 1-3. By section 4 the judge was authorised to appoint a deputy to act in his stead in the event of illness or “unavoidable absence”.

²⁷¹ The Worcestershire 1840 Act, ss 5, 7. By section 6 the clerk was authorised to appoint a deputy clerk with like powers, subject to “approbation of the judge”. No individual was permitted to hold the offices of both clerk and treasurer (or deputy): sections 7, 8. On leaving office (or on death) the treasurer or his or her representatives were obliged to hand over to the successor treasurer all moneys then in their possession (with power to the incoming treasurer to sue for moneys not accounted for): sections 9, 10.

²⁷² The Worcestershire 1840 Act, ss 11-17, 47. The clerk was to issue all court process and to account for all court fees and fines received and, in due course, to take charge of the new court house. The bailiffs were to serve all summonses and execute warrants and orders. The treasurer was to audit and settle the accounts, to effect the necessary borrowings, to pay the costs of construction from the allocated funds, and to hold the court buildings and related land “in trust for the purposes of this Act”. Each of these officers was to provide security for due performance of his or her office, and each officer was (by sections 17, 18 and Schedule) either to be paid a salary or - in the case of the judge, clerk and bailiffs - remunerated from the fees chargeable to litigants.

²⁷³ The Worcestershire 1840 Act, s 19. The county justices were given power to adjust the table of fees (upwards or downwards, depending on circumstances) set out in the Schedule to the Act.

- (f) the ability of the judge to order a retrial where it appeared that an error had been made by a jury,²⁷⁵ and of the Westminster superior courts to order review of proceedings in certain limited instances;²⁷⁶
- (g) the manner in which accounts were to be kept, unclaimed moneys were to be handled, and monetary orders were to be enforced;²⁷⁷
- (h) the regulation of the conduct of bailiffs and court officers;²⁷⁸
- (i) the mechanisms for the recovery of all penalties, forfeitures and fines;²⁷⁹
- (j) the ceasing of the Worcestershire 1840 Act provisions (which give the court of requests and its judge jurisdiction) where “any general Act shall be passed for the recovery of small debts”, the operation of which would be “inconsistent” with the 1840 Act’s powers;²⁸⁰ and
- (k) various miscellaneous matters.²⁸¹

Status

111. The Worcestershire 1840 Act was subject to a very minor partial repeal by the Kingsnorton Court of Requests Act 1841.²⁸²

112. The Kingsnorton court of requests ceased to have jurisdiction once the county court system took responsibility for small debt actions across England and Wales. On this basis the Act of 1840 is now obsolete and can be repealed.

²⁷⁴ The Worcestershire 1840 Act, ss 20-43. These provisions covered, for example: placing a ceiling on the court’s jurisdiction (excluding claims over £15 in value and matters involving title to land and issues under wills or settlements; providing for jury trial for claims over £5); summonses only to be issued where forfeitable deposits paid; ability of minors to sue for wages owed; set-offs and limitation periods; rules of court and procedural forms - sections 37, 67, 68 and Schedule; evidence on oath; and orders as to costs. However, by section 64, concurrent jurisdiction of other courts - both superior and inferior - was not to be undermined. And by section 69 no claim was to succeed where the defendant had already paid sufficient moneys into court to satisfy the claim.

²⁷⁵ The Worcestershire 1840 Act, s 44.

²⁷⁶ The Worcestershire 1840 Act, s 45.

²⁷⁷ The Worcestershire 1840 Act, ss 48-60. The Act specified how execution of court judgments was to be undertaken (including distraint and effecting imprisonment for debt); how debtor prisoners were to be treated; how execution was to be effected out of the court’s jurisdiction; and how contempt was to be dealt with.

²⁷⁸ The Worcestershire 1840 Act, ss 61-63. Bailiffs and other court officers were prohibited from extorting moneys, from failing to account, and from accepting fees which were not authorised. But, on the other hand, such officers were to be afforded protection when they had properly levied distress on an individual’s goods and a claim was made by a third party.

²⁷⁹ The Worcestershire 1840 Act, ss 65, 66.

²⁸⁰ The Worcestershire 1840 Act, ss 70, 71. The ceasing was to occur six months after the new Act was passed. Were this to happen, neither the judge nor the court officers would be entitled to compensation for loss of office. And all property belonging to the local court was to be sold by the treasurer and the proceeds used to pay off outstanding debts, and then the surplus to be passed to such person as directed under the new Act.

²⁸¹ The Worcestershire 1840 Act, ss 72-74.

²⁸² 4 & 5 Vict. c.lxxv (1841). This 1841 Act was itself repealed by the County Courts Act 1846 (c.95), s 5 and Sch B, and an 1847 Order in Council. The 1846 Act was “An Act for the more easy Recovery of Small Debts and Demands in England”. The 1846 repeal did not revive any Act already repealed. The repeal did not mention, however, the Worcestershire 1840 Act.

The Kingsnorton Court of Requests Act 1841 was designed to extend the jurisdiction of the court to cover further parishes in both Worcestershire and Warwickshire where “very considerable trade and traffic is carried on”. The

Yorkshire

46 Geo.3 c.iii (1806) (West Riding of Yorkshire Court Houses Act)

Purpose

113. Prior to 1806 the general quarter sessions for the West Riding of the county of Yorkshire had been held in eleven towns within the riding.²⁸³ However, by this date the various court houses and related buildings in the towns - which “for the most part [were] very ancient” - had become “greatly out of repair, and altogether inconvenient” for holding court hearings and the like. Moreover, none of these buildings were actually owned or controlled by the county justices: they were used (as the Yorkshire 1806 Act put it) by “permission and sufferance”. The solution was to build new court houses, with suitable ancillary accommodation, but this required specific parliamentary authority.

114. The Yorkshire 1806 Act required or permitted the following:

- (a) that the West Riding justices, sitting at Pontefract, be authorised to make orders for building and fitting-out court houses in any of the eleven towns, and to raise the necessary moneys from “the publick stock or county rates” for the riding,²⁸⁴
- (b) that the justices be empowered to purchase the necessary lands for the project, and to receive good title on payment (which lands would then be vested in them),²⁸⁵
- (c) that any individual or body politic or corporate be enabled to sell land or buildings to the justices, notwithstanding any legal disability on their part, and that mechanisms be put in place which would enable compensation to be paid and title to pass,²⁸⁶
- (d) in the event that the owner of land to be acquired failed to make good title, or could not be traced, or refused to accept payment, the justices were authorised to pay the purchase moneys into the Bank of England to be held to the direction of

repeal provision in section 8 was limited to that part of the 1840 Act which authorised committal to a house of correction in Worcestershire county of “any person taken in execution” of a court order.

²⁸³ Preamble to 46 Geo.3 c.iii (1806) (“the Yorkshire 1806 Act”), being “An Act to enable the Justices of the Peace for the West Riding of the County of York, to provide convenient Court Houses for holding the General Quarter Sessions of the Peace within the said Riding”. The towns in which quarter sessions had been held were: Wetherby, Wakefield, Doncaster, Pontefract, Skipton, Bradford, Rotherham, Knaresborough, Leeds, Sheffield and Barnsley.

²⁸⁴ The Yorkshire 1806 Act, s 1.

²⁸⁵ The Yorkshire 1806 Act, s 2. By section 3 the justices were able to purchase no more than one acre of land in each of the towns.

²⁸⁶ The Yorkshire 1806 Act, ss 4-7. Compensation moneys in excess of £200 were to be paid into the Bank of England to stand to the order of the court of chancery (for distribution or reinvestment on a claim being made). Compensation below that figure was to be paid into the Bank of England to be held by two trustees (approved by the justices) and distributed without need for court “direction or approbation” (and where it was less than £20, distribution could be made by the justices themselves).

the court of chancery (which court could, on a claim being made to it, order distribution);²⁸⁷

- (e) that the county justices could cause the various court houses to be erected in the towns where quarter sessions were ordinarily held, but only after due notice had been given of their intention to acquire specific lands,²⁸⁸ and only on lands which were held or acquired by the riding;²⁸⁹
- (f) that the justices be authorised to put moneys towards the repair and maintenance of the buildings, their fitting-out, and their cover for fire insurance, and to defray the costs from “the publick stock and rates of the same riding”;²⁹⁰ and
- (g) that provision be made for various ancillary matters.²⁹¹

Status

115. The West Yorkshire records office (based in Wakefield) holds plans for the Wakefield court house (1804) and quarter sessions papers (1806) relating to the provision of a court house in the town.²⁹² The court house was built, and operated until the 1970s, when the crown court moved to Leeds. Since then the court house has stood empty - owned by various developers - and remains undeveloped.

116. Given that the purpose of the Yorkshire 1806 Act was to authorise the construction of the new court house, that purpose has now long since expired. The Act can be repealed.

117. The Yorkshire 1806 Act has not been subject to any subsequent repeals or amendments.

²⁸⁷ The Yorkshire 1806 Act, s 8. By section 9, were any question to arise as to entitlement to moneys paid into court for particular lands or hereditaments, the person who had been in possession was deemed to have a lawful interest until the contrary was proved. And, by section 10, if the court ordered that alternative land should be purchased and held in trust for a person or body under legal disability, the reasonable costs of that purchase were to be reimbursed to the trustees by the county justices.

²⁸⁸ The Yorkshire 1806 Act, ss 11, 12.

²⁸⁹ The Yorkshire 1806 Act, s 14. The lands and new buildings were to be held by the justices and their successors - or some person in trust for them - “for ever”, for the purposes set down in the Act, which purposes included “such other publick uses and purposes” as the justices considered appropriate (section 16). By section 15 the riding justices were also empowered to rebuild, repair or upgrade (at the public expense) any existing court building owned by a body corporate or “politick”, or a lord of the manor, so long as the building in question was “for ever afterwards” made available in that town to the justices for the Act’s purposes.

²⁹⁰ The Yorkshire 1806 Act, s 17.

²⁹¹ The Yorkshire 1806 Act, ss 18-20. Provision was made for the justices to issue and defend legal proceedings in the name of the clerk of the peace for the riding; for the competence of ratepayer witnesses; for the limitation of actions (to six months); and for the expenses incurred in obtaining the 1806 Act to be raised from the public stock and the county rates of the riding.

²⁹² Documents are catalogued at www.archives.wyjs.org.uk and include QD1/680-700, QD1/225 (1804), QS1/145/4 (1806) and QD3/537-540 (1806). We are grateful to the West Yorkshire Records Office for this information.

46 Geo.3 c.xxxi (1806) (York Judges' House Act)

Purpose

118. In August 1805 the Yorkshire county justices (meeting at York castle) concluded that the lodgings in the city of York for the assize judges were “very inconvenient, and do not afford proper and suitable accommodation” for the judges whilst in residence. However, they also considered that there appeared to be “no mode of procuring permanent suitable accommodation” for the judges except by acquiring or building a specific house.²⁹³

119. The county justices required parliamentary approval for this course of action. The York city 1806 Act authorised or required the following:

- (a) that five commissioners be appointed to put the Act into effect;²⁹⁴
- (b) that the commissioners appoint a clerk who was to be remunerated and indemnified;²⁹⁵
- (c) that the commissioners be empowered to make orders for the acquisition of land and the building (or refurbishing) of “any proper house” for use as “the residence of His Majesty’s judges at the assizes for the said county”, and defraying the costs incurred from “the public stock or county rates”,²⁹⁶
- (d) that any body (politic, corporate or collegiate) or individual who was under legal disability be enabled to sell and convey their interest in any land or buildings to the commissioners;²⁹⁷
- (e) in the event that the owner of land to be acquired failed to make good title, or could not be traced, or refused to accept payment, the commissioners were authorised to pay the purchase moneys into the Bank of England to be held to

²⁹³ Preamble to 46 Geo.3 c.xxxi (1806) (“the York city 1806 Act”), being “An Act to enable the Justices of the Peace for the County of York to provide a convenient House, with suitable Accommodations, for His Majesty’s Judges of the Assizes at the said County”.

²⁹⁴ The York city 1806 Act, ss 1-3. The commissioners were required to meet, initially in York, and thereafter in the county. The quorum was to be three, and meetings were to be minuted (section 4). Provision was made for replacement of commissioners - on death or if indisposed - by the county justices sitting in the county assize.

²⁹⁵ The York city 1806 Act, s 5. The clerk’s salary (and other payment) was to be found from the county rates.

²⁹⁶ The York city 1806 Act, ss 6-8. The commissioners were authorised to agree the purchase price for houses, lands and hereditaments and, on payment, to take possession of them. The county high sheriff was then able to give notice to the commissioners of his need to occupy the premises so that they could be made ready for the assize judges coming into residence. By section 8 the moneys were to be raised across the county (in like manner as the rates for the repair of York castle), apportioned as follows: £2,787. 10s from the west riding, £1,862. 10s from the north riding, and £1,350 from the east riding (totalling £6,000, which was the maximum limit). And by section 18 further moneys could be raised by the commissioners in the same proportions to cover the expenses incurred in obtaining the 1806 Act.

²⁹⁷ The York city 1806 Act, s 9. By sections 10-12, where the compensation to be paid exceeded £200, it was to be paid into the Bank of England, to be held and distributed to the order of the court of chancery (including reinvestment in alternative lands or property, the expense for which was to be reimbursed: section 15). Where it fell below that sum, the moneys were to be held either to the order of two trustees (approved by the commissioners), without need for court approbation, or (where it was below £20) to the order of the commissioners themselves.

- the direction of the court of chancery (which court could, on a claim being made to it, order distribution);²⁹⁸
- (f) that if any question were to arise as to entitlement to moneys paid into the Bank for particular lands or hereditaments, the person who had been in possession was deemed to have had a lawful interest until the contrary was proved to the court;²⁹⁹
 - (g) that the commissioners report to the justices for the three ridings once a suitable property had been acquired and fitted-out in readiness for the judges,³⁰⁰ and that such property then vest “in perpetual succession” in the commissioners and their successors;³⁰¹
 - (h) that the commissioners be required to make repairs to the building as circumstances required (and pay all taxes due and effect fire insurance) using the moneys drawn proportionately from the county rate,³⁰² and
 - (i) that provision be made for various matters relating to legal proceedings.³⁰³

Status

120. The York city 1806 Act authorised the construction or renting of judges’ lodgings for the York assizes.³⁰⁴ The lodgings building - built as a private residence in 1710 and acquired in 1806 - still stands in the centre of York and is, today, a hotel called ‘Judges Lodgings Hotel’.³⁰⁵ The purpose of the Act had been simply to procure accommodation for the assize judges, and that purpose is long since exhausted.

121. The York city 1806 Act has not been subject to any subsequent amendments or repeals. It is no longer necessary and can be repealed.

2 & 3 Vict. c.xcvii (1839) (Hatfield (Yorkshire) Small Debts Recovery Act)

Purpose

122. In 1839, in the manor of Hatfield in Yorkshire,³⁰⁶ the population of the various townships and parishes was not insubstantial. Concern had grown within this part of the

²⁹⁸ The York city 1806 Act, s 13.

²⁹⁹ The York city 1806 Act, s 14.

³⁰⁰ The York city 1806 Act, s 16.

³⁰¹ The York city 1806 Act, s 17.

³⁰² The York city 1806 Act, s 19. The commissioners were also empowered to appoint a salaried caretaker for the building.

³⁰³ The York city 1806 Act, ss 20-22. Provision was made for the conduct of litigation by the commissioners, and for the limitation of actions (to six months).

³⁰⁴ See <http://www.historyofyork.org.uk/timeline/georgian/judges-lodging>.

³⁰⁵ See <http://www.judgeslodgings.com/JLH%20Welcome.html>.

county that various people had incurred a mass of small debts which, taken cumulatively, amounted annually to “a very great sum of money”, and frequently these debts were not being paid because the debtors simply refused to honour them.³⁰⁷ Creditors were either obliged to forego their claims or to incur disproportionate cost in seeking recovery by court process. The solution was to create, as the Yorkshire 1839 Act put it, “an easy and speedy method of recovering small debts” within the locality, which would have the added benefit of protecting commercial credit. However, this step required specific parliamentary authorisation.

123. The Yorkshire 1839 Act sanctioned the following steps:

- (a) that a new court - the Hatfield court of requests - be established, presided over by a judge appointed by the Lord Chancellor, Lord Keeper or lords commissioners, who could hold office for life, subject to “good behaviour”,³⁰⁸
- (b) that the west riding justices - acting in the divisional quarter sessions - be required to appoint a suitably qualified attorney as clerk to the court, and that the resident judge be authorised to appoint bailiffs and other court officers;³⁰⁹
- (c) that the justices appoint a treasurer (who was not also to be the clerk),³¹⁰ which officer was required to give security for moneys handled and to audit the accounts for the court,³¹¹
- (d) that, in order to facilitate the Act’s purpose, the treasurer could borrow on security moneys which were to be used to acquire the necessary land and buildings, and then hold that property “for the time being . . . in trust for the purposes of this Act”,³¹²

³⁰⁶ The manor was also known as Haitefield, then in the west riding of the county, and comprised the market towns of Hatfield, Stainforth, Thorne and Armthorpe, and various surrounding townships and parishes, lying to the north-east of Doncaster (today in the South Yorkshire area).

³⁰⁷ Preamble to 2 & 3 Vict. c.xcvii (1839) (“the Yorkshire 1839 Act”), being “An Act for the more speedy Recovery of Small Debts within the Manor of Hatfield and other Places in the West Riding of the County of York”.

³⁰⁸ The Yorkshire 1839 Act, ss 1, 2. By section 3 the court of requests was to be held in Hatfield, sitting at intervals of no more than two months. By section 4, provision was made for appointment of a deputy judge to act in the absence - through illness or otherwise - of the resident judge. The jurisdiction of the new court was to cover debt actions up to £15 in value, but excluded actions related to title to land, or to “any tithe, toll, fair, market, or franchise”, or to any matter relating to a will or trust: section 20. Actions were not to be split so as to bring them within the monetary limit of the court: section 24. Actions under £5 in value could be tried by the judge alone, without a jury (sections 28, 29). The court was to have its own seal for official documents: section 21.

³⁰⁹ The Yorkshire 1839 Act, s 5. By section 6 the clerk (with the judge’s approval) was authorised to appoint a deputy to act in his stead when unavoidably absent. By section 11, the clerk and the bailiffs were required to issue all court process and register all judgments, and to serve all summonses and execute all court orders, respectively. And by section 16 the clerk was to take charge of the court house, including arranging staffing, repair and furnishing, and cleaning, heating and so forth.

³¹⁰ The Yorkshire 1839 Act, ss 7, 8. On leaving office, for whatever reason (including death), the treasurer or his or her personal representative was required to account for and transfer all moneys then in hand: sections 9, 10.

³¹¹ The Yorkshire 1839 Act, ss 12, 13.

³¹² The Yorkshire 1839 Act, s 14. The moneys raised by this method were also to be used to defray the costs of obtaining the 1839 Act. Prior to borrowing, the treasurer was required to obtain the consent of the justices of the west riding in quarter sessions.

- (e) that the clerk should create a general fund for the court's running costs, resourced by specific levy on plaintiffs in debt actions (1s. in the £, *ie* at a rate of 5%);³¹³
- (f) that provision be made for the processes and procedures to be adopted by the new court,³¹⁴ and for existing courts to retain concurrent jurisdiction;³¹⁵
- (g) that provision be made for the behaviour, disciplining and relief from process of bailiffs and court officers;³¹⁶ and
- (h) that provision be made for a range of ancillary matters.³¹⁷

Status

124. According to the West Riding quarter sessions records held by the West Yorkshire records office, the Hatfield court of requests had a limited lifespan: from 1840 to 1846. In 1846 the Thorne county court replaced the Hatfield court.³¹⁸

125. The Yorkshire 1839 Act was amended by the Hatfield Court of Requests Act 1841,³¹⁹ which 1841 Act was repealed by the County Courts Act of 1846. The Act of 1839 is now obsolete and can be repealed.

³¹³ The Yorkshire 1839 Act, s 15. In the first instance the general fund was to be used to defray the costs of obtaining the 1839 Act, and then was to be utilised for the court house procurement project. By section 17 and Schedule, court fees to remunerate the judge, clerk and bailiffs were to be charged to litigants as prescribed in the Act or as directed by the west riding justices. By contrast, the treasurer and other officers were to be paid salaries from the general fund: section 18. All fees and fines received in the court, together with all moneys paid into court by litigants, were to be accounted for to the resident judge and, annually, to the clerk of the peace: section 19.

³¹⁴ The Yorkshire 1839 Act, ss22-60, 67 and 68. For example actions to be commenced by plaintiff (section 22); minors entitled to sue for wages owed (section 25); provision for payment of moneys into court by defendants (section 36); provision for court forms for proceedings (section 37 and Schedule); evidence on oath and proceedings for perjury (sections 39-41); attendance of witnesses and penalties (section 42); finality of judgments, except by leave of Westminster superior courts (section 46); all proceedings of the court to be recorded (section 48); annual returns to be made of all unclaimed moneys in court (section 50); execution of unpaid judgments by imprisonment - up to 40 days - or distress on goods (sections 51-59); committal for contempt in court (section 60).

³¹⁵ The Yorkshire 1839 Act, s 64. The superior courts at Westminster and a variety of local courts (hundred courts, courts leet, courts baron, manorial courts) were to retain jurisdiction in small debt matters, and the forum for proceedings could be determined by the plaintiff or claimant.

³¹⁶ The Yorkshire 1839 Act, ss 61-63.

³¹⁷ The Yorkshire 1839 Act, ss 65, 66, 69-75. Amongst other matters, the Act provided for: recovery of penalties and fines; savings of the "rights, privileges, franchises, courts, and jurisdictions" of the county sheriff and the various lords of the manors within the court's district; and for interpretation of the Act's provisions.

More particularly, sections 72, 73 made provision for the Act being superseded by other legislation. Should a later general Act be passed relating to the recovery of small debts which ran counter to the present Act - in that it contained "inconsistent" provisions - those "clause[s]" in the 1839 Act which purported to give the court of requests or the judge separate jurisdiction were deemed to "cease and determine". This provision was not a full sunset clause in that the clauses (or sections) in question were not deemed also to be repealed. However, in the event that the court was superseded, the court treasurer was bound to realise the various assets (land and other securities) and to pay all surplus moneys over to the designated successor body. The property in question would then cease to be owned by the original court.

³¹⁸ Information kindly supplied by the Wakefield and the Doncaster archivists. Doncaster archives hold a register for the Hatfield court of requests for the period Feb 1840 to Jan 1847 (CCT/1/1). No record exists as to the fate of the court building.

Extent

126. The legislation in respect of each of the courts and associated buildings cited above was local and operated within England and Wales only (and in one instance Ireland), and more particularly within the county or city for which it was designed.

Other legislation

Solicitors

Justices of the Peace Act 1949 (12, 13 & 14 Geo.6 c.101)

Purpose

127. The Justices of the Peace Act, as enacted in 1949, was designed to deal with a range of issues relating to magistrates' courts in (in the main) England and Wales, including - as the long title put it - "to amend the law relating to justices of the peace . . . , justices clerks and the administrative and financial arrangements for magistrates' courts".

128. Today all but the short title, the long title and sections 20(3) and 46(1), (3) of the 1949 Act have been repealed by a range of Acts from 1952 onwards. The sections which remain deal with a narrow aspect of the qualification of justices' clerk (insofar as the provisions have not been superseded by those later set down in the Justices of the Peace Act 1997, ss 42-44 and now in the Courts Act 2003, s 27).

129. Section 20(3) of the 1949 Act made special provision for the qualification as a solicitor of persons who had not served articles of clerkship (the equivalent of today's solicitor's training contract) but who had worked as "an assistant to a justices' clerk" for a period of ten years. It was a pre-requisite that the individual had worked five of his or her ten years in "approved service", that is to say, in service approved and certified as such by the Law Society as the relevant regulatory body. It was also a requirement that not less than five of the ten years should have been worked in the assistant capacity before 1 January 1960. In other words, the latest the qualifying work could have started was 1 January 1955. The special arrangements set out in section 20 were to operate subject to the provisions of the Solicitors Acts 1932 to 1956, which today are in the Solicitors Act 1974.³²⁰

³¹⁹ 4 & 5 Vict. c.lxxiv (1841). This short 1841 Act extended the jurisdiction of the Hatfield court (which by now had an appointed judge and was sitting) to cover various parishes in the West Riding and in Lincolnshire and Nottinghamshire. In the townships (particularly Crowle and Epworth) mills and factories employed a large number of people, and others were engaged in commerce and river navigation. The small debt recovery mechanism was increasingly needed in these places.

³²⁰ The Justices of the Peace Act 1949 was amended by the Solicitors (Amendment) Act 1956 (c.41), s 2(4), Sch 1 para 5 (which Act was itself repealed in 1974), and the Solicitors Act 1974 (c.47), s 89(1), Sch 3 para 4, which provisions substituted different words in section 20(3).

130. The remaining subsections of section 20 (sub-ss (1), (2), (4)-(7)) have already been repealed.

131. Section 46(1), (3) of the 1949 Act deals simply with short title citation and extent.³²¹ This section (and the Act's title) is only required whilst section 20 remains live on the statute book.

Status

132. Both sections 20 and 46 may now be repealed as the special arrangements, by passage of time, have become obsolete. By virtue of the Interpretation Act 1978, s16(1)(b) and (c), the repeals will neither undermine the ability of solicitors who qualified under the 1949 Act provisions to continue to practise, nor adversely affect their professional qualification.³²²

133. In consequence of the repeal of section 20 of the 1949 Act, the following provision (which made consequential amendment to that Act by substitution) will also require repeal: *Solicitors Act 1974, Sch 3 para 4.*

Extent

134. The 1949 Act extended to England and Wales (and, to a limited extent, to Scotland). Sections 20 and 46 related only to England and Wales, although section 46(1) did apply to Scotland. However, the whole of the 1949 Act has now ceased to apply within Scotland.

Queen's Counsel

Access to Justice Act 1999 (c.22)

Purpose

135. Section 45 of the Access to Justice Act 1999 introduced a scheme whereby barrister and solicitor applicants for the status of Queen's Counsel (QC) within England and Wales had to make formal application to the Lord Chancellor and to pay a fee for that application to be processed.

³²¹ Section 46(3) now reads "This Act extends to England and Wales only". The remaining words - which originally extended portions of the Act (but not section 20) to Scotland - were repealed by the Statute Law (Repeals) Act 1989. The whole of the 1949 Act was repealed for Scotland by the District Courts (Scotland) Act 1975 (c.20), s 24 and Sch 2.

³²² Section 16(1)(b), (c) provides that, ordinarily, repeal of an enactment will not affect anything done under that enactment, or any right or privilege accrued by virtue of it. Thus, once a justices' clerk's assistant had undertaken "approved service" prior to 1965, that element of qualification would hold good indefinitely, whether or not he or she was admitted a solicitor subsequently.

136. The 1999 Act originally spoke of “the Lord Chancellor”. That reference was amended in 2003 to “the Secretary of State”,³²³ but reverted to “the Lord Chancellor” in 2007.³²⁴

137. Under the 1999 Act two fees Orders were made: one in 1999,³²⁵ superseded by a second in 2002.³²⁶ The last prescribed fee was £720.

138. The appointment of Queen’s Counsel is now handled by the Queen’s Counsel Selection Panel (and Secretariat), which body is independent of the Bar Council, the Law Society and of government. The current process was approved by the then Lord Chancellor and Secretary of State in November 2006, having started with an approved pilot process in 2004.³²⁷ The fee payable on application for the year 2011-12 was £1,950 plus VAT, with a further payment due on grant of £3,500 plus VAT. The 2002 fee Order has not, however, been amended.

Status

139. Because QC applications are no longer made direct by applicants to the Lord Chancellor, the provisions in section 45 of the 1999 Act, and in the *Order SI 2002 No. 2037*, are now superseded. They can be repealed and revoked respectively. Likewise, the amending provision in *Legal Services Act 2007, Sch 21 para 130* should also be repealed.

Extent

140. Section 45 of the 1999 Act applies within England and Wales only.³²⁸

Consultation

141. HM Treasury, the Ministry of Justice, HM Courts Service, various county councils, the Law Society for England and Wales, the General Council of the Bar, the QC Selection Panel, the relevant authorities in Scotland, Wales and Northern Ireland, and the Attorney General for Ireland, have been consulted about these repeal proposals.

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³²³ By The Secretary of State for Constitutional Affairs Order 2003 (SI 2003 No.1887), art 9, Sch 2 para 11(1)(c). Because this Order makes composite amendments within the 1999 Act (and other statutes) it is not suitable for partial repeal.

³²⁴ See Legal Services Act 2007 (c.29), s 208, Sch 21 para 130 which effected the substitution in section 45 of the 1999 Act. Schedule 21 para 130 can also be repealed in consequence of the suggested repeal of section 45.

³²⁵ SI 1999 No. 2138.

³²⁶ SI 2002 No. 2037, which revoked the 1999 Order. Although the 2002 Order has been overtaken by events, it remains unrevoked.

³²⁷ See <http://www.qcapplications.org.uk/introduction> (last accessed 10.8.2009).

³²⁸ See Access to Justice Act 1999, s 109.

PART 6
LONDON
GROUP 1 - CHURCHES

<i>Reference</i>	<i>Extent of repeal or revocation</i>
28 Hen.8 c.27 (1536) (Church of Elsing Spytle, Parish Church of St Alphas Act)	The whole Act.

Church of Elsing Spytle, Parish Church of St Alphas Act (1536)

1. This note proposes the repeal of an obsolete 1536 Act relating to a parish church in or near the City of London which was finally demolished in 1962.

2. The parish church of St Alphage Cripplegate¹ owed its origins to a merchant called William Elsing who around 1330 founded a hospital (known as St Mary Elsing Spital) by London Wall on the edge of the City of London. Originally a secular establishment but with an existing priory church,² the hospital was in 1340 taken over by Augustinian priors. Together with its priory church, the hospital was seized by Henry VIII in 1536 as part of the dissolution of the monasteries.³

3. Although the hospital was closed,⁴ the priory church was granted by the Crown as the new parish church of St Alphage Cripplegate to replace the existing parish church. Legislation, in the form of the Act now proposed for repeal, was required to give effect to these arrangements.

4. According to its long title, the purpose of the *Church of Elsing Spytle, Parish Church of St Alphas Act* of 1536 ("the 1536 Act") was-

declaryng the Churche of Elsyng Spytell, lately belongyng to the Pryorye of Elsyng Spytell within the Cytie of London, fromhensforthe to be reputed

¹ Alternative spellings of "Alphage" included "Alphe" and "Alphege".

² The priory church probably formed part of a Benedictine nunnery called St Mary-within-Cripplegate which had been founded centuries earlier.

³ The Act of Supremacy of 1534 declared Henry VIII supreme head of the Church in England, granting him the power to appoint Bishops and to collect taxes previously paid to the Vatican. During the dissolution of the monasteries, 1536-40, more than 800 religious houses in England and Wales were disbanded and their assets seized by the Crown.

⁴ The remainder of the hospital site was sold to Sir John Williams who built a private house in its grounds.

demyd and taken the Paryshe Church of Seynct Alphas wythin the Warde of Crypulgate yn London.

5. The 1536 Act provided as follows-
 - (a) the Church of Elsing Spital (lately belonging to the priory of Elsing Spital) was granted by the King to the parson, churchwardens and parishioners of St Alphage in Cripplegate (*section 1*)
 - (b) the church should become the parish church of St Alphage in Cripplegate in place of the previous parish church of St Alphage in Cripplegate (*section 2*)
 - (c) the Abbot of Westminster and his successors should retain their rights of patronage (ie right to appoint the parson) over the church; authority for the demolition of the old parish church (*section 3*)
 - (d) the parson was obliged to repair the chancel of the new parish church as and when required, and to perform divine service there; bounds of the parish to continue as before (*section 4*)
 - (e) general saving provision to preserve existing rights and interests (*section 5*)
 - (f) the Abbot of the Monastery of St Peter's Westminster⁵ (and the Convent therein) was to continue to enjoy all such pensions and yearly income from the church as they had previously enjoyed (*section 6*).

6. The church continued in use for nearly another four centuries. It was substantially re-built in the late 18th century and again following damage during the First World War. However in 1917 the parish was amalgamated with that of St Mary Aldermanbury and the church became redundant. Most of the building was demolished in 1923, the tower and porch being spared until 1962 when they too were demolished (to make way for the new alignment of traffic along London Wall).

7. The closure of the church and its subsequent demolition mean that the 1536 Act can no longer serve any useful purpose. Its repeal is proposed on that basis.

⁵ This refers to the monastery of Westminster Abbey. Henry VIII assumed direct royal control over the Abbey in or around 1539 and later granted it Cathedral status. Elizabeth I by royal charter re-established the Abbey as a "Royal Peculiar" (a church responsible directly to the Sovereign) with the title of Collegiate Church of St Peter at Westminster.

Extent

8. The 1536 Act had no effect outside the area that is today the parish of St Mary Aldermanbury on the northern boundary of the City of London.

9. The Bishop of London, the Dean and Chapter of Westminster Abbey, the Legal Office of the Church of England, the City of London Corporation, the London Borough of Islington and the Local Government Association have been consulted about these proposals.

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8 & 9 Will.3 c.14 (1696) (Rebuilding of St Paul's and Westminster Abbey Act)	The whole Act.
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Rebuilding of St Paul's and Westminster Abbey Act (1696)

1. This note proposes the repeal of an obsolete 1696 Act relating to the raising of money to rebuild St Paul's Cathedral (after the Great Fire of 1666) and to carry out repairs to Westminster Abbey.

2. According to its long title, the purpose of the *Rebuilding of St Paul's and Westminster Abbey Act* of 1696 ("the 1696 Act") was for-

the compleating the building and adorning the Cathedral Church of Saint Paul London and for repaireing the Collegiate Church of Saint Peter Westminster.

3. The *preamble* to the 1696 Act recorded that an Act passed in 1685⁶ to raise money to pay for the rebuilding of St Paul's Cathedral⁷ had raised less money than was actually needed. The 1685 Act imposed duties on coal imported into the City of London between 29 September 1687 and 29 September 1700. However the rebuilding costs were greater than expected, partly due to the high cost of shipping in building materials, with the result that the coal duties needed to be continued for a longer period. Additional funds were also needed for repairing other London churches including Westminster Abbey.

4. Accordingly the 1696 Act provided as follows-

- (a) the duty on the import of coal was extended from 29 September 1700 to 29 September 1716, albeit at a lower rate than before (*section 1*)
- (b) the funds raised under this Act would be disposed of using the powers given by the 1685 Act in accordance with directions given by the Archbishop of Canterbury, the Bishop of London and the Lord Mayor of London (*section 2*)

⁶ 1 Ja.2 c.15 (coal duties for rebuilding St Pauls). This Act was repealed by the Statute Law Revision Act 1863.

⁷ A cathedral dedicated to St Paul has stood on the current site of St Paul's Cathedral since 604AD. The Cathedral was destroyed in the Great Fire of 1666 and the current cathedral (the fourth to occupy this site) was designed by the court architect Sir Christopher Wren and built between 1675 and 1710.

- (c) one-sixth of the funds raised under this Act would be used to repair Westminster Abbey which “is now in great decay and (in case the same be not speedily repaired) will become wholly ruinous” (*section 3*)
- (d) the Archbishop of Canterbury, the Bishop of London and the Lord Mayor of London were entitled to an allowance to meet their administrative expenses in collecting and receiving the funds raised under this Act (*section 4*)
- (e) provision to give security for moneys borrowed for the repair of Westminster Abbey (*section 5*)
- (f) authority to use up to £3000 of the funds raised under this Act to be used towards the cost of rebuilding the parish church of St Thomas in Southwark (*section 6*)
- (g) provision about the remuneration of the surveyor general of St Pauls as from 1697⁸ (*section 7*).

5. The main purpose of the 1696 Act was to complete the rebuilding of St Paul's Cathedral and to provide the necessary funds for this work. The Cathedral rebuilding works were completed in 1710 and the provisions for raising funds ended in September 1716. The 1696 Act thereupon ceased to serve any useful purpose and its repeal is proposed on that basis.

Consultation

6. The Bishop of London, the Dean and Chapter of St Paul's Cathedral, the Dean and Chapter of Westminster Abbey and the City of London Corporation have been consulted about these repeal proposals.

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⁸ The surveyor general was the architect, Sir Christopher Wren. This provision suspended payment of part of his remuneration until after completion of the building works. In the event the suspended payment was payable by 25 December 1711: 9 Ann. c.17 (1710), s 8.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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9 Ann. c.17 (1710) (New Churches in London and Westminster Act)	The whole Act.
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New Churches in London and Westminster Act (1710)

1. This note proposes the repeal of an obsolete 1710 Act relating to the raising of money to build fifty new churches in and around the cities of London and Westminster. The Act established the *Commission for Building Fifty New Churches* to cater for the rapidly growing conurbation of London.⁹

2. According to its long title, the purpose of the *New Churches in London and Westminster Act* of 1710 (“the 1710 Act”) was for-

granting to Her Majesty several Duties upon Coals for building Fifty new Churches in and about the Cities of London and Westminster and Suburbs thereof and other Purposes therein mentioned.

3. The *preamble* to the 1710 Act recorded the Queen’s wish to increase the number of churches in and around London for the better instruction of the inhabitants “in the true Christian Religion as it is now professed in the Church of England and established by the Laws of this Realm”.

4. The 1710 Act provided as follows-

- (a) imposition of additional duty on the import of coal into the City of London for the period 14 May 1716 to 29 September 1724 (*section 1*)
- (b) all money raised by this Act was to be paid into the Exchequer and used for building fifty churches; for purchasing the necessary sites (including sites for churchyards and homes for the Ministers) in or near the cities of London and Westminster and the suburbs; for converting existing chapels and churches; for paying £4000 annually for repairing Westminster Abbey; and for paying £6000 annually towards finishing work on Greenwich Hospital and its chapel (*section 2*)
- (c) the fifty new churches were to be built of stone and other proper materials, each to have a tower or steeple; one such church was to be erected in the parish of East Greenwich (*section 3*)
- (d) provision for converting existing chapels to parish churches (*section 4*)

⁹ In the event around a dozen new churches were actually built, though a number of others were financially assisted by the Commission. In most cases the architect was Nicholas Hawksmoor.

- (e) appointment of Commissioners to advise on the parishes in which the new churches should be built and the appropriate sites to be purchased in those parishes; advice to be submitted to Parliament by 24 December 1711 (*section 5*)
- (f) provision for the Exchequer to borrow money to achieve the purposes of the Act; payment of interest on such borrowings (*sections 6 and 7*)
- (g) exemption from the payment of coal duty under this Act in respect of coal used for the Royal Hospital at Chelsea (*section 8*)
- (h) the part of the salary due to the surveyor general at St Paul's Cathedral that was suspended pending completion of the building works should be paid by 25 December 1711¹⁰; other salaries payable to officers engaged in the building work were to cease on that day (*section 9*).

5. The principal purpose of the 1710 Act was to raise money for the building of fifty new churches in and around London. The 1710 Act became spent when the duty-raising power in it expired on 29 September 1724. Accordingly the 1710 Act has long been obsolete and it is proposed for repeal on that basis.

Consultation

6. The Bishop of London, the Dean and Chapter of St Paul's Cathedral, the Dean and Chapter at Westminster Abbey, Greenwich Hospital, the Royal Hospital Chelsea, the Legal Office of the Church of England and the City of London Corporation have been consulted about these repeal proposals.

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¹⁰ The suspension was provided for by an Act of 1696 (8 & 9 Will.3 c.14) (Rebuilding of St Paul's and Westminster Abbey).

1 Geo.1 St.2 c.23 (1714) (Building of Churches, London and Westminster Act)	The whole Act.
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Building of Churches, London and Westminster Act (1714)

1. This note proposes the repeal of an obsolete 1714 Act passed to raise money to provide for Ministers in the fifty new churches to be built in and around the Cities of London and Westminster.

2. According to its long title, the purpose of the *Building of Churches, London and Westminster Act of 1714* (“the 1714 Act”) was for-

making Provision for the Ministers of the fifty New Churches, which are to be built in and about the Cities of London and Westminster, and Suburbs thereof; and for rebuilding and finishing the Parish Church of Saint Mary Woolnoth¹¹ in the said City of London.

3. The *preamble* to the 1714 Act recorded the arrangements in an Act of 1710¹² for the erection of these fifty new churches and the need to raise money to “provide for the Maintenance of the Ministers who are to attend the Service of God in the new Churches”.

4. The 1714 Act provided as follows-

- (a) Imposition of an additional duty on the import of coal into the City of London for the period 27 September 1724 to 27 September 1725 (*section 1*)
- (b) All money raised by this Act was to be paid into the Exchequer and used for the maintenance of the Ministers of the new churches (*section 2*)
- (c) Exemption from the payment of coal duty under this Act in respect of coal used for the Royal Hospital at Chelsea (*section 3*)
- (d) Appointment of Commissioners to (1) carry out the functions set out in earlier Acts (including the Act of 1710) (2) consider how best the maintenance for the Ministers should be provided and to report their findings to His Majesty and to Parliament by 25 March 1716 (*section 4*)
- (e) The rebuilding work in respect of the parish church of St Mary Woolnoth (which was authorised by the Act of 1710 but not completed because of

¹¹ St Mary Woolnoth is located on the corner of Lombard Street and King William Street near the Bank of England. The rebuilding of this church was completed in 1716.

¹² 9 Ann. c.17 (New Churches in London and Westminster).

insufficient funds) should be completed using funds made available by an Act of 1711¹³ (*section 5*)

5. The principal purpose of the 1714 Act was to raise money to provide for the Ministers in the new churches proposed by the Act of 1710, and for completing the rebuilding work at St Mary Woolnoth. The 1714 Act became spent when the duty-raising powers in it expired on 27 September 1725, the rebuilding of St Mary Woolnoth having been completed in 1716. Accordingly the 1714 Act has long been obsolete and it is proposed for repeal on that basis.

Consultation

6. The Bishop of London, St Mary Woolnoth, the Royal Hospital Chelsea, the Legal Office of the Church of England and the City of London Corporation have been consulted about these repeal proposals.

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¹³ 10 Ann c.20 (Churches in London and Westminster).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
4 Geo.1 c.5 (1717) (St Michael, Cornhill Building Act)	The whole Act.
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<i>St Michael, Cornhill Building Act (1717)</i>	
<p>1. This note proposes the repeal of an obsolete 1717 Act passed to authorise completion of the rebuilding works to the parish church of St Michael’s, Cornhill in the City of London.</p> <p>2. According to its long title, the purpose of the <i>St Michael, Cornhill Building Act of 1717</i> (“the 1717 Act”) was-</p> <p style="padding-left: 40px;"><i>for Finishing the Tower of the Parish-Church of St Michael Cornhill, London, out of the Duties of arising pursuant to the Act of the Ninth Year of the late Queen, for Building Fifty New Churches in and about the Cities of London and Westminster, and the Suburbs thereof.</i></p> <p>3. The parish church of St Michael’s, Cornhill was largely destroyed in the Great Fire of London of 1666. It was rebuilt by Sir Christopher Wren between 1669 and 1672. Wren’s tower was subsequently replaced by a pinnacled structure, the work being completed in 1722. The 1717 Act provided the finance for completing this new tower.</p> <p>4. The Act of Queen Anne referred to in the long title to the 1717 Act was an Act of 1710¹⁴ passed to raise money to build fifty new churches in and around London. In the event only a dozen or so new churches were actually built. However, as in the case of St Michael’s, Cornhill, money from that 1710 Act was also used to fund the partial construction of a number of other churches.</p> <p>5. The <i>preamble</i> to the 1717 Act recorded that the church tower of St Michael’s, Cornhill had not been completed out of moneys made available from earlier enactments (prior to the 1710 Act). As a result the exposure to the weather was damaging the church fabric.</p> <p>6. The 1717 Act provided that the Commissioners appointed pursuant to the 1710 Act and an Act of 1714¹⁵ should pay the sum of £6126, one shilling and five pence</p>	

¹⁴ 9 Ann. c.17 (New Churches in London and Westminster).

¹⁵ 1 Geo.1 St.2 c.23 (Building of Churches, London and Westminster).

out of the funds raised pursuant to the 1710 Act to complete the rebuilding of the church tower.

7. The rebuilding of the tower having been duly completed in 1722, the 1717 Act is now unnecessary. Its repeal is proposed on that basis.

Consultation

8. The Bishop of London, St Michael's, Cornhill and the Legal Office of the Church of England have been consulted about these repeal proposals.

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4 Geo.1 c.14 (1717) (St Giles in the Fields Rebuilding Act)	The whole Act.
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St Giles in the Fields Rebuilding Act (1717)

1. This note proposes the repeal of an obsolete 1717 Act passed to authorise the rebuilding of the parish church of St Giles-in-the-Fields in central London (to the south of New Oxford Street).

2. According to its long title, the purpose of the *St Giles in the Fields Rebuilding Act* of 1717 (“the 1717 Act”) was-

to Impower the Commissioners appointed to put in Execution the Acts of the Ninth and Tenth Years of Her late Majesties Reign, for Building Fifty New Churches in and about the Cities of London and Westminster, and Suburbs thereof, to Direct the Parish-Church of St.Giles in the Fields in the County of Middlesex to be Rebuilt, instead of One of the said Fifty New Churches.

3. The Acts of Queen Anne referred to in the long title to the 1717 Act were Acts of 1710¹⁶ and 1711¹⁷ passed to raise money to build fifty new churches in and around London. In the event only a dozen or so new churches were actually built. However, as in the case of St Giles-in-the-Fields, money from those Acts was also used to fund the reconstruction of a number of existing churches.

4. The *preamble* to the 1717 Act recorded that the parish church of St Giles-in-the-Fields was suffering from more subsidence and damp than could be remedied by repair works. If, on the other hand, the church could be re-built out of the funds raised by the 1710 and 1711 Acts, this would be cheaper than building a new church from scratch because there would be no need to buy a new site.

5. Accordingly the 1717 Act authorised the Commissioners appointed under the 1710 and 1711 Acts to use the funds raised by those Acts for the rebuilding of St Giles as if St Giles were one of the fifty new churches authorised by those Acts. The 1717 Act also provided that, once St Giles had been rebuilt, a south gallery should be constructed to replace the existing south gallery, the profits from the new gallery to be applied for the benefit of the poor of the parish.¹⁸

¹⁶ 9 Ann. c.17 (New Churches in London and Westminster).

¹⁷ 10 Ann. c.20 (Churches in London and Westminster).

¹⁸ The existing gallery had been erected pursuant to a gift made by William Baynbrigg in 1672. The profits referred to would come from the pew rental charged in respect of the seating installed in the gallery.

6. Sufficient funds were made available for the re-building of St Giles pursuant to the 1717 Act. The re-building took place during the period 1730 to 1734 under the supervision of the architect Henry Flitcroft.

7. The completion of the re-building works in 1734 meant that the 1717 Act had served its purpose and became unnecessary.¹⁹ Its formal repeal is now proposed on that basis.

Consultation

8. The Bishop of London, the Rector of St Giles-in-the-Fields and the Legal Office of the Church of England have been consulted about these repeal proposals.

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¹⁹ The practice of renting pews in the south gallery appears to have ceased during the nineteenth century. Accordingly the provision in the 1717 Act for profits from such rental to be applied for the parish poor has long been inoperative.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
5 Geo.2 c.4 (1731) (Church at Woolwich Act)	The whole Act.
12 Geo.2 c.9 (1738) (Woolwich Church Act)	The whole Act.

Church at Woolwich Act (1731)

Woolwich Church Act (1738)

1. This note proposes the repeal of an obsolete 1731 Act passed to authorise the re-building of the parish church of St Mary Magdalen in Woolwich in south-east London. The note also proposes the repeal of an obsolete 1738 Act passed to provide financial support for that rebuilding.

Church at Woolwich Act (1731)

2. According to its long title, the purpose of the *Church at Woolwich Act* of 1731 (“the 1731 Act”) was-

for Rebuilding the Parish Church of Woolwich in the County of Kent,²⁰ as One of the Fifty New Churches directed to be built by Two Acts of Parliament, one made in the Ninth and the other made in the Tenth Year of the Reign of Her late Majesty Queen Anne.

3. The Acts of Queen Anne referred to in the long title were Acts of 1710²¹ and 1711²² passed to raise money to build fifty new churches in and around London. In the event only a dozen or so were actually built. However, as in the case of St Mary Magdalen in Woolwich, money from those Acts was also used to fund the reconstruction of a number of existing churches.

4. The *preamble* to the 1731 Act recorded that the existing parish church was in a “ruinous condition” and that, following contributions by parishioners and others, a site for a new church had been purchased in May 1726 and the foundations had now been constructed. However, more money was still needed to complete the building work.

²⁰ Woolwich is now within the London Borough of Greenwich.

²¹ 9 Ann. c.17 (New Churches in London and Westminster).

²² 10 Ann. c.20 (Churches in London and Westminster).

5. Accordingly the 1731 Act provided as follows-
 - (a) the Commissioners appointed under the 1710 and 1711 Act were authorised to use £3000 of the funds raised by those Acts for the building of St Mary Magdalen in Woolwich as if St Mary Magdalen had been one of the fifty new churches authorised by those Acts
 - (b) the £3000 was to be handed over to parish trustees on or before 24 June 1732; the trustees were required to apply the money to the re-building work
 - (c) expenses of this Act; demolition and disposal of the old existing church; surplus moneys already collected to be transferred to the parish trustees for the rebuilding work.
6. The building work was duly completed by Matthew Spray in 1739 and the church dedication took place on 9 May 1740. The church remains in use to this day.
7. The completion of the building works in 1739 meant that the 1731 Act had served its purpose and had become unnecessary. Its formal repeal is now proposed on that basis.

Woolwich Church Act (1738)

8. According to its long title, the purpose of the *Woolwich Church Act* of 1738 (“the 1738 Act”) was-

for applying a Sum of Money, given by the Will of Daniel Wiseman Esquire, deceased, for finishing the new Church at Woolwich in the County of Kent; and for raising an Annuity by an Assessment on the Parish of Woolwich, during the Lives of Mary Wiseman and Elizabeth Crouch, and the Life of the Survivor of them, pursuant to the said Will.

9. The *preamble* to the 1738 Act explained that, although much of the re-building work authorised by the 1731 Act had been carried out using the funds provided by that Act, the work had now stopped because the funds were exhausted. However, as the preamble continued, the will of one Daniel Wiseman²³ had provided for a sum of up to £1000 to be made available for completing the building work in the event of the work not being completed at the date of his death (1 February 1738).

10. Legislation was required to vary this gift of Daniel Wiseman. Under the terms of his will, the £1000 would become available for completing the building work only

²³ Daniel Wiseman had been a senior official in HM Dockyards at Deptford.

after the death of his wife Mary Wiseman and his mother-in-law Elizabeth Crouch. An alternative arrangement set out in the will to allow the gift to be made available before their respective deaths proved impractical. Nevertheless since both women were willing that the gift should be made available immediately, the 1738 Act was passed to facilitate the necessary arrangements.

11. The 1738 Act provided as follows-

- (a) the estate of Daniel Wiseman was authorised to make an immediate gift of £1000 to the trustees appointed under the 1731 Act for use in completing the re-building of the church
- (b) the churchwardens were required to pay Mary Wiseman and Elizabeth Crouch an annuity of £50 during their respective lifetimes²⁴
- (c) to pay for this annuity the churchwardens were authorised to levy rates on the parish each year so long as the annuity remained payable
- (d) provisions in the event of non-payment of the annuity; civil procedure issues; status of this Act.

12. The gift was duly made pursuant to the 1738 Act and the re-building work was completed the following year. The Act ceased to serve any useful purpose upon the death of Mary Wiseman in 1758.²⁵ The 1738 Act has accordingly long been obsolete and its repeal is now proposed on that basis.

Consultation

13. The Diocese of Southwark, the church of St Mary Magdalen, Woolwich, the Legal Office of the Church of England and the London Borough of Greenwich have been consulted about these repeal proposals.

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²⁴ The churchwardens were also required to make a single payment of £25 to the executor of the survivor of the two women (within 6 weeks after the death of that survivor).

²⁵ Elizabeth Crouch died in Deptford in April 1739.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
6 Geo.2 c.8 (1732) (Church of St George, Southwark Act)	The whole Act.
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<i>Church of St George, Southwark Act (1732)</i>	
<p>1. This note proposes the repeal of an obsolete 1732 Act passed to authorise the re-building of the parish church of St George the Martyr in Southwark.</p> <p>2. According to its long title, the purpose of the <i>Church of St George, Southwark Act of 1732</i> (“the 1732 Act”) was-</p> <p style="padding-left: 40px;"><i>for rebuilding the Parish Church of Saint George the Martyr, in the Borough of Southwark, in the County of Surrey, as one of the Fifty new Churches directed to be built by two Acts of Parliament, one made in the Ninth, the other in the Tenth Year of the Reign of Her late Majesty Queen Anne.</i></p> <p>3. The Acts of Queen Anne referred to in the long title were Acts of 1710²⁶ and 1711²⁷ passed to raise money to build fifty new churches in and around London. In the event only a dozen or so new churches were actually built. However, as in the case of St George the Martyr in Southwark, money from those Acts was also used to fund the construction of a number of existing churches.</p> <p>4. The <i>preamble</i> to the 1732 Act recorded that the parish church of St George the Martyr in Southwark “is very old, and in such a ruinous Condition, that it is dangerous for the Inhabitants of the said Parish to attend the Worship of God therein”.</p> <p>5. The 1732 Act provided as follows-</p> <p style="padding-left: 40px;">(a) the Commissioners appointed under the 1710 and 1711 Acts were authorised to use £6000 of the funds raised by those Acts for the re-building of St George the Martyr in Southwark as if that church had been one of the fifty new churches authorised by those Acts</p> <p style="padding-left: 40px;">(b) the £6000 was to be handed over on or before 24 June 1733 to the Trustees appointed under the 1732 Act, the money to be used for the purpose of re-building the church</p> <p style="padding-left: 40px;">(c) the Trustees were required to provide accounts to show how the money had been disposed of; the church to be constructed with brick as well as stone; expenses provisions.</p>	

²⁶ 9 Ann. c.17 (New Churches in London and Westminster).

²⁷ 10 Ann. c.20 (Churches in London and Westminster).

6. The building works were duly carried out between 1734 and 1736. The old church was demolished and the new church was designed by John Price. The new church was opened in 1736 and remains in use today.

7. The completion of the building works in 1736 meant that the 1732 Act had served its purpose and became unnecessary. Its formal repeal is now proposed on that basis.

Consultation

8. The Diocese of Southwark, the church of St George the Martyr, Southwark, the Legal Office of the Church of England and the London Borough of Greenwich have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
10 Geo.2 c.18 (1736) (Church of St Olave, Southwark Act)	The whole Act.
57 Geo.3 c.vii (1817) (St Olave Southwark Rectory Act)	The whole Act.

Church of St Olave, Southwark Act (1736)
St Olave Southwark Rectory Act (1817)

1. This note proposes the repeal of an obsolete 1736 Act passed to authorise the rebuilding of the parish church of St Olave in Southwark. This note also proposes the repeal of an obsolete 1817 Act passed to provide support and maintenance to the Rector of the parish of St Olave. The church was declared redundant in or around 1928.

Church of St Olave, Southwark Act (1736)

2. According to its long title, the purpose of the *Church of St Olave, Southwark Act* of 1736 (“the 1736 Act”) was-

*for rebuilding the Church of the Parish of Saint Olave, in the City of London, and in the Borough of Southwark, in the County of Surrey.*²⁸

3. The *preamble* to the 1736 Act recorded that the parish church of St Olave (“the Church”) was “in a very ruinous Condition”. Part of the Church had already fallen down.

4. The 1736 Act provided as follows:

- (a) the Trustees to be appointed under this Act should pull down the Church and re-build it
- (b) to raise money for the re-building work, additional fees would be charged for tolling bells at funerals and for the use of palls²⁹ at funerals
- (c) Trustees were appointed to carry out this Act and to collect all moneys to be raised under this Act; powers of enforcing payment
- (d) appointment of collectors and receivers of moneys raised under this Act; penalties for neglect or fraud

²⁸ St Olave’s Church was situated in Southwark, close to London Bridge. It is today the location of St Olaf House which houses part of the London Bridge Hospital. From 1550 to 1899 Southwark was incorporated into the City of London as *The Ward of Bridge Without*.

²⁹ Palls were coverings (usually coloured velvet) spread across coffins during funerals.

- (e) authority for the purchase of annuities from the Trustees; such annuities to be a charge on the rates to be levied by the Trustees
- (f) Trustees authorised to levy rates to pay the annuities; rates to be assessed on the property and rental values in the parish (not to exceed six pence in the pound); special provisions for collecting rates from rented properties; rates to cease once the annuities ended
- (g) Trustees authorised to dispose of the materials of the Church once demolished; Trustees required to keep books of account; meetings of Trustees; no burials allowed within the Church
- (h) civil procedure issues and status of this Act.

St Olave Southwark Rectory Act (1817)

5. According to its long title, the purpose of the *St Olave Southwark Rectory Act* of 1817 (“the 1817 Act”) was-

for making better Provision for the Support and Maintenance of the Rector of the Parish of Saint Olave, in the Town and Borough of Southwark; and for providing a more convenient Rectory or Parsonage House for the said Rector.

6. The *preamble* to the 1817 Act recorded that the income of the Rector of the parish of St Olave was made up of tithes or payments in lieu of tithes, Easter offerings and surplice fees.³⁰ All this provided an uncertain income for the Rector. Moreover the Rector’s house was dilapidated and out of repair.

7. The 1817 Act accordingly provided-

- (a) for £600 to be paid annually to the Rector and his successors to provide for his/ their support and maintenance
- (b) for the building of a new Rectory House in place of the old
- (c) financial arrangements to raise the necessary funding for (a) and (b).

8. Both the 1736 Act and the 1817 Act have been superseded by the *Saint Olave’s Southwark Church Act* 1918 (“the 1918 Act”),³¹ which authorised the closure and sale of the Church,³² the sale of the Rectory House,³³ the extinction of the ecclesiastical parish of St Olave Southwark and its merger in neighbouring

³⁰ Surplice fees were fees paid to the clergy for occasional duties.

³¹ 8 & 9 Geo.5 c.xxxix.

³² The 1918 Act, ss 6 and 7. However the Church’s tower was not to be sold.

³³ The 1918 Act, s 15.

parishes.³⁴ Changes in the locality had prompted these developments. As the *preamble* to the 1918 Act recorded-

by the conversion of dwelling-houses into shops and warehouses and otherwise the resident population of the said parish of Saint Olave has greatly diminished and the population of other parishes in the diocese of Southwark has greatly increased and is insufficiently accommodated by existing churches.

9. The 1918 Act also repealed much of the 1817 Act including the provisions relating to the purchase of the new Rectory House and its funding by means of the sale of annuities.³⁵

10. The only provisions in the 1817 Act remaining (other than the preamble) are-

- ◆ *section 1* (appointment of trustees to carry out the 1817 Act)
- ◆ *section 7* (trustees' powers to appoint officers to collect the rates levied under the 1817 Act)
- ◆ *sections 8 and 9* (£600 p.a. to be paid to the Rector out of the rates levied under the 1817 Act, but preserving the Rector's right to the surplice fees)
- ◆ *section 25* (trustees to keep accounts)
- ◆ *sections 27 to 43* (trustees powers to levy rates; civil procedure etc).

11. Accordingly these surviving 1817 Act provisions relate to (i) the payment of the Rectory's annual £600 stipend and (ii) the powers of the trustees appointed under that Act to levy and collect rates from the parish inhabitants. The payment to the Rector appears to have ended in or around 1930 when the parish of St Olave Southwark ceased to exist.³⁶ The powers to levy and collect rates also ended in or around 1930 after which no further rates were levied.

Conclusion

12. The closure of the Church in or around 1928 taken together with the ending of the levying of rates around the same time means that both the 1736 Act and the 1817 Act are now obsolete. Their repeal is proposed on that basis.

³⁴ The 1918 Act, s 16.

³⁵ The 1918 Act, s 25. The provisions repealed were sections 2 to 6, 10 to 24 and 26.

³⁶ The provisions of the 1918 Act do however provide for annual payments of £150 to the Rector for the time being of the parish of St Olave and St John Southwark: the 1918 Act, s 23(4). The payments were to be made by the Ecclesiastical Commissioners (now the Church Commissioners).

Consultation

13. The City of London Corporation, the Diocese of Southwark, the Church Commissioners and the London Borough of Southwark have been consulted about these repeal proposals.

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12 Geo.2 c.7 (1738) (Ealing Church Act)	The whole Act.
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Ealing Church Act (1738)

1. This note proposes the repeal of an obsolete 1738 Act passed for the purpose of building St Mary's Church in Ealing, West London. St Mary's is still in active use today, albeit in re-constructed form.

2. According to its long title, the purpose of the *Ealing Church Act* of 1738 ("the 1738 Act") was-

to enable the Parishioners of the Parish of Ealing, in the County of Middlesex, to raise Money by Rates upon themselves for finishing the Church of the said Parish.

3. The medieval church of St Mary's, Ealing had suffered severe damage in 1642 during the Civil War and was in a state of ruin by the early eighteenth century. The *preamble* to the 1738 Act described it as "becoming ruinous and irreparable". Both the steeple and the roof had collapsed and, although the parishioners had raised about £1500 to start re-building the church,³⁷ more money would be needed to finish the job.

4. The 1738 Act accordingly provided as follows-

- (a) appointment of Trustees with authority to complete the re-building work and raise funds not exceeding £1500; power to levy and enforce the payment of rates
- (b) appointment of rates collectors who were obliged to account for and hand over all rates money received by them; penalties for defaulting collectors
- (c) the Trustees were authorised to raise up to £120 per annum by selling annuities; annuities to be recorded, assignable and charged on the rates
- (d) the rates to be levied each year were not to exceed six pence for each pound of rateable value of property and rents in the parish of Ealing; special provision for rented properties
- (e) appointment of new Trustees; disqualification of Trustees

³⁷ According to the preamble, this money had been used to erect a shell of the new church and to rebuild the steeple.

- (f) rates to cease once the last annuity sold had come to an end; keeping of books and records; meetings of Trustees
- (g) civil procedure matters and status of this Act.

5. The re-building was duly completed and the new church was opened on Trinity Sunday 1740. Subsequently the church was again re-built, this time to enlarge it to accommodate the ever-increasing local population. This new church was consecrated in May 1866.

6. The purpose of the 1738 Act, to complete the re-building of St Mary's Church, was met in 1740. The Act ceased to serve any useful purpose once the final annuity had come to an end, which would have been no later than 1780 or thereabouts. The 1738 Act is accordingly obsolete and its repeal is proposed on that basis.

Consultation

7. St Mary's Church, Ealing, the Bishop of Willesden and the Legal Office of the Church of England have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
12 Geo.2 c.17 (1738) (St Catherine Coleman Act)	The whole Act.
15 Geo.2 c.12 (1741) (St Catherine Coleman Act)	The whole Act.

St Catherine Coleman Act (1738)

1. This note proposes the repeal of two obsolete eighteenth century Acts to provide for the re-building of the parish church of St Catherine Coleman in the City of London. The church was demolished in 1926.

2. The church of St Catherine Coleman was also known as “St Katherine Coleman” and “All Hallows Coleman”.³⁸ It was situated in Magpie Alley on the south side of Fenchurch Street in Aldgate ward.

The 1738 Act

3. According to its long title, the purpose of the *St Catherine Coleman Act* of 1738 (“the 1738 Act”) was-

to enable the Parishioners of the Parish of Saint Catherine Coleman in Fenchurch Street in the City of London, to rebuild the Church of the said Parish.

4. The *preamble* to the 1738 Act recorded that the church was “so decayed in the Walls and Pillars, and several other Parts thereof, that the whole Building, and also the Steeple belonging to the said Church, are in a ruinous Condition”.

5. The 1738 Act accordingly provided as follows-

- (a) appointment of Trustees to carry out this Act; Trustees authorised to demolish the old church and steeple and to build a new church
- (b) fees charged for funerals, bell-ringing and the use of palls³⁹ at funerals were to be used for the re-building works
- (c) appointment of collectors and receivers of the rates and duties to be raised under this Act; duties of collectors and penalties for default
- (d) Trustees authorised to raise up to £2700 by selling annuities; annuities to be charged on the rates; assignment of annuities

³⁸ *Coleman* derives from a large garden in the parish known as *Coleman Haw*.

³⁹ Palls were coverings (usually in coloured velvet) spread across coffins during funerals.

- (e) Trustees authorised to levy rates on all land in the parish to provide security for the annuities; rates not to exceed one shilling and six pence⁴⁰ in the pound; provisions for properties let out; appointment of new Trustees; rates to commence on 24 June 1739 and to cease when all the annuities had been paid off
- (f) Trustees authorised to sell and dispose of the remains of the old church; Trustees required to keep records of all payments and receipts; compensation to be paid for any damage caused to neighbouring houses
- (g) purchase by the Trustees of land in Fenchurch Street in return for grant of annuities to persons having an interest in such land; preservation of existing graves, grave-stones and vaults; Act not to affect the rights of the Bishop of London or the rector of St Catherine Coleman
- (h) civil procedure issues and status of Act.

6. The 1738 Act no longer serves any useful purpose. It was passed to facilitate the re-building of the church of St Catherine Coleman. This objective was achieved in 1741 when the building works were completed. The provisions in the 1738 Act for raising local rates ended when the final annuity secured by the rates had come to an end. This would have been no later than 1780 or thereabouts. The 1738 Act is accordingly obsolete and its repeal is proposed on that basis.

The 1741 Act

7. According to its long title, the purpose of the *St Catherine Coleman Act* of 1741 ("the 1741 Act") was-

to explain and amend [the 1738 Act]; and for making the said Act more effectual for the Purposes thereby intended.

8. The *preamble* to the 1741 Act recorded that the Trustees had raised £2700 pursuant to the 1738 Act and had applied this money towards the entire re-building of the church. The building costs, however, had exceeded the sum raised by at least £650. Moreover the provisions in the 1738 Act for the collection of rates and duties were proving unsatisfactory.

9. The 1741 Act accordingly provided as follows-

- (a) in future, two (rather than four) parishioners would be appointed as collectors of the rates and duties

⁴⁰ This was equivalent to 7.5 pence in modern currency.

- (b) the Trustees were authorised to raise up to £900 by the sale of annuities
- (c) the Trustees were authorised to levy an additional annual rate (not exceeding six pence in the pound) as security for the payment of these annuities, the rate to continue only for as long as was necessary
- (d) the money raised by the sale of these annuities was to be used only for paying off the £650 debt owing from the building works.

10. The 1741 Act was passed as a temporary measure to pay off the £650 overspend arising from the church re-building works. The provision in the 1741 Act for levying an additional rate became unnecessary when the final annuity secured by the additional rate had come to an end. This would have been no later than 1780 or thereabouts. The 1741 Act is accordingly obsolete and its repeal is proposed on that basis.

Consultation

11. The Bishop of London, the City of London Corporation and the Legal Office of the Church of England have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
24 Geo.2 c.15 (1750) (Islington Church Act)	The whole Act.

Islington Church Act (1750)

1. This note proposes the repeal of an obsolete 1750 Act passed to authorise the re-building of St Mary’s Church, Islington.

2. According to its long title, the purpose of the *Islington Church Act* of 1750 (“the 1750 Act”) was-

to enable the Parishioners of the Parish of Saint Mary, Islington, in the County of Middlesex, to rebuild the Church of the said Parish.

3. The church of St Mary the Virgin is situated in Upper Street, Islington. A church has stood on this site since the twelfth century. The original church was re-built in 1483, 1754 and finally in 1956.⁴¹

4. The *preamble* to the 1750 Act recorded that the whole of the church “is now in a very ruinous Condition”.

5. The 1750 Act provided as follows-
 - (a) authorised the Trustees appointed under the Act to pull down the old church and steeple and re-build the same
 - (b) fees charged for funerals, bell-ringing and the use of palls⁴² at funerals were to be used for the re-building works
 - (c) appointment of Trustees to carry out this Act; Trustees authorised to levy and enforce payment of the rates and duties authorised by this Act
 - (d) appointment of collectors and receivers of the rates and duties to be raised under this Act; duties of collectors and penalties for default
 - (e) the Trustees were authorised to raise up to £7000 by selling annuities; annuities to be charged on the rates; assignment of annuities
 - (f) the Trustees were authorised to levy and collect rates to meet any short fall in the rates and duties chargeable under this Act resulting in insufficient moneys with which to pay the annuities; such rates to be

⁴¹ The re-build in 1956 was necessitated by bomb damage during the Second World War.

⁴² Palls were coverings (usually in coloured velvet) spread across coffins during funerals.

- payable by owners and occupiers of parish land; special provisions for properties let out
- (g) appointment of replacement trustees; disqualification of Trustees
 - (h) rates chargeable under this Act to commence on 24 June 1751 and to cease when all the annuities had been paid off
 - (i) Trustees authorised to sell and dispose of the remains of the old church; temporary tabernacle to be built to serve as a place of worship during the church re-building
 - (j) Trustees required to keep records of all payments and receipts and to make such records available for inspection
 - (k) Act not to affect private graves, gravestones or vaults, or the rights of the vicar and his successors in relation to the chancel of the old or the new church
 - (l) civil procedure issues and status of this Act.

6. The 1750 Act no longer serves any useful purpose. It was passed to facilitate the re-building of St Mary's Church, Islington. That objective was achieved in 1754 when the building works were completed and the new church was opened. The provisions in the Act for raising local rates ended when the final annuity secured by the rates had come to an end. That would have been no later than 1790 or thereabouts. The 1750 Act is accordingly obsolete and its repeal is proposed on that basis.

Consultation

7. The Bishop of London, St Mary's Church, Islington, the Legal Office of the Church of England and the London Borough of Islington have been consulted about these repeal proposals.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
26 Geo.2 c.94 (1753) (St Botolph Church Aldersgate Act)	The whole Act.
32 Geo.3 c.39 (1792) (St Botolph Church Aldersgate Act)	The whole Act.

St Botolph Church Aldersgate Acts (1753 and 1792)

1. This note proposes the repeal of two eighteenth century Acts passed to raise money in connection with the repairing and rebuilding of the parish church of St Botolph's without Aldersgate in the City of London).⁴³

St Botolph Church Aldersgate Act (1753)

2. According to its long title, the purpose of the *St Botolph Church Aldersgate Act* of 1753 ('the 1753 Act') was-

to enable the Owners of Houses and Lands in the Parish of Saint Botolph without Alders gate, and the Inhabitants thereof to repair the Church and Steeple belonging to the said Parish.

3. The preamble to the 1753 Act recorded that although the parish church of St Botolph without Aldersgate was "now very much decayed and out of Repair" the local property owners were willing to contribute to the cost of repairs.

4. The 1753 Act provided as follows-

- (a) appointment of Trustees to implement this Act for the purpose of repairing the church and steeple; appointment of replacement trustees
- (b) the Trustees were authorised to sell annuities up to a maximum value of £1500; annuities to be recorded and assignable
- (c) the Trustees were authorised to levy rates on property in the parish to secure payment of the annuities; rates not to exceed six pence in the pound; special provisions for rented property and for houses in multiple occupation
- (d) appointment of rates collectors; enforcement of rates; penalty for defaulting collectors
- (e) rates to be payable from 21 June 1753 and to cease once all the annuities granted under this Act had ceased to be payable

⁴³ The church of St Botolph's Aldersgate remains in use to this day. The first church on the site was built during the early 11th century as a Cluniac priory. The present church was built in 1788-91.

- (f) the Trustees were required to keep records of all receipts, payments and contracts arising in connection with the repair of the church and steeple; accounts to be drawn up annually
- (g) making good of damage done to private houses by the church repair works; preservation of grave-stones, monuments and vaults; civil procedure issues; status of this Act.

5. The necessary repair and re-building works to St Botoiph's were duly carried out between 1754 and 1757, and financed by means of moneys raised through the sale of annuities in accordance with the 1753 Act. Subsequently, however, doubts were expressed as to the extent to which the Trustees' liability to make annuity payments was legally binding on their successors as Trustees. To resolve the doubts further legislation was promoted in the form of an Act of 1792.

St Botolph Church Aldersgate Act (1792)

6. According to its long title, the purpose of the *St Botolph Church Aldersgate Act* of 1792 ("the 1792 Act") was-

to enable the Inhabitants of the Parish of Saint Botolph without Aldersgate, in the City of London, to raise Money for paying and discharging the Debts that have been contracted in repairing their Parish Church, and building a new Workhouse.

7. The preamble to the 1792 Act recorded that the sum of £16,275 had been spent in repairing the parish church and in building a new workhouse. The money had been raised by the purchase of annuities by parishioners and other individuals. The payment of these annuities had been secured by the income from parish rates and by certain bonds entered into by the Trustees. Since, however, the liability to make the regular annuity payments was not legally binding on future such Trustees, legislation was needed to put matters right so that the payments could continue.

8. Accordingly the 1792 Act provided as follows-

- (a) new Trustees were appointed for carrying out this Act and for paying off the debts outstanding
- (b) the Trustees were authorised to levy rates on the inhabitants of the parish and to appoint a collector to receive the rates money; appeals against such rates

- (c) procedure for appointing the rates collector; remuneration of collector (three pence for every pound collected⁴⁴); collector to keep accounts and hand over the moneys received; penalty for failure to account for the money
- (d) the Trustees were authorised to raise money by selling annuities or issuing bonds up to a maximum of £17,200, the money to be secured upon the rates received and to be used to repay the existing debts; record-keeping of the borrowings
- (e) the rates to be levied by the Trustees to repay the existing debts were to be allocated into separate funds, one for the money spent on the church repairs and the other for the money spent on the new workhouse
- (f) provisions for levying rates on properties in multiple occupation; exemptions from payment of rates; rates to be charged with the existing debts
- (g) appointment of new Trustees; first meeting of Trustees to be on 14 June 1792; rates to cease to be levied after all the existing debts and expenses had been repaid
- (h) costs and status of this Act; civil procedure issues.

Conclusion

9. The 1753 and 1792 Acts have long been obsolete. Rates have long ceased to be levied pursuant to the Acts.⁴⁵ The annuities sold by the Trustees would have expired upon the death of the final annuitant, probably well before 1830. Accordingly neither Act can now serve any useful purpose and their repeal is proposed on that basis.

Consultation

10. The Bishop of London, the City of London Corporation, the Legal Office of the Church of England and St Botolph's Aldersgate have been consulted about these repeal proposals.

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⁴⁴ This is equivalent to 1.25 pence in today's currency.

⁴⁵ Parish records indicate that 1821 may have been the last year when rates were levied pursuant to the 1753 and 1792 Acts.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
1 Geo.3 c.38 (1760) (Croydon Parish Church Act)	The whole Act.

Croydon Parish Church Act (1760)

1. This note proposes the repeal of an obsolete eighteenth century statute passed to authorise repairs to the parish church in Croydon. The church today is situated within the London Borough of Croydon.⁴⁶

2. The long title to the Croydon Parish Church Act of 1760 (“the 1760 Act”) describes the purpose of the enactment as “An Act for repairing the Parish Church of Croydon, in the County of Surrey”.

3. The *preamble* to the 1760 Act recorded that the church roof and chancels were “so much decayed, and in so ruinous a Condition, as to deter several of the Parishioners from attending Divine Service therein.” The preamble also recorded that the repairs to the north aisle had already cost £280, an expense that had yet to be paid off.

4. The 1760 Act provided as follows-

- (a) authority for the Trustees appointed under this Act to enter agreements with workmen for the repair of the church
- (b) the Trustees were authorised to levy rates on the owners and occupiers of all property in the parish to help meet the cost of church repairs; special rates provisions for tenanted properties and those in multiple occupation; appeals; penalty for non-payment of rates
- (c) appointment of Trustees to implement this Act; appointment of rates collectors; penalties for neglect by collectors
- (d) the Trustees were authorised to raise up to £2500 by the sale of annuities; records of annuities and their assignment; annuities to be secured against the rates
- (e) appointment of replacement Trustees; first meeting of Trustees to be on 23 March 1761; subsequent meetings
- (f) rates to be levied from 25 March 1761 and to cease once the last annuity had been paid off

⁴⁶ The church is dedicated to St John the Baptist.

(g) record-keeping; civil procedure issues and status of this Act.

5. It appears that the repair works were duly carried out in accordance with the 1760 Act. Rates ceased to be levied pursuant to the 1760 Act upon the death of the final annuitant, probably by 1800 or thereabouts. The 1760 Act thereupon ceased to serve any useful purpose and its repeal is proposed on that basis.⁴⁷

Consultation

6. The Croydon Parish Church, the Legal Office of the Church of England and the London Borough of Croydon have been consulted about these repeal proposals.

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⁴⁷ The church was severely damaged by fire in 1867. The church was rebuilt under the direction of Sir George Gilbert Scott and reconsecrated in 1870.

28 Geo.3 c.62 (1788)
(St Peter le Poor Parish Church Act)

The whole Act.

St Peter le Poor Parish Church Act (1788)

1. This note proposes the repeal of an obsolete 1788 Act passed for the rebuilding of a London church that has since been demolished.

2. According to its long title, the purpose of the *St Peter le Poor Parish Church Act* of 1788 (“the 1788 Act”) was-

for pulling down and rebuilding the Parish Church of Saint Peter le Poor, within the City of London, and for widening the Street adjacent.

3. The *preamble* to the 1788 Act recorded that the parish church of St Peter le Poor in Broad Street in the City of London⁴⁸ was “in a very decayed and ruinous Condition, and the Parishioners ... having taken into Consideration the great Expence that must necessarily attend the repairing [of] the said Church, have judged it adviseable to pull down and rebuild the same.” The preamble also recorded that the street at the point where the church was situated was very narrow so that its widening would be a public benefit.

4. The 1788 Act provided as follows-

- (a) appointment of Trustees to carry out the 1788 Act; replacement and qualification of Trustees
- (b) Trustees’ powers to appoint a treasurer and other officers; meetings of Trustees
- (c) Trustees authorised to take down the existing church (together with an adjoining house and other properties), erect a new church on the site and leave unbuilt sufficient land so as to increase the width of Broad Street to 30.5 feet; power to dispose of unused land
- (d) Trustees authorised to provide a place for holding meetings and solemnising marriages pending the building of the new church; safeguarding of monuments

⁴⁸ The church (otherwise known as St Peter le Poer) existed as early as 1181 when it was situated on the west side of what is now Old Broad Street.

- (e) Trustees' powers to contract for the demolition and building works; Trustees' powers to borrow money (up to £8,000) to fund the works (including by means of granting annuities)
- (f) Trustees' powers to raise money to provide security for their borrowings by levying a rate on every resident in the parish of St Peter le Poor, the rate to be payable quarterly and to cease once the borrowing had been repaid
- (g) Trustees' powers to buy land and buildings adjoining the existing church to facilitate the building of the new church and the widening of Broad Street, and to pay compensation for any resulting loss or damage; procedure for assessing purchase price; conveyancing provisions
- (h) expenses and status of this Act; civil procedure issues.

5. The church was duly demolished and re-built in accordance with the 1788 Act. The architect was Jesse Gibson who completed the re-building in 1792. The widening of Old Broad Street was achieved by the new church being set further back than the old church. Falling City congregations, however, meant that the church was eventually considered redundant. It was finally demolished in 1907, the proceeds from the sale being used to fund the St Peter-le-Poer church in Friern Barnet (north London). The site in Old Broad Street is today occupied by the Stock Exchange Branch of the HSBC Bank (No.122)

Conclusion

6. The 1788 Act has long been obsolete. Most of it became spent with the re-building of the new church in 1792. The annuities granted by the Trustees would have expired upon the death of the final annuitant, probably well before 1850. Accordingly the 1788 Act can no longer serve any useful purpose and its repeal is proposed on that basis.

Consultation

7. The Bishop of London, the City of London Corporation, the Legal Office of the Church of England and St Peter-le-Poer Friern Barnet have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
32 Geo.3 c.64 (1792) (St Bride Church Act)	The whole Act.
36 Geo.3 c.35 (1796) (St Bride's Church, City Act)	The whole Act.

St Bride Church Act (1792)
St Bride's Church, City Act (1796)

1. This note proposes the repeal of two obsolete late eighteenth century Acts relating to the parish of St Bride in the City of London.

St Bride Church Act (1792)

2. According to its long title, the purpose of the *St Bride Church Act* of 1792 ("the 1792 Act") was-

*for repairing, altering, and improving the Parish Church of Saint Bridget, otherwise Saint Bride, in the City of London; and for providing a Workhouse for the same Parish.*⁴⁹

3. St Bride's in Fleet Street was among the City churches to be re-built by Sir Christopher Wren following the Great Fire in 1666. St Bride's was further restored following extensive war damage in 1940.

4. The *preamble* to the 1792 Act recorded that the parish church of St Bride had "become much decayed; and a considerable Sum of Money [was] necessary to be raised for repairing, altering, and improving the same". The preamble also recorded that "it would be a great Benefit and Advantage to the said Parish, if a proper and convenient Workhouse was provided for the Reception and Employment of the Poor thereof".

5. The 1792 Act accordingly provided as follows-

- (a) appointment of Trustees (including the vicar, churchwardens and overseers of the poor) to implement the Act; provision for successor Trustees

⁴⁹ Most parishes (or unions of parishes) of the day funded at least one workhouse in their area, and the parish of St Bride was no exception. Indeed a workhouse had existed in the parish as early as the 1720s.

- (b) meetings of the Trustees to be held in the parish vestry room; procedure for such meetings including the quorum required; authority for the Trustees to appoint a treasurer, collector and other officers
- (c) the Trustees were authorised to carry out repairs and improvements to the church; they were also authorised to buy or rent any land within the parish on which to build a workhouse
- (d) the Trustees were authorised to enter into contracts for the building and furnishing of the workhouse and for the repairs and improvements to the church; payment of rent for workhouse premises; safeguarding of church monuments during the carrying out of works
- (e) the Trustees were authorised to levy two annual rates on every parish resident (one rate for the church repairs and the other rate for building the workhouse) not exceeding two shillings in total;⁵⁰ provision for rating houses in multiple occupation; the rates to cease once the annuities sold pursuant to this Act (see paragraph (g) below) ceased to be payable
- (f) provisions for enforcing recovery of the rates; penalties for non-payment; appeals; collectors to account for rate moneys received by them; application of penalties recovered under this Act
- (g) the Trustees were authorised to raise money (up to £6000) by selling annuities (which were to be charged upon and paid out of the rate moneys); procedure about such annuities
- (h) civil procedure matters; appeals; status of this Act.

St Bride's Church, City Act (1796)

6. According to its long title, the purpose of the *St Bride's Church, City Act* of 1796 ("the 1796 Act") was-

to enable the Trustees for executing [the 1792 Act] to raise a further sum of Money for completing the Purposes of the said Act.

7. The *preamble* to the 1796 Act recorded that, although £6000 had been raised by the sale of annuities pursuant to the 1792 Act, more money was still needed to complete the works to the church and the workhouse.

⁵⁰ Ten pence in modern currency.

8. The 1796 Act accordingly provided as follows-
 - (a) the Trustees were authorised to raise a further sum of £6000 by the sale of annuities (which were to be charged upon and paid out of the rate moneys)
 - (b) the moneys raised under this Act were to be used to complete the works to the church and the workhouse
 - (c) the provisions of the 1792 Act were to apply to this Act; status of this Act.

Conclusion

9. The 1792 and 1796 Acts have long been obsolete. The powers given to the Trustees to repair the church and build the workhouse became spent when the repairs and the necessary building work was completed around 1796. Likewise the rate-levying powers ceased upon the death of the final annuitant, probably well before 1850. Accordingly the 1792 and 1796 Acts can no longer serve any useful purpose and their repeal is proposed on that basis.

Consultation

10. The Bishop of London, the City of London Corporation, the Legal Office of the Church of England and St Bride's Church have been consulted about these repeal proposals.

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36 Geo.3 c.103 (1796) (St Martin Outwich Church, City Act)	The whole Act.
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St Martin Outwich Church, City Act (1796)

1. This note proposes the repeal of an obsolete 1796 Act passed to facilitate the rebuilding of the parish church of St Martin Outwich in the City of London.

2. St Martin Outwich⁵¹ was a medieval parish church in the City of London, on the corner of Threadneedle Street and Bishopsgate. Falling congregations and pressure to release land for street-widening resulted in the church being demolished in 1874 and the parish being combined with St Helen Bishopsgate.

3. According to its long title, the purpose of the *St Martin Outwich Church, City Act* of 1796 (“the 1796 Act”) was “for Rebuilding the Parish Church of Saint Martin Outwich, in Threadneedle Street, within the City of London”.

4. The *preamble* to the 1796 Act recorded that the parish church was “in so decayed and ruinous a Condition, that it is become dangerous for the Inhabitants of the said Parish to attend Divine Service therein”.

5. Accordingly the 1796 Act provided as follows-

- (a) appointment of Trustees to implement this Act; appointment of successor Trustees; qualifications of Trustees
- (b) provisions as to meetings of the Trustees; Trustees to appoint a treasurer and other officers; proceedings at meetings
- (c) the Trustees were authorised to demolish the church and build a new church on the same site; the vestry room was to be used for marriages and baptisms; removal of church monuments to a safe site during the rebuilding works; the Trustees were authorised to enter into contracts for the building works
- (d) the Trustees were authorised to raise money (up to £3500) by selling annuities or other securities, the money to be secured by the rate moneys to be raised under this Act; procedure about such annuities

⁵¹ The church was dedicated to St Martin, the fourth-century Bishop of Tours. *Outwich* derives from the family name of Oteswich.

- (e) the Trustees were authorised to levy annual rates on every parish resident (not exceeding one shilling and six pence⁵² in the pound); collectors to account for the rate moneys received by them; rates to be paid quarterly
- (f) the rates moneys were to be used for the purposes of this Act; recovery of the rates; liability of tenants; appeals
- (g) the rates would cease to be chargeable once the money borrowed under this Act had been repaid and once the annuities sold under this Act ceased to be payable (following the death of the annuitants)
- (h) costs and status of this Act; civil procedure matters.

Conclusion

6. The 1796 Act has long been obsolete. The powers given to the Trustees to demolish and rebuild the church became spent when the necessary building work was completed in or around 1798. Likewise the rate-levying powers ceased upon repayment of the borrowings and the death of the final annuitant, probably well before 1850.⁵³ Accordingly the 1796 Act can no longer serve any useful purpose and its repeal is proposed on that basis.

Consultation

7. The Bishop of London, the Legal Office of the Church of England and the City of London Corporation have been consulted about these repeal proposals.

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⁵² This is equivalent to 7.5 pence in modern currency.

⁵³ Parish records indicate that the rates were collected yearly until 1823.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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39 Geo.3 c.lxxxii (1799) (St Mary-le-Bow Lecturer's Trust Act)	The whole Act.
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St Mary-le-Bow Lecturer's Trust Act of 1799

1. This note proposes the repeal of an obsolete 1799 Act relating to the provision of weekly lectures at the church of St Mary-le-Bow in the City of London.⁵⁴

2. According to its long title, the purpose of this 1799 Act ("the 1799 Act") was-
for vesting a Piece of Ground and Hereditaments in the Parish of Saint Mary Woolnoth, in the City of London, belonging to the Parish of Saint Mary-le-Bow, in Abraham Robarts, William Curtis, Ellis Were, and Charles Hornyold, of the said City of London, Bankers and Copartners, in Fee Simple, upon Payment of the Sum of One thousand three hundred and fifty Pounds, upon Trust to be applied in the Manner therein mentioned, for the Support of a Lecturer, and for better regulating the Appointment of the said Lecturer.

Background

3. The *preamble* to the 1799 Act records that George Palyn,⁵⁵ a parishioner of the parish of St Mary-le-Bow, left £100 in his will to pay for a lecture or sermon to be read or preached in the parish church of St Mary-le-Bow once a week in the afternoon. Mr Palyn, who died in October 1610, directed that the lecture or sermon should be funded by the income from land to be purchased by his trustees.

4. Such gifts to this church were not uncommon in the 17th century. The *preamble* to the 1799 Act also records that a number of other gifts were made to support the lecture proposed by Mr Palyn.⁵⁶ Two properties and a shop were purchased by the trustees in Abchurch Lane and the rents from these were used to fund the afternoon lectures, the first of which appears to have been delivered around 1622.

5. This arrangement continued for a number of years. In 1640 the lecturer received £30 a year and thereafter the annual payment was increased to £32 and 10 shillings. The Great Fire of 1666, however, resulted in the loss of the church and the

⁵⁴ Founded in or around 1080 as the London headquarters of the Archbishops of Canterbury, the ancient parish church of St Mary-le-Bow was rebuilt by Sir Christopher Wren following its destruction in the Great Fire of 1666. Its destruction again in 1941 resulted in its complete restoration and re-consecration in 1964.

⁵⁵ Also spelled as *Palin*. He was previously a Master of the Girdlers' Company in the City of London.

⁵⁶ An unrelated gift was that provided for in the will of Robert Boyle who died in 1691. This gift provided funds for a series of lectures at the church which are still held annually.

rental properties. The Palyn lectures continued once the church and the properties had been re-built by Sir Christopher Wren.

The 1799 Act

6. The 1799 Act provided authority for the parish of St Mary-le-Bow to sell the freehold of the rental properties to the current tenants for the sum of £1350 (*section 1*). The sale proceeds were to be invested in Government stock (*section 2*), the income from the stock being paid to the parish rector and churchwardens to meet the costs of the afternoon lectures (*section 3*). The stock could be re-invested in land in the name of the rector and churchwardens, the income again being used to support the lectures (*sections 4 and 5*). The rector and churchwardens were to continue to receive the rental income from the existing tenants until the sale to them had gone through (*section 6*).

7. The 1799 Act also provided for the ending of the existing arrangements concerning the afternoon lecture. *Section 7* provided that the last of these would be delivered on the last Sunday in September 1800. A committee would be appointed to decide each Easter on the nominations and election of a preacher to deliver these lectures, the arrangements to be in accordance with the directions contained in Mr Palyn's will. The first such lecture would be on the first Sunday in October 1800. The preacher was required to be licensed by the Archbishop of Canterbury to give these lectures (*section 10*).

8. Other provisions in the 1799 Act related to procedure, savings and the status of the Act.

Later history

9. Parish records show that the arrangements for the Palyn lectures, as envisaged by the 1799 Act, continued for most of the 19th century. These records, now stored at the London Metropolitan Archives, show that parish committees met regularly throughout that time to select the lecturer for the next year or so and to determine the fee to be paid.

10. Quite why or when the Palyn lectures finally ceased to be delivered is not clear. The last record of a parish committee electing the lecturer was in 1878, though there are indications suggesting that the Palyn lectures may have continued for a little time after 1900. Parish records show that the passing of the *City of London Parochial*

*Charities Act 1883*⁵⁷ affected the arrangements for these lectures. The purpose of the 1883 Act, as set out in its long title, was to provide for the better application and management of the parochial charities of the City of London. Under the Act, the Charity Commissioners were authorised to make schemes for the future application and management of charity property and endowments belonging to parishes in the City of London. It appears that the funds to provide for the Palyn lectures were included in one such scheme that came into effect in 1891. As a result the provisions in the 1799 Act for the provision of the lectures were superseded and ceased to have effect. Objections to the scheme were made by a number of parishes, including the parish of St Mary-le-Bow, and parish records kept at the time suggest that the Palyn lectures were still being held in 1890. The last such record referring to the lectures was dated May 1903. There is no firm evidence to show that the Palyn lectures were still being given at that time, still less that they continued thereafter.

Conclusion

11. The Palyn lectures have long ceased to be held and the arrangements for them as set out in the 1799 Act no longer have effect. It is likely that the endowment for the lectures was absorbed by the Charity Commission scheme made for the parish of St Mary-le-Bow in 1891. The church of St Mary-le-Bow has confirmed that it has no knowledge of the Palyn lectures and there is no reference to them in the accounts of the relevant parish charity.⁵⁸ Accordingly the 1799 Act no longer serves any useful purpose and its repeal is proposed on that basis.

Consultation

12. The Bishop of London, the Church of St Mary-le-Bow, St Mary-le-Bow PCC, the Legal Office of the Church of England, the Charity Commission and the City of London Corporation have been consulted about these repeal proposals.

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⁵⁷ 46 & 47 Vict. c.36 (1883).

⁵⁸ The Parochial Church Council of the Ecclesiastical Parish of St Mary-le-Bow, Cheapside (registered charity no. 1130098). The charity's working name is St Mary-le-Bow PCC.

47 Geo.3 Sess.1 c.xxviii (1807) (Bridewell Hospital Chapel Act)	The whole Act.
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Bridewell Hospital Chapel Act of 1807

1. This note proposes the repeal of an obsolete 1807 Act relating to the now demolished Bridewell Chapel (“the Chapel”).

2. According to its long title, the purpose of the *Bridewell Hospital Chapel Act of 1807* (“the 1807 Act”) was:

for granting to the Chapel lately rebuilt in the Royal Hospital of Bridewell, all the Rights and Privileges belonging to the former Chapel of the said Hospital, lately taken down.

Background

3. Bridewell Palace, which was originally a residence of Henry VIII, was built on the site of the medieval St Bride’s Inn near Fleet Street. In 1553 Edward VI gave the palace to the City of London for the housing of homeless children and the punishment of disorderly women.⁵⁹ Part of the site of Bridewell Palace became a school known as *Bridewell Royal Hospital*. The prison was closed in 1855, the school moved to Surrey in 1867⁶⁰ and the buildings were demolished in 1863-64.

4. The *Chapel* was located within the Bridewell Hospital and the Bridewell precinct. The *preamble* to the 1807 Act recorded that the Chapel “on account of its decayed state, hath been lately taken down, and another Chapel built within the Distance of a few Yards from the Scite of the former Chapel.” However, because the site of the now rebuilt Chapel was slightly different from the original site, doubts had arisen as to whether marriages could still validly be solemnised there.

The 1807 Act

5. Accordingly the 1807 Act provided that the Chapel, once duly consecrated, could be used for the legal solemnisation of marriages to the same extent as with the old chapel, together with all the rights enjoyed by the old chapel. The 1807 Act also provided for the annual election and support of a chaplain.

⁵⁹ The City converted the Palace into a prison, hospital and workrooms. The name “Bridewell” was thereafter adopted throughout Britain as meaning a prison or place of detention.

⁶⁰ King Edward’s School, Witley is still situated in the village of Wormley, near Witley where it moved in 1867.

6. The Chapel no longer exists. It was absorbed, as part of the Bridewell Precinct, into the parish of St Bride Fleet Street in 1864. The Chapel itself was demolished in 1871. The extinction of the Chapel meant that the 1807 Act thereupon became unnecessary. Its repeal is proposed on that basis.

Consultation

7. The City of London Corporation, the Bishop of London, St Bride's Fleet Street, and the Legal Office of the Church of England have been consulted about these repeal proposals.

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GROUP 2 – IMPROVEMENT

Reference	Extent of repeal or revocation
8 & 9 Will.3 c.37 (1696) (Streets (London) Act)	The whole Act.

Streets (London) Act (1696)

1. This note proposes the repeal of an obsolete 1696 Act relating to the paving and cleansing of the streets in the City of London, Westminster and surrounding areas.

2. According to its long title, the purpose of the *Streets (London) Act* of 1696 (“the 1696 Act”) was for-

explaining and enforcing the Act for paving and cleansing the Streets within the Cities of London and Westminster and Borough of Southwark and weekly Bills of Mortality⁶¹ and Streets adjoining thereunto and for widening the Street at the South end of London-Bridge.

3. The *preamble* to the 1696 Act recorded that it was necessary to remedy several omissions contained in an Act of 1690⁶² relating to the paving and cleansing of London streets.

4. The 1696 Act provided as follows-

- (a) from 10 April 1697 everyone living in the parishes of Middlesex and Westminster (and in the Liberties thereof), in the borough of Southwark, in any of the streets, lanes or alleys comprised within the weekly Bills of Mortality, and in Kensington was to sweep and cleanse the street and public areas in front of their houses every Wednesday and Saturday between 6 and 9 AM upon pain of a 10 shilling fine (*section 1*)

⁶¹ Bills of Mortality used to be the main source of mortality statistics. They began in London after an outbreak of plague in 1592. From 1603 they were issued on a weekly basis to give authorities and inhabitants information as to the causes and number of deaths on a parish by parish basis. Bills of Mortality later included baptisms. They were superseded in 1836 by the Registrar General’s returns under the Births and Deaths Registration Act of that year. The areas covered by the Bills of Mortality were the City of London, parts of Middlesex (including the City and Liberty of Westminster) and parts of Surrey (including Southwark, Rotherhithe, Bermondsey, Newington Butts and Lambeth).

⁶² 2 Will. & Mar. Sess.2 c.8 (London Streets etc). This Act was finally repealed by the Statute Law Revision Act 1948.

- (b) the fines imposed under this Act (or the Act of 1690) were to be applied as to half for the relief of the poor and as to half for repairing, paving and cleansing the streets (*section 2*)
- (c) power for Justices of the Peace to order the paving of a street outside the Bills of Mortality if the other side of that street was within the Bills of Mortality and ordered to be paved (*section 3*)
- (d) enforcement of a provision in the Act of 1690 to prevent the breeding, feeding or keeping of pigs in any house or front garden (*section 4*)
- (e) provision to balance any conflicting liabilities to repair highways within the Bills of Mortality (*section 5*)
- (f) this Act was not to affect the existing liability to pave or repair the highway from Tottenham Court to Tyburn (*section 6*)
- (g) with a view to the widening of London Bridge at its southern end, Commissioners were to be appointed with power to negotiate with owners of houses on London Bridge for the removal of such houses upon payment of compensation (*section 7*)
- (h) provision for each such Commissioner to take an oath for the proper execution of his power under this Act (*section 8*).

5. The duties imposed by the 1696 Act have long ceased to be necessary, responsibilities for paving, cleansing and repairing the streets and highways having passed from JPs and inhabitants to local and county councils and the London boroughs.⁶³ Accordingly the 1696 Act has become obsolete and its repeal is proposed on that basis.

Consultation

6. The Department for Communities and Local Government, the City of London Corporation, Westminster City Council, the London Borough of Southwark and the Local Government Association have been consulted about these repeal proposals.

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⁶³ The cost of such work is today met by local taxation levied pursuant to the Local Government Finance Acts 1988 and 1992.

12 Geo.1 c.37 (1725) (Kensington, Chelsea and Fulham Roads (Tolls) Act)	The whole Act.
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Kensington, Chelsea and Fulham Roads (Tolls) Act (1725)

1. This note proposes the repeal of an obsolete 1725 turnpike Act passed to secure the repair of certain roads in central and south-west London. The Act became obsolete in 1747.

2. According to its long title, the purpose of the *Kensington, Chelsea and Fulham Roads (Tolls) Act* of 1725 (“the 1725 Act”) was-

*for Repairing the Roads in the Parishes of Kensington, Chelsea and Fulham, and other Parishes therein mentioned, in the County of Middlesex.*⁶⁴

3. The *preamble* to the 1725 Act recorded that certain roads in central and south-west London⁶⁵ “are become so ruinous and bad (in the Winter Season) that the same cannot, by the ordinary Course appointed by the Laws and Statutes of this Realm, be sufficiently repaired and amended”.

4. Until the late nineteenth century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

5. Turnpikes were an alternative method of road administration and were first used in 1663.⁶⁶ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

⁶⁴ The 1725 Act was extended by an Act of 1813 (53 Geo.3 c.xxxviii, s 3: St George Hanover Square Improvement). However this 1813 Act was repealed by the St George Hanover Square Improvement Act of 1826 (7 Geo.4 c.cxxi, s 1).

⁶⁵ The roads specified in the preamble ran from Counters Bridge in Kensington to the Stones End near Piccadilly; from Chelsea Ferry to the Stones End at James Street Westminster; from Kensington to Chelsea Church; from the junction of North End and the Hammersmith Road to Wansdown Green; and from Hyde Park Corner to the lower road from Chelsea to Westminster.

⁶⁶ This turnpike was in Wadesmill in Hertfordshire : 15 Cha.2 c.1 (1663).

6. The 1725 Act was accordingly passed to authorise the charging of tolls at turnpikes along specified roads in London to secure the repair of those roads.

7. The 1725 Act provided as follows-

- (a) appointment of Trustees to carry out the Act
- (b) authorised the Trustees to erect turnpike gates to the east of Hyde Park (near Hay-Hill⁶⁷); to the east of William Green's Brewhouse⁶⁸ (leading to Chelsea); and between Kensington and Chelsea
- (c) for settling of tolls depending on the type of vehicle⁶⁹
- (d) penalties for non-payment of tolls or for assisting its evasion by means of a diversion road
- (e) exemptions from liability for tolls
- (f) Trustees' power to appoint officers including receivers, collectors and surveyors; penalty for any receiver failing to account for toll moneys received
- (g) surveyors authorised to take steps to collect from neighbouring land any building materials necessary to repair the roads and to remove obstructions from the roadways; surveyors authorised to widen roads, make pavements and lay drains and pay compensation to adjoining owners
- (h) Trustees authorised to borrow money on the security of the tolls; only one toll to be paid per road despite the number of turnpikes to be passed on that road; anti-avoidance provisions; exemptions from tolls
- (i) continuance of any existing liability to repair the roads; position as to liability for statute labour; recovery of penalties imposed under this Act
- (j) *the tolls imposed by this Act to continue for 21 years from 1 June 1726* (unless the roads were sufficiently repaired before then)
- (k) appointment of replacement Trustees; first meeting of Trustees to be on or before 26 May 1726
- (l) provision for the watering of the road from Piccadilly to Hyde Park Gate to settle the dust in dry weather
- (m) civil procedure issues and status of this Act.

⁶⁷ In Mayfair (off Berkeley Street).

⁶⁸ In the King's Road (near Sloane Square).

⁶⁹ For example, four pence for a carriage drawn by six horses, but only one penny for a cart drawn by just one horse.

8. Under the terms of the 1725 Act, the provisions for collecting tolls pursuant to the Act ceased on or before 31 May 1747. Since the repair of the roads pursuant to the 1725 Act was dependent upon the receipt of the tolls chargeable under that Act, it follows that the 1725 Act has served no useful purpose for at least 260 years. Its repeal can now be safely recommended.

Consultation

9. The Royal Borough of Kensington and Chelsea, Westminster City Council, the London Borough of Hammersmith and Fulham and the Department for Transport have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
4 Geo.2 c.34 (1730) (Fulham Roads Act)	The whole Act.
23 Geo.2 c.10 (1749) (Fulham Roads Act)	The whole Act.

Fulham Roads Acts of 1730 and 1749

1. This note proposes the repeal of two obsolete eighteenth century turnpike Acts relating to the repair of the road between Fulham and Hammersmith.

Background

2. Until the late nineteenth century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

3. Turnpikes were an alternative method of road administration and were first used in 1663.⁷⁰ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

Fulham Roads Act (1730)

4. According to its long title, the purpose of the *Fulham Roads Act* of 1730 (“the 1730 Act”) was-

for repairing the Road leading from the Town of Fulham, in the County of Middlesex, through Fulham Fields, to the great Road near the Pound at Hammersmith, in the said County.

5. The *preamble* to the 1730 Act recorded that the road (“the Road”) leading from Fulham through Fulham Fields to the great road near the pound at Hammersmith “is become so ruinous and bad, in the Winter Season, that the same cannot ... be sufficiently repaired and amended”.

⁷⁰ This turnpike was in Wadesmill in Hertfordshire: 15 Cha.2 c.1 (1663).

6. The 1730 Act accordingly provided as follows-
 - (a) appointment of Trustees to carry out this Act with power to erect turnpikes along the Road
 - (b) Trustees authorised to charge tolls for using the Road; penalties for avoiding the toll; exemptions from tolls
 - (c) Trustees authorised to appoint toll collectors and surveyors; accounting for the tolls; powers of surveyors to repair the Road, remove obstructions and construct drains and ditches
 - (d) Trustees authorised to borrow using the tolls as security; continuing liabilities on individuals to repair the Road
 - (e) the tolls imposed by this Act were to continue for 21 years from 20 May 1731 (ie until May 1752)
 - (f) appointment of replacement Trustees; meetings of the Trustees; civil procedure issues; status of this Act.

Fulham Roads Act (1749)

7. According to its long title, the purpose of the *Fulham Roads Act* of 1749 was “for enlarging the Terms and Powers granted by [the 1730] Act”.

8. The *preamble* to the 1749 Act recorded that the Trustees appointed under the 1730 Act had borrowed £550 for the purpose of repairing the Road. However “such Road is at present far from being sufficiently repaired; nor can the same be effectually amended, and kept in repair, for the future, or the aforesaid Debt of Five hundred and fifty Pounds be paid off, unless the said Term granted by the [1730 Act], and the Powers given thereby, be enlarged”.

9. The 1749 Act accordingly provided as follows-
 - (a) the 1730 Act (and the powers it contained) was to continue for a further 21 years from the expiry of the term granted by that Act ie 21 years from May 1752
 - (b) the tolls chargeable under this extended term were to cease before the end of the term (ie before May 1773) in the event of the Road being repaired and the £550 debt repaid before then
 - (c) expenses and status of this Act.

10. Under the terms of the 1749 Act, both that Act and the 1730 Act expired on or before May 1773 when the continuation of the 1730 Act came to an end. It follows

that both the 1730 Act and the 1749 Act have served no useful purpose for about 240 years. Their repeal can now be safely recommended on that basis.

Consultation

11. The London Borough of Hammersmith and Fulham and the Department for Transport have been consulted about these repeal proposals.

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16 Geo.2 c.6 (1742)
(Charterhouse Square Rates Act)

The whole Act.

Charterhouse Square Rates Act (1742)

1. This note proposes the repeal of an obsolete 1742 Act passed to enable the residents of Charterhouse Square⁷¹ in London to levy rates to maintain the appearance of the square and make improvements. The Act dates back to a time when local taxes were commonly raised on a parish basis.

2. According to its long title, the purpose of the *Charterhouse Square Rates Act* of 1742 (“the 1742 Act”) was-

to enable the present and future Proprietors and Inhabitants of the Houses in Charterhouse Square, in the County of Middlesex, to make a Rate for raising Money effectually to inclose, pave, watch, clean, and improve the said Square, and to continue the same in Repair.

3. The *preamble* to the 1742 Act recorded that the wooden fencing that used to enclose Charterhouse Square (“the Square”) had fallen into decay and that the Square was liable to be frequented by “common Beggars, Vagabonds, and other disorderly Persons, for the Exercise of their idle Diversions, and other unwarrantable Purposes, so as to be unfit for the Habitation of Persons of Character and Condition”. The preamble also recorded that the cleaning, watching⁷² and paving of the Square had been greatly neglected. Accordingly the owners and residents had agreed that they should raise funds by way of rates to maintain the appearance of the Square.

4. The 1742 Act provided as follows-

- (a) the owners and residents were to meet on 12 May 1743 at the Charterhouse to elect a representative group of ten who, together with the Master, Registrar and Receiver of the Charterhouse, would be the Trustees under this Act
- (b) the Trustees (or any seven of them) were authorised to decide in what manner the Square should be enclosed, paved, watched, cleaned, improved and kept in repair

⁷¹ Charterhouse Square is an historic square in the London Borough of Islington, just north of the City of London. The Charterhouse today is an almshouse run by the charity known as Sutton’s Hospital in Charterhouse.

⁷² This meant policing especially during the hours of darkness.

- (c) the Trustees were authorised to clear away the existing fences and rubbish; penalty for anyone who left rubbish in the Square, brought cattle, sheep or pigs into the Square or damaged the new fencing enclosing the Square
- (d) from 12 May 1743 the Trustees were authorised to levy and collect rates from the owners and residents of the Square to meet the costs of enclosing, paving, watching, cleaning and improving the Square and keep it in repair; provision for payment by landlords and tenants in particular circumstances
- (e) the Trustees were authorised to meet quarterly, appoint a rate collector (who had to keep accounts – and enforce non-payment of rates by the seizure of goods)
- (f) the Square was deemed to be a separate ward in relation to liability for rates for paving, watching and cleaning, with the result that the residents of the Square should be exempt from all other rates or assessments in respect of paving, watching and cleaning; corresponding exemption from liability for the parishes of St Sepulchre and St Botolphe Aldersgate in respect of paving, watching or cleaning the Square
- (g) authority for the Trustees to borrow money, including money from the residents, in return for granting them annuities
- (h) any resident Trustee who moved from the Square would cease to be a Trustee; arrangements for electing replacement Trustees
- (i) application of penalties received; civil procedure issues; status of this Act.

5. Responsibility for providing public street cleaning, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.⁷³ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

⁷³ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1. So far as highways maintenance is concerned, the parish remained the body responsible for highways until 1894, when section 25 of the Local Government Act 1894 transferred the powers of the highways authority to the district council. Today the cost of maintaining public highways is governed by the Highways Act 1980, Pt 4.

Conclusion

6. Since none of the services for which the 1742 Act was passed are today provided or funded by the residents of the Square or by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1742 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

Consultation

7. The Department for Communities and Local Government, the London Borough of Islington, Sutton's Hospital in Charterhouse and the Local Government Association have been consulted about these repeal proposals.

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23 Geo.2 c.18 (1749) (Southwark Streets Act)	The whole Act.
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Southwark Streets Act (1749)

1. This note proposes the repeal of an obsolete 1749 Act passed to improve the security in the parish of St John in Southwark.⁷⁴

2. According to its long title, the purpose of the *Southwark Streets Act* of 1749 (“the 1749 Act”) was-

for enlightening the open Places, Streets, Lanes, Passages, and Courts; and for the better regulating the Nightly Watch, within the Parish of Saint John Southwark in the County of Surry.

3. The *preamble* to the 1749 Act recorded that access to the newly-built road (to London Bridge) that passed through the parish of St John “is now very dangerous in the Night-time, for want of proper Lights, and a well regulated Watch; and ... a proper Provision for that Purpose would ... be a great Security to the Persons and Properties of all His Majesty’s Subjects.”

4. The 1749 Act accordingly provided as follows-

- (a) meeting of the parish Vestry⁷⁵ in June 1750 to decide on the number of street lamps to be set up in the parish and where they should be situated; power to contract for the supply and maintenance of lamps
- (b) the Vestry was authorised to appoint and remunerate officers to be employed as watchmen; to appoint replacement officers and to make regulations for executing this Act
- (c) parish constables and watchmen had to keep watch within the parish each night and were empowered to arrest suspected offenders; supervision of watchmen; penalty for neglect by constables
- (d) the Vestry was authorised to levy a rate (twice yearly) on all parish inhabitants (and on all public buildings) to meet the costs of lighting and watching; penalties for non-payment of rates and for persons refusing to act as rate-collectors; exemptions from rate-collecting duties

⁷⁴ The parish of St John in Southwark was created in 1733 when it separated from St Olave’s parish. At that time the parish was called Southwark St John Horsleydown.

⁷⁵ A vestry was an administrative committee of a parish. In England, until the nineteenth century, the parish vestry was in effect what would today be known as a parochial church council. Vestries were responsible not only for the ecclesiastical affairs of a parish but also for a range of civil or lay issues including the support of the poor.

- (e) appeals against rates; rate-collectors to keep accounts and hand over their rate-moneys; penalty for failure to do this; power for Vestry to borrow against the security of the rates up to a maximum of £200
- (f) costs and expenses of this Act; provision for rates deficiencies and surpluses; keeping of accounts
- (g) penalties for damaging or extinguishing street lamps or misappropriating rates moneys; exemption from liability under earlier legislation requiring residents to provide street lighting or keep watch
- (h) civil procedure issues and status of this Act.

Conclusion

5. The 1749 Act has long ceased to serve any useful purpose. Responsibility for providing public street lighting and policing has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.⁷⁶ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

6. Since none of the services for which the 1749 Act was passed are now provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1749 Act has become obsolete and its repeal is proposed on that basis.

Consultation

7. The Department for Communities and Local Government, the Diocese of Southwark and the London Borough of Southwark have been consulted about these repeal proposals.

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⁷⁶ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
24 Geo.2 c.58 (1750) (Southwark Roads Act)	The whole Act.
4 Geo.3 c.54 (1764) (South London Roads Act)	The whole Act.

Southwark Roads Act (1750)/ South London Roads Act (1764)

1. This note proposes the repeal of two obsolete eighteenth century turnpike Acts relating to the construction and repair of roads in south London.

Background

2. Until the late 19th century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid statute labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

3. Turnpikes were an alternative method of road administration and were first used in 1663.⁷⁷ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

Southwark Roads Act (1750)

4. According to its long title, the purpose of the *Southwark Roads Act* of 1750 (“the 1750 Act”) was-

for making, widening, and keeping in Repair, several Roads in the several Parishes of Lambeth, Newington, Saint George’s Southwark, and Bermondsey, in the County of Surrey; and Lewisham in the County of Kent.

5. The *preamble* to the 1750 Act recorded that the road leading from the Stones End at Lambeth to the almshouses at Newington was “in many Parts thereof, narrow, inconvenient, and ill-repaired”. The preamble also stated that the widening and extending of this road as well as the making of a number of new roads for improving links between Westminster, Southwark, Kent, Surrey and Sussex “will be of publick Utility”.

⁷⁷ This turnpike was in Wadesmill in Hertfordshire: 15 Cha.2 c.1 (1663).

6. The 1750 Act provided as follows-
- (a) the Trustees referred to in the Act were authorised to carry out the following works-
 - ◆ opening and widening the road from the Stones End at Lambeth to the Almshouses at Newington
 - ◆ construct a new road from Symond's Corner, across St George's Fields to the Stones End in Blackman Street, Southwark
 - ◆ construct a new road from the Almshouses at Newington to the Kentish Road near the Lock Hospital (at the end of Kent Street), and extend the road to the Grange Road in the parish of St Mary Magdalen Bermondsey
 - ◆ construct a new road from the end of the last-mentioned new road to Kennington Common
 - (b) the Trustees were authorised to erect a toll-gate on the new road near Symond's Corner and charge tolls for the use of the road.
7. The 1750 Act also provided that the powers arising under it should last for 31 years (ie until 1781). In the event the 1750 Act was extended by the Act of 1764 described below, expiring eventually in 1802.

South London Roads Act (1764)

8. According to its long title, the purpose of the *South London Roads Act* of 1764 ("the 1764 Act") was-
- for enlarging the Term and Powers granted by [the 1750 Act]; and for repairing Lambeth Back Lane; and for Lighting and Watching the said Roads.
9. The *preamble* to the 1764 Act recorded that the roads covered by the 1750 Act were in constant use by carriages and pedestrians "as well by Night as by Day, and are thereby exposed to great Danger and Frequent Outrages and Violences; the said Roads being, in the Night-time, greatly infested with Robbers; which Evil might, in a great Measure, be prevented if the said Roads were enlightened, and a proper Guard were kept thereon". However, as the preamble then explained, the 31 year term of the 1750 Act and the tolls permitted under it were insufficient to provide both for road maintenance and for lighting and security.

10. Accordingly the 1764 Act provided as follows-
- (a) the 1750 Act was to be continued at the end of its term (1781) for a further 21 years (ie until 1802)
 - (b) the Trustees were authorised, as from 24 June 1764, to increase the toll charges for using the roads; the toll receipts were to be used not only for building and repairing the roads but also for providing lighting and security along them
 - (c) the Trustees were authorised to install lamps along the roads and appoint watchmen to guard the roads at night and convey miscreants to a constable
 - (d) penalties for damaging the lamps; compensation in the case of accidental damage to the lamps
 - (e) surveyors appointed by the Trustees were authorised to prevent and remove obstructions blocking the roads and to clear ditches and drains
 - (f) the Trustees were authorised to repair, light and guard the Lambeth Marsh Back Lane (the lane between Symond's Corner to Lambeth Town); the lane to be widened to 42 feet; no new building to be erected within 15 feet of either side of the lane
 - (g) the Trustees were authorised to reduce the tolls chargeable
 - (h) civil procedure issues and status of this Act.

11. Under the provisions of the 1764 Act, the 1750 Act together with the 1764 Act expired in 1802 when the 21 year extension granted by the 1764 Act came to an end. Accordingly both Acts have ceased to be operable for more than two centuries. Their repeal is now proposed on that basis.

Consultation

12. The London Boroughs of Lambeth and Southwark and the Department for Transport have been consulted about these repeal proposals.

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27 Geo.2 c.25 (1754) (St Luke's, Middlesex (Lighting and Watching) Act)	The whole Act.
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St Luke's, Middlesex (Lighting and Watching) Act (1754)

1. This note proposes the repeal of an obsolete 1754 Act relating to the lighting, cleaning and policing of the parish of St Luke's⁷⁸, Middlesex⁷⁹ (now in the London Borough of Islington) and the repair of highways within the parish. The Act dates back to a time when local taxes were commonly raised on a parish basis.

2. According to its long title, the purpose of the *St Luke's, Middlesex (Lighting and Watching) Act (1754)* ("the 1754 Act") was-

for the better enlightening and cleansing the open Places, Squares, Streets, Lanes, Alleys, Passages, and Courts, within the Parish of Saint Luke in the County of Middlesex; and regulating the Nightly Watch and Bedels; and for repairing the Highways within the said Parish.

3. The *preamble* to the 1754 Act recorded that "it would greatly tend to the Benefit and Safety of the Inhabitants of the Parish of Saint Luke in the County of Middlesex, and other Persons resorting thereto, if Provision was made for enlightening and cleansing the open Places, Squares, Streets, Lanes, Alleys, and other Passages and Courts within the said Parish, and maintaining an able and regular Nightly Watch therein; and that the Highways of the said Parish should be kept in good Repair".

4. The 1754 Act provided as follows-

- (a) appointment of the present rector, churchwardens, overseers of the poor and clergymen of the parish as *Trustees* to carry out the powers of this Act; Trustees to meet on 25 March 1754 in the vestry room; provision for future meetings

⁷⁸ The parish of St Luke's was created when the church of St Luke's (in Old Street) was constructed in 1733 from the part of the existing parish of St Giles Cripplegate that lay outside the City of London. The church was closed in 1964, the parish having been re-united in 1959 with the parish of St Giles-without-Cripplegate.

⁷⁹ The county of Middlesex dated back to the 10th century. Much of the area became part of the county of London with the passing of the Local Government Act 1888. Middlesex ceased to exist as a separate administrative area on 31 March 1965 when, as a result of the London Government Act 1963, the new county of Greater London was formed from the counties of London and Middlesex and parts of the counties of Essex, Hertfordshire, Kent and Surrey.

- (b) the Trustees were empowered to (i) contract for the erection of lamps in the parish (ii) nominate watchmen and bedels⁸⁰ to be employed in the service of the parish (iii) determine the duties and remuneration of these officials (iv) determine the number of constables to be on duty each night
- (c) constables were to keep watch every night within each ward as directed by the Trustees; constables' powers to detain; procedure for misbehaviour of watchmen or neglect of duty by constables and bedels
- (d) functions of the churchwardens in relation to the lamps; penalty for extinguishing or damaging a lamp
- (e) the Trustees were empowered to contract for the repair of the parish roads and for the cleaning of the public areas in the parish
- (f) all inhabitants of the parish were required to sweep and clean the streets in front of their houses every Tuesday and Friday (between 7 and 10 AM or between 2 and 5 PM) upon pain of a five shilling fine; penalty for throwing rubbish into the street
- (g) the Trustees were empowered to levy an annual rate, not exceeding one shilling and four pence in the pound,⁸¹ to meet the costs of the lighting, the night watching, the street cleaning and the road repairs; power to mitigate this burden; appointment of rate collectors; penalty for non-payment of rates
- (h) provisions to combat rate evasion; provision for owners rather than tenants to be liable; collection of arrears; appeals; collectors to account for the rate money received by them; penalties for failure to account; provision for additional rate
- (i) provision for the raising of money required under this Act by means of the grant and sale of annuities
- (j) appointment of new collectors to replace collectors who have moved out of the parish, died or neglected their duties
- (k) JPs for the County of Middlesex were authorised to determine criminal issues arising under this Act even if they were also Trustees. JPs' powers to order seizure of goods and impose financial penalties; appeals to the Quarter Sessions

⁸⁰ A bedel or beadle was a parish officer appointed by the parish Vestry. His duties included giving parishioners notice of meetings and summoning jurors to coroners inquests. In some wards of the City of London a beadle would be sworn in as a constable.

⁸¹ One shilling and four pence was one-fifteenth of a pound.

- (l) books were to be kept recording all the Trustees' proceedings under this Act
- (m) apportionment of moneys raised under this Act for the repair of roads between the parish of St Luke's, Middlesex and the parish of St Giles Cripplegate
- (n) payment of rates due under this Act would discharge any liability imposed by earlier legislation in relation to lighting, cleaning the streets, keeping night watch or repairing highways
- (o) civil procedure issues and status of this Act.

5. Responsibility for providing public street lighting and cleaning, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.⁸² Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

6. Since none of the services for which the 1754 Act was passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1754 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

Consultation

7. The Department for Communities and Local Government, the London Borough of Islington and the Local Government Association have been consulted about these proposals.

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⁸² Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1. So far as highways maintenance is concerned, the parish remained the body responsible for highways until 1894, when section 25 of the Local Government Act 1894 transferred the powers of the highways authority to the district council. Today the cost of maintaining public highways is governed by the Highways Act 1980, Pt 4.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
29 Geo.2 c.43 (1756) (Bethnal Green Road Act)	The whole Act.
7 Geo.3 c.105 (1767) (Bethnal Green Road Act)	The whole Act.
45 Geo.3 c.vi (1805) (Bethnal Green Road Act)	The whole Act.

Bethnal Green Road Acts of 1756, 1767 and 1805

1. This note proposes the repeal of three obsolete turnpike Acts relating to the construction and repair of roads in the Bethnal Green area of east London. Bethnal Green today forms part of the London Borough of Tower Hamlets.

Background

2. Until the late nineteenth century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid statute labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

3. Turnpikes were an alternative method of road administration and were first used in 1663.⁸³ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

Bethnal Green Road Act (1756)

4. According to its long title, the purpose of the *Bethnal Green Road Act* of 1756 (“the 1756 Act”) was-

for making and widening a Road from the East Side of the Parish of Saint Matthew Bethnal Green in the County of Middlesex, to the East End of Church Street in the said Parish; and to open a Way or Road into Shoreditch, and keeping the same in Repair.

5. The *preamble* to the 1756 Act recorded that “the several Parishes of Saint Matthew Bethnal Green, Christ Church, Saint Leonard Shoreditch, and the Hamlet of

⁸³ This turnpike was in Wadesmill in Hertfordshire: 15 Cha.2 c.1 (1663).

Mile End New Town ... are large and populous” and that it would be “of great Benefit and Utility to the Publick” if certain roads in the area were made or widened.

6. The 1756 Act provided as follows-

(a) Trustees were appointed to execute this Act

(b) the works authorised by this Act were-

◆ to widen the footpath leading from a public house known as “The Salmon and Ball” on Bethnal Green to the east end of Church Street and to New Cock Lane (all in the parish of St Matthew Bethnal Green)

◆ to make a road from the west end of Old Cock Lane to Shoreditch

(c) powers for the Trustees to purchase land (including compulsorily), demolish buildings, erect turnpikes, impose tolls and borrow on the security of the tolls

(d) penalties; appeals; meetings and replacement of the Trustees; civil procedure issues; status of this Act.

7. The 1756 Act also provided that the powers arising under the Act should last for 21 years from 1 May 1756 (ie until May 1777). In the event the 1756 Act was extended by the Acts of 1767 and 1805 described below, expiring eventually in March 1826.

Bethnal Green Road Act (1767)

8. According to its long title, the purpose of the *Bethnal Green Road Act* of 1767 (“the 1767 Act”) was-

to enlarge the Terms and Powers of [the 1756 Act]; and for repairing, paving, and regulating Old Cock Lane, New Cock Lane, Church Street, and the Road on the West Side of the Opening into Shoreditch; and for removing Nuisances and Obstructions therefrom, and preventing the same for the future.

9. The *preamble* to the 1767 Act recorded that the debts incurred in carrying out the 1756 Act amounted to £3000 and that, although the road had been laid out as required by that Act, some parts of the road were “in a ruinous Condition, and dangerous for Passengers”. The preamble also recorded that, in order to repay the debts and complete the repair works, the 1756 Act needed to be extended beyond the term allowed by that Act (ie May 1777).

10. The 1767 Act accordingly provided as follows-
 - (a) the 1756 Act was continued for a further 21 years from May 1777 (i.e. until May 1798)
 - (b) the Trustees were authorised to order the repair and paving of Church Street, Old Cock Lane, New Cock Lane and the road from Old Cock Lane to Shoreditch
 - (c) provisions relating to paving, pipes and penalties
 - (d) preventing of nuisances and obstructions
 - (e) the Trustees were empowered to levy rates and sell annuities to cover the cost of paving and regulating the streets; provisions for collecting rates and assigning annuities
 - (f) civil procedure issues; expenses and status of this Act.

Bethnal Green Road Act (1805)

11. According to its long title, the purpose of the *Bethnal Green Road Act* of 1805 (“the 1805 Act”) was “to enlarge the Terms and Powers of [the 1756 Act and the 1767 Act]”.

12. The *preamble* to the 1805 Act recorded that the Trustees appointed under the 1756 and 1767 Acts still owed “considerable Sums of Money” from loans raised under those Acts. Moreover such sums could not be repaid nor could the road be improved and repaired unless the term granted by the Acts was extended and the tolls increased.⁸⁴

13. The 1805 Act accordingly provided as follows-
 - (a) the term granted and continued by the 1756 and 1767 Acts should cease; both Acts (and this Act) were to run for 21 years from the passing of this Act i.e. 21 years from 12 March 1805
 - (b) additional powers for the Trustees including powers to increase tolls.

Conclusion

14. Under the provisions of the 1805 Act, the term of that Act together with the terms of the 1756 and 1767 Acts expired in March 1826. Accordingly all three Acts

⁸⁴ The preamble also recorded that the provisions in the 1756 Act and the 1767 Act relating to the rating, paving and repair of pavements in Old Cock Lane, New Cock Lane and Church Street had been repealed by an Act of 1793: 33 Geo.3 c.88, s 1.

have ceased to serve any useful purpose for nearly two centuries. Their formal repeal is now proposed on that basis.

Consultation

15. The London Borough of Tower Hamlets and the Department for Transport have been consulted about these repeal proposals

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31 Geo.2 c.36 (1757)
(Passage from Charing Cross Act)

The whole Act.

Passage from Charing Cross Act (1757)

1. This note proposes the repeal of the remains of an obsolete 1757 Act relating to the widening of the road from Charing Cross to St James's Park in central London.

2. Most of the provisions of the *Passage from Charing Cross Act (1757)* ("the 1757 Act") have already been repealed.⁸⁵ These repealed provisions were concerned with tax and duties to be charged on the import and export of goods such as gunpowder, sugar and alcohol.

3. The only provisions in the 1757 Act that have not been repealed (*sections 10 and 11*) provided for the widening of the roadway known as "The New Passage" running from Charing Cross to St James' Park.⁸⁶

4. *Section 10* recorded that The New Passage "is very narrow, inconvenient, and dangerous, and it would be of Publick Convenience to widen and render the same commodious". To this end section 10 provided that The New Passage should be deemed to be one of the roads authorised for widening pursuant to an Act of 1756.⁸⁷ This Act authorised certain Commissioners to build a new bridge across the Thames at Westminster and to widen the streets between Charing Cross and the Houses of Parliament. Section 10 accordingly authorised the Commissioners to widen The New Passage as if that roadway had been originally included in the Act of 1756.

5. *Section 11* authorised the Commissioners, after the completion of the works authorised by the Act of 1756, to use any remaining funds for the widening of The New Passage authorised by section 10.

6. The works authorised by section 10 were completed no later than early 1765 and The New Passage (now running from Charing Cross along the east end of The Mall) was widened from 12 feet to 30 feet. The completion of the works made

⁸⁵ Statute Law Revision Act 1876, s 1, Sch. The 1876 Act repealed all of the 1757 Act other than sections 10 and 11.

⁸⁶ The New Passage was a narrow roadway formed about 1729 leading from Charing Cross to Spring Gardens on the site of the present Mall approach. The roadway was a mere 12 feet wide.

⁸⁷ 29 Geo.2 c.38 (Westminster Bridge). This Act was repealed by the Westminster Bridge Act 1853 (16 & 17 Vict. c.46).

sections 10 and 11 obsolete and their repeal is proposed on that basis. There being no other substantive provisions remaining, the repeal of these two provisions will permit the formal repeal of the 1757 Act as a whole.

Consultation

7. Westminster City Council have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
8 Geo.3 c.33 (1768) (Shoreditch Streets Act)	The whole Act.
16 Geo.3 c.60 (1776) (Shoreditch Streets Act)	The whole Act.
25 Geo.3 c.96 (1785) (Shoreditch Streets Act)	The whole Act.

Shoreditch Streets Acts 1768, 1776 and 1785

1. This note proposes the repeal of three obsolete eighteenth century Acts passed to authorise improvements to the streets of Shoreditch, an area that is today within the London Borough of Hackney.

Shoreditch Streets Act (1768)

2. According to its long title, the purpose of the *Shoreditch Streets Act* of 1768 (“the 1768 Act”) was-

for opening certain Passages, and for paving the Streets and other Places, in the Parish of Saint Leonard Shoreditch, in the County of Middlesex, and for preventing Annoyances therein.

3. The *preamble* to the 1768 Act recorded that certain highways in Shoreditch called Holywell Street, Church End, part of Kingsland Road (leading from Norton-Falgate to the Cherry Tree in Kingsland Road), Hog-Lane and Holywell Lane (“the Streets”) were “extremely ill paved, and the Passage through the same greatly obstructed by Posts and Projections, and annoyed by Spouts, Signs, and Gutters”.

4. The 1768 Act provided as follows:

- (a) appointment of Commissioners to implement the Act; qualification to be a Commissioner; meetings of Commissioners
- (b) Commissioners authorised to appoint clerks, surveyors and other officers; officers to account for moneys received by them; penalty for defaulting officers
- (c) Commissioners authorised to arrange for the paving and repair of the Streets and to enter into contracts for the work to be carried out
- (d) Commissioners authorised to pay for the cost of moving water pipes; provisions for repairing damaged water pipes; Commissioners

- empowered to alter the course of gutters or channels and to repair or replace sewers and drains
- (e) penalty for leaving rubbish in the Streets; for obstructing the Streets with carts and carriages; and for driving wheelbarrows on the pavements
 - (f) pavements to be swept daily between 6AM and 9AM by property residents; houses to be numbered; obstructions (signs, gutters, steps etc) to be removed
 - (g) Commissioners authorised to levy annual rates to cover the costs incurred by this Act; rates to be payable by all residents of properties along the Streets; provisions for properties that were tenanted, in multiple occupation or unoccupied
 - (h) Commissioners authorised to erect a turnpike gate in Holywell Street and charge tolls for use of that street, the toll receipts to be used for meeting the costs incurred by this Act; enforcement of the tolls
 - (i) Commissioners authorised to raise up to £14,000 by the sale of annuities; annuities to be secured against the rates; annuities to be assignable
 - (j) Commissioners authorised to purchase compulsorily certain houses in order to widen the Streets; provisions for assessing compensation; conveyancing provisions
 - (k) appeals; application of penalties arising under this Act; record-keeping; civil procedure issues; status of this Act.

Shoreditch Streets Act (1776)

5. According to its long title, the purpose of the *Shoreditch Streets Act* of 1776 ("the 1776 Act") was-

to amend and render more effectual [the 1768 Act]; and for extending the Powers of the said Act to such Part of a Lane, called Hog-Lane, as lies within the Liberty of Norton-Falgate, in the said County.

6. The *preamble* to the 1776 Act recorded that doubts had arisen as to whether the powers given to the Commissioners by the 1768 Act extended to paving that part of Hog-Lane that was situated not within the parish of St Leonard Shoreditch (which clearly fell within the 1768 Act powers) but within the Liberty of Norton-Falgate.⁸⁸ The preamble also recorded other difficulties raised by the 1768 Act.

⁸⁸ Norton Folgate formerly Norton *Falgate* connects Bishopsgate with Shoreditch High Street. Until its absorption into the borough of Stepney in 1900, Norton Folgate was an enclave outside the normal parochial administrative system.

7. The 1776 Act provided as follows-
 - (a) the Commissioners were authorised to raise a further £4,000 by the sale of annuities
 - (b) the whole of Hog-Lane was brought within the Commissioners' jurisdiction and powers as provided by the 1768 Act
 - (c) penalty for obstructing the Streets, selling goods on the pavements or driving carriages on the pavements; Commissioners authorised to regulate the stands of hackney carriages
 - (d) civil and criminal procedure issues; expenses and status of this Act.

Shoreditch Streets Act (1785)

8. According to its long title, the purpose of the *Shoreditch Streets Act* of 1785 ("the 1785 Act") was to amend the 1768 and 1776 Acts.

9. The *preamble* to the 1785 Act recorded that the Commissioners had "caused the greatest Part of the said Streets and Places to be paved; but the Monies by the said Acts directed to be raised have been found insufficient ... and the said Acts have, in other Respects, been found ineffectual".

10. The 1785 Act accordingly provided as follows-
 - (a) the Commissioners were authorised to raise a further £5,000 by the sale of annuities
 - (b) the Commissioners were authorised to charge an additional halfpenny toll on the turnpikes authorised by the 1768 Act; power to vary the tolls; power to contract-out the collection of the tolls
 - (c) power to adjourn Commissioners' meetings; costs and status of this Act.

The present position

11. The Commissioners' powers under the 1768, 1776 and 1785 Acts ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolitan Management Act 1855.⁸⁹ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became vested in parish vestries or in district boards.⁹⁰ In the case of the parish of St Leonard Shoreditch, the Commissioners' functions passed to the Vestry of that

⁸⁹ 18 & 19 Vict. c.120.

⁹⁰ The 1855 Act, s 90.

parish.⁹¹ The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,⁹² and now mostly vest in the London Borough of Hackney, although responsibility for maintaining the streets of Hackney is shared between the borough and Transport for London.

12. Accordingly responsibility for paving and maintaining public streets has long ceased to vest in the parish but has passed to local and county councils and the London boroughs. Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

13. Since none of the highway services for which the 1768, 1776 or 1785 Acts were passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, all three Acts have become obsolete in their entirety. Their repeal is proposed on that basis.

Consultation

14. The Department for Communities and Local Government, Transport for London, the London Borough of Hackney, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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⁹¹ The 1855 Act, Sch A, Pt 1. The Vestry was an administrative committee of a parish. In England, until the nineteenth century, the parish Vestry was in effect what would today be known as a parochial church council. Vestries were responsible not only for the ecclesiastical affairs of a parish but also for a range of civil or lay issues including the support of the poor.

⁹² The 1899 Act (62 & 63 Vict. c.14), s 4(1).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
12 Geo.3 c.38 (1772) (Christchurch, Middlesex Act)	The whole Act.
28 Geo.3 c.60 (1788) (Christchurch, Middlesex Improvement Act)	The whole Act.

Christchurch, Middlesex Act (1772)
Christchurch, Middlesex Improvement Act (1788)

1. This note proposes the repeal of two obsolete late 18th century Acts passed to improve an area that is today within the London Borough of Tower Hamlets.

Christchurch, Middlesex Act (1772)

2. According to its long title, the purpose of the *Christchurch, Middlesex Act* of 1772 (“the 1772 Act”) was-

for paving, cleansing, lighting, watching, and regulating the Squares, Streets, Rows, Lanes, Alleys, and other publick Passages and Places, within the Parish of Christ Church, in Middlesex; and for removing Nuisances and Obstructions therefrom, and preventing the like for the future; and for paving and regulating such Parts of Brick Lane as are not within the said Parish.

3. The *preamble* to the 1772 Act recorded that the public passages and places within the parish of Christ Church were “not properly paved, nor sufficiently cleansed, and are in general greatly obstructed by sundry Nuisances.” The *preamble* also recorded that, whilst Brick Lane was a major thoroughfare for carriages, it needed repair and paving.

4. The 1772 Act provided as follows-

- (a) repeal of an earlier Act passed for lighting and policing the parish⁹³
- (b) appointment of Commissioners (“the Commissioners”) to carry out the 1772 Act; election and qualification of replacement Commissioners; meetings of the Commissioners; written record of their proceedings to be kept
- (c) Commissioners’ powers to appoint officers including clerks and treasurers; officers to deliver accounts; penalty for failure to account or for taking unauthorised fees
- (d) the Commissioners were authorised to procure the repair of certain streets in the parish of Christ Church, i.e. Raven Row, Crispin Street,

⁹³ (1737) 11 Geo.2 c.35 (Christchurch, Middlesex: lights and watch).

Lamb Street, Vine Court, Wheeler Street, White Lyon Yard (east end), White Row, Dorset Street, Paternoster Row, Red Lyon Street, Fossan Street, Church Street, Wood Street, Princes Street, Brown's Lane, Lolsworth Street, Pelham Street, Montague Street, Booth Street, East Street, West Street, North Street, South Street and Brick Lane (and the connecting courts and passages)

- (e) the repairs of these streets included paving, taking up and re-laying existing water pipes and removing all items obstructing the streets; penalty for obstructing workmen engaged in this work
- (f) procedure for householders to give the Commissioners notice of pavements in need of repair; contractors to carry out necessary repairs if justified
- (g) the Commissioners were empowered to buy and hire equipment and to enter into contracts for the carrying out of the works authorised by this Act; all works to be inspected by inspectors or surveyors
- (h) the Commissioners were authorised to procure the watering of the parish streets (and the provision of wells and pumps) and the provision of lamps for the public areas; penalty for damaging any lamp
- (i) the Commissioners were authorised to build watch-houses and appoint watchmen to guard the parish; regulations and terms and conditions governing the watchmen; arrest of criminals by constables; penalty for neglect of duty by watchmen
- (j) property of the pavements, watch-houses and lamps to be vested in the Commissioners; the Commissioners authorised to remove all trees, signposts, gutters and other obstacles projecting over the highways; street names to be displayed; houses to be numbered; penalty for obstructing streets with carriages, carts or other obstructions or for driving a carriage on any pavement
- (k) all residents to sweep the pavement in front of their houses each day between 6 and 9 AM (except Sundays) upon pain of a five shilling fine; Commissioners were empowered to regulate Hackney coach and carriage stands
- (l) any person wishing to take up any pavement for making, repairing or cleaning any sewer, drain or water pipe to give notice to the Commissioners' surveyor and meet all costs and expenses; Commissioners to meet the cost of moving or altering water pipes; if any water pipe in any of the streets paved pursuant to this Act should break,

the water company was required to repair the break and make good the damage to the paving; penalty for delays in re-laying paving, paviors and turncocks employed by the water companies required to supply details of their places of abode;⁹⁴ Commissioner's powers about grates covering sewers

- (m) the Commissioners were authorised to levy on the parish inhabitants an annual rate (not to exceed one shilling and four pence in the pound)⁹⁵ to cover the cost of cleansing, lighting and watering the parish streets; further authority to levy upon the parish inhabitants a separate annual rate to cover the cost of paving the parish streets; lower rate charged in the case of lower standard paving or in the case of houses adjoining the paved streets
- (n) provisions for rating of property that was empty or in multiple occupation; rating of landlords, occupiers, public buildings and unfurnished houses; collection and enforcement of rates; provisions to avoid double liability for paving expenses
- (o) the Commissioners were authorised to borrow money against the security of the rates and to borrow money by means of granting annuities; the maximum sum to be raised from these forms of borrowing was not to exceed £14,000
- (p) expenses of passing this Act; provision for other streets in the parish to be paved at the request of two-thirds of the property owners; recovery of penalties levied under this Act; appeals; civil procedures issues and status of this Act.

Christchurch, Middlesex Improvement Act (1788)

5. According to its long title, the purpose of the *Christchurch, Middlesex Improvement Act (1788)* ("the 1788 Act") was to explain and amend the 1772 Act.

6. The *preamble* to the 1788 Act recorded that the Commissioners had caused most of the streets identified in the 1772 Act to be paved "but find that the Money authorised to be borrowed by the said Act as aforesaid is insufficient to answer the several Purposes thereby intended". Debts of £1513 or more had arisen. Moreover the 1772 Act had been found to need amendment in certain respects.

⁹⁴ Paviors and turncocks were officials entrusted with the laying of pavements (paviors) and the turning on of water from the mains to supply pipes (turncocks).

⁹⁵ In today's currency, this amounted to approximately seven pence in the pound.

7. Accordingly the 1788 Act provided as follows-
- (a) the Commissioners were authorised, for the purposes of the 1772 Act, to borrow additional moneys on the security of the rates and by means of granting annuities; the maximum amount of such additional moneys was £2000
 - (b) new procedures for adjourning meetings of the Commissioners
 - (c) replacing the provisions in the 1772 Act about the levying of rates for paving works
 - (d) penalty for slaughtering livestock in the street or allowing it to wander round the streets; penalty for anti-social activities in the streets (including leaving building materials or rubbish there) and creating obstructions
 - (e) penalty for driving carriages or cattle on the pavements; leaving hoardings or other obstructions in the streets; collecting street rubbish without authority⁹⁶
 - (f) provisions to ensure cellar openings at pavement level were kept properly secure (so as to prevent people falling through)
 - (g) liability to the Commissioners for the costs of repairing broken and damaged pavements caused by bursting and overflowing sewers or by broken and burst water pipes was to fall to the person or company causing the damage
 - (h) the owners of houses with private drains or sewers were to be responsible for their repair; provisions for remedial work to be carried out, at their expense, by the Commissioners
 - (i) provision for charging rates on short-term occupiers of property; unpaid rates to be a charge on the property; collection of rates in cases of death or insolvency; collection of penalties; forms of conviction; status of this Act.

The present position

8. The Commissioners' powers under the 1772 and 1788 Acts ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Management Act 1855.⁹⁷ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became vested in parish

⁹⁶ The scavenger was the person responsible in many London parishes and elsewhere for collecting household rubbish and street debris, usually from piles left on the pavement. Each parish would employ several scavengers.

⁹⁷ 18 & 19 Vict. c.120.

vestries or in district boards.⁹⁸ In the case of the parish of Christ Church, the Commissioners' functions passed to the Board of Works for the Whitechapel District.⁹⁹ The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,¹⁰⁰ and now mostly vest in the London Borough of Tower Hamlets, although responsibility for maintaining the streets of Tower Hamlets is shared between the borough and Transport for London.

9. Accordingly responsibility for providing public street cleaning, lighting, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.¹⁰¹ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

10. Since none of the services for which the 1772 or 1788 Acts were passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1772 and 1788 Acts have become obsolete in their entirety. Their repeal is proposed on that basis.

Consultation

11. The Department for Communities and Local Government, Transport for London, the London Borough of Tower Hamlets, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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⁹⁸ The 1855 Act, s 90.

⁹⁹ The 1855 Act, Sch B.

¹⁰⁰ The 1899 Act (62 & 63 Vict. c.14), s 4(1).

¹⁰¹ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

17 Geo.3 c.23 (1776) (London Streets Act)	The whole Act.
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London Streets Act (1776)

1. This note proposes the repeal of an obsolete 1776 Act that provided for the lighting and policing of a road now in the London Borough of Southwark.

2. According to its long title, the purpose of the *London Streets Act (1776)* (“the 1776 Act”) was-

for lighting and watching the Turnpike Road leading from the Stones End next Blackman-Street,¹⁰² in the Parish of Saint Mary, Newington, in the County of Surrey, to the Bridge at Walworth,¹⁰³ in the same Parish, and the several Roads, Ways, and Places, therein described, communicating therewith.

3. The *preamble* to the 1776 Act recorded that the turnpike road from the road known as Stones End to the bridge at Walworth was much used by night-time travellers and was not properly “lighted or watched: and Robberies and other Offences are frequently committed therein”.

4. The 1776 Act provided as follows-

- (a) appointment of Trustees to carry out this Act; appointment of replacement Trustees; time and place of their meetings; Justices of the Peace qualified to act as Trustees
- (b) power for the Trustees to appoint clerks, collectors and other officers including a treasurer who had to account to the Trustees quarterly
- (c) the Trustees were authorised to take steps for the lighting and watching of the turnpike road and neighbouring roads; power to appoint watchmen and supervisors for the watchmen
- (d) penalty for breaking road lamps; Trustees’ power to enter contracts for the provision of road lighting
- (e) the Trustees were authorised to levy rates to fund the watching and lighting; liability of each inhabitant to pay rates (not to exceed six pence in the pound); special provisions for houses in multiple occupation; exemptions; duties of rate collectors; penalties for non payment

¹⁰² Blackman Street occupied part of the road that is now Borough High Street. Stones End is a road adjoining Borough High Street at its southern end near Newington Causeway.

¹⁰³ This is a reference to London Bridge.

- (f) authority for the Trustees to borrow up to £500 on the security of the rates; exemptions for roads covered by other watching and lighting arrangements
- (g) expenses and status of this Act; appeals; civil procedure issues.

5. Responsibility for providing street lighting and policing has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.¹⁰⁴ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

6. Since none of the services for which the 1776 Act was passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1776 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

Consultation

7. The Department for Communities and Local Government, the London Borough of Southwark and the Local Government Association have been consulted about these repeal proposals.

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¹⁰⁴ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

18 Geo.3 c.49 (1778)
(Ratcliff Highway Act)

The whole Act.

Ratcliff Highway Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed following the construction and improvement of roads in the east end of London (today within the London Borough of Tower Hamlets).

2. According to its long title, the purpose of the *Ratcliff Highway Act* of 1778 (“the 1778 Act”) was-

for applying the Sum of One thousand Pounds, to arise out of the Surplusses of a certain Fund commonly called The Orphans Fund, for the Purpose of opening Communications between Wapping-street¹⁰⁵ and Ratcliff – highway,¹⁰⁶ and between Old Gravel-lane¹⁰⁷ and Virginia-street, within the Parishes of Saint George and Saint John of Wapping, in the County of Middlesex.

3. The Orphans Fund (“the Fund”) referred to in the long title was established by an Act of 1694¹⁰⁸ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹⁰⁹ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹¹⁰

4. The *preamble* to the 1778 Act recorded that an Act of 1776¹¹¹ (“the 1776 Act”) had been passed “for opening Communications between Wapping-street and Ratcliff-highway, and between Old Gravel-lane and Virginia-street; and for paving certain Streets intended to be built, and also certain other Streets and publick Passages and Places within the Parishes of Saint George and Saint John of Wapping, in the County of Middlesex”.

¹⁰⁵ Today this is Wapping High Street.

¹⁰⁶ This is the road running from the City to Limehouse and is today called “The Highway”.

¹⁰⁷ Today this is called “Wapping Lane”.

¹⁰⁸ 5 & 6 Will. & Mar. c.10.

¹⁰⁹ Much of the Fund’s wealth came from receipts from the duties on coal and wine imported into the City of London.

¹¹⁰ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

¹¹¹ 17 Geo.3 c.22 (London : Streets). This Act was repealed by SR&O 1901/276.

5. The preamble also recorded that it was reasonable that the parishioners of those parishes, being contributors to the Fund,¹¹² should receive some benefit from the Fund.

6. The 1778 Act provided as follows-

- (a) the City of London was required to pay annuities of £45 (by equal half yearly payments) to the Commissioners appointed by the 1776 Act, the first payment to be made on 24 June 1778
- (b) to secure the payment of these annuities, the City of London was required to issue 10 bonds, each bond to secure £100
- (c) the Commissioners were empowered to sell the bonds, the proceeds to be used (after payment of the costs of passing the 1778 Act) for meeting the costs of building the roads authorised by the 1776 Act
- (d) the City of London was empowered to redeem the annuities by giving six months' notice
- (e) the Fund was charged with the annuity payments; status of this Act.

7. The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives¹¹³ show that in January 1824 sufficient moneys were paid by the City to discharge the 10 bonds of £100 each that the City issued to secure the annuity payments required by the 1778 Act. This repayment ended the City's liabilities under the 1778 Act which thereupon became unnecessary. Its repeal is proposed on that basis.

Consultation

8. The City of London Corporation and the London Borough of Tower Hamlets have been consulted about these repeal proposals.

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¹¹² By virtue of the coal and wine duties ultimately borne by the parishioners.

¹¹³ Annual accounts of the Chamberlain of the City of London: account of the annual produce and outgoings of the Orphan's Fund.

18 Geo.3 c.50 (1778)
(Goodman's Fields Act)

The whole Act.

Goodman's Fields Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed in connection with the widening of certain streets that are today within the City of London and the London Borough of Tower Hamlets.

2. According to its long title, the purpose of the *Goodman's Fields Act* of 1778 ("the 1778 Act") was-

for applying the Sum of One thousand five hundred Pounds, to arise out of the Surplusses of a certain Fund, commonly called The Orphans Fund, for the Purpose of widening certain Avenues leading into Goodman's Fields,¹¹⁴ in the County of Middlesex.¹¹⁵

3. The Orphans Fund ("the Fund") referred to in the long title was established by an Act of 1694¹¹⁶ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹¹⁷ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹¹⁸

4. The *preamble* to the 1778 Act recorded that-

the Three principal Avenues, from The Minories, through Goodman's Yard, into Prescott-street; and from The Minories, through Swan-street and Swan-alley, into Mansell-street; and from Whitechapel or Aldgate High-street, through Somerset-street, into Great Mansell-street, in the Parishes of Saint Mary Whitechapel and Saint Botolph Aldgate, in the County of Middlesex, are great Thoroughfares, and being very narrow, the Passage through the same is dangerous, and frequent Delays and Inconveniencies are occasioned thereby, and it would therefore be of great publick Utility to have the said Avenues widened sufficiently to make the Passage through the same safe and commodious.

¹¹⁴ Goodman's Fields is today the area bounded by Prescott Street, Lemn Street, Mansell Street and Alie Street. The area was named after Roland Goodman who farmed the area in the 16th century. The farm belonged to the Minorettes of St Clare (hence the street name *The Minories*).

¹¹⁵ The county of Middlesex dated back to the 10th century. Much of the area became part of the county of London with the passing of the Local Government Act 1888. Middlesex ceased to exist as a separate administrative area with the formation of the new county of Greater London in 1965.

¹¹⁶ 5 & 6 Will. & Mar. c.10.

¹¹⁷ Much of the Fund's wealth came from receipts from the duties on coal and wine imported into the City of London.

¹¹⁸ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

5. The preamble also recorded that it was reasonable that the sum of £1500 should be applied from the surpluses of the Fund towards the cost of the proposed road widening work.

6. The 1778 Act provided as follows-

- (a) the City of London was required to pay annuities of £67.50 (by equal half yearly payments) to the Commissioners appointed to carry out the road widening work,¹¹⁹ the first payment to be made on 24 June 1778
- (b) to secure the payment of these annuities, the City of London was required to issue 15 bonds, each bond to secure £100 and to pay an annuity at the rate of 4.5%
- (c) the Commissioners were empowered to sell the bonds, the proceeds to be used (after payment of the costs of passing the 1778 Act) for meeting the costs of the road widening work
- (d) the City of London was empowered to redeem the annuities by giving six months' notice
- (e) the Fund was charged with the annuity payments; status of this Act.

7. The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives¹²⁰ show that in January 1824 sufficient moneys were paid by the City to discharge the 15 bonds of £100 each issued by the City to secure the annuity payments required by the 1778 Act. This repayment ended the City's liabilities under the 1778 Act which thereupon became unnecessary. Its repeal is proposed on that basis.

Consultation

8. The City of London Corporation and the London Borough of Tower Hamlets have been consulted about these repeal proposals.

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¹¹⁹ These Commissioners were John Leman, John Newnham and Edward Hawkins.

¹²⁰ Annual accounts of the Chamberlain of the City of London: account of the annual produce and outgoings of the Orphan's Fund.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
18 Geo.3 c.51 (1778) (Southwark Streets Act)	The whole Act.

Southwark Streets Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed in connection with the paving of the streets of Southwark.

2. According to its long title, the purpose of the *Southwark Streets Act of 1778* (“the 1778 Act”) was-

for applying the Sum of Four thousand Pounds, to arise out of the Surplusses of a certain Fund, commonly called The Orphans Fund, towards completing the paving of the Town and Borough of Southwark, and certain Parts adjacent, in the County of Surrey.

3. The Orphans Fund (“the Fund”) referred to in the long title was established by an Act of 1694¹²¹ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹²² the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹²³

4. The *preamble* to the 1778 Act recorded that an Act of 1766¹²⁴ (“the 1766 Act”) had been passed “for paving the Streets and Lanes within the Town and Borough of Southwark, and certain Parts adjacent; and for cleansing, lighting and watching the same; and also the Courts, Yards, Alleys, and Passages, adjoining thereto; and for preventing Annoyances therein”.

5. The preamble also recorded that the Commissioners responsible for carrying out the paving works authorised by the 1766 Act had been unable to complete the works because of the lack of funds. Moreover the preamble noted that it was reasonable that the sum of £4000 should be applied from the surpluses of the Fund towards the completing of the paving works.

¹²¹ 5 & 6 Will. & Mar. c.10.

¹²² Much of the Fund’s wealth came from receipts from the duties on coal and wine imported into the City of London.

¹²³ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

¹²⁴ 6 Geo.3 c.24 (Streets, Southwark). This Act was repealed by the Southwark Improvement Act 1845 (8 & 9 Vict. c.xiii), s 1; SR & O 1901/264, 275.

6. The 1778 Act provided as follows-
- (a) the City of London was required to pay annuities of £180 (by equal half yearly payments) to the Commissioners appointed by the 1766 Act, the first payment to be made on 24 June 1778
 - (b) to secure the payment of these annuities, the City of London was required to issue 40 bonds, each bond to secure £100 and to pay an annuity at the rate of 4.5%
 - (c) the Commissioners were empowered to sell the bonds, the proceeds to be used (after payment of the costs of passing the 1778 Act) for meeting the costs of the paving works authorised by the 1766 Act
 - (d) the City of London was empowered to redeem the annuities by giving six months' notice
 - (e) the Fund was charged with the annuity payments; status of this Act.

7. The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives¹²⁵ show that in October 1824 and January 1825 sufficient moneys were paid by the City to discharge the 40 bonds of £100 each issued by the City to secure the annuity payments required by the 1778 Act. This repayment ended the City's liabilities under the 1778 Act, which thereupon became unnecessary. Its repeal is proposed on that basis.

Consultation

8. The City of London Corporation and the London Borough of Southwark have been consulted about these repeal proposals.

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¹²⁵ Annual accounts of the Chamberlain of the City of London: account of the annual produce and outgoings of the Orphan's Fund.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
18 Geo.3 c.73 (1778) (London Streets Act)	The whole Act.

London Streets Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed to authorise the paving of the central London road from Aldersgate Street to Goswell Street.¹²⁶

2. According to its long title, the purpose of the *London Streets Act* of 1778 (“the 1778 Act”) was-

for paving the High Street or Road leading from Aldersgate-bars,¹²⁷ in the parish of Saint Botolph without Aldersgate, London, to the Turnpike near the End of Goswell-street, in the County of Middlesex; and for applying the Sum of Five thousand Pounds, to be raised upon the Credit of the Surplusses to arise out of a certain Fund commonly called The Orphans Fund, for such Purpose.

3. The Orphans Fund (“the Fund”) referred to in the long title was established by an Act of 1694¹²⁸ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹²⁹ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹³⁰

4. The *preamble* to the 1778 Act¹³¹ recorded that “the Pavement of the High Street or Road leading from Aldersgate-bars ... to the Turnpike near the End of Goswell-street ... is in a ruinous Condition, and very dangerous to Passengers”. The preamble also recorded that the City of London was willing to use £5000 from the surpluses of the Fund to carry out the paving work.

¹²⁶ Aldersgate Street today runs from the northern end of St Martin’s Le Grand until it merges with Goswell Road. In 1778 Aldersgate Street merged with Goswell *Street* (as it was then called) close to the junction of Long Lane and Beech Street, with Goswell Street running north past Old Street. Aldersgate Street remains within the City of London. Goswell Road falls within the London Borough of Islington.

¹²⁷ A bar was the name commonly given to a city gate (derived from *barrier*).

¹²⁸ 5 & 6 Will. & Mar. c.10.

¹²⁹ Much of the Fund’s wealth came from receipts from the duties on coal and wine imported into the City of London.

¹³⁰ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

¹³¹ The preamble also recited at length the uses to which the Fund had been put in terms of funding and underwriting public construction projects in London during the earlier part of the eighteenth century.

5. The 1778 Act provided as follows:
- (a) the City of London was authorised to pave the high street or road from Aldersgate-bars to the turnpike near the end of Goswell Street (“the Road”), and to pull up the existing pavement
 - (b) Commissioners were appointed to oversee the paving works; Commissioners’ acts and proceedings to be recorded in a book
 - (c) authority for digging up the Road and clearing away obstructions; employment of contractors to carry out the works; contract work to be advertised in advance
 - (d) penalties for obstructing or damaging the work in progress; the old and new paving materials to belong to the City of London; authority to sell old paving material
 - (e) City of London authorised to raise £5000 for the paving works, using the Fund as security; the persons advancing the £5000 were to be given redeemable annuities at the rate of 4.5%, such annuities to be secured by bonds issued by the City of London; the Fund was charged with the payment of the annuities; annuities to be redeemable by the City of London (upon giving six months’ notice) out of the surpluses of the Fund
 - (f) Chamberlain of the City of London to keep an account of receipts and disbursements arising under this Act; appointment of officers to give effect to this Act; penalties for officers who misapply monies or take unauthorised fees
 - (g) savings; civil procedure issues; application of penalties; expenses and status of this Act.

6. The paving of the Road was duly completed in 1784. The provisions of the 1778 Act for raising finance ceased to have effect once the final annuity ceased to be payable. Since the annuities were redeemable out of the surpluses of the Fund, the final annuity would have been paid off by 1832 when the Fund was effectively wound up. The 1778 Act is accordingly now spent and its repeal is proposed on that basis.

Consultation

7. The City of London Corporation and the London Borough of Islington have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
18 Geo.3 c.77 (1778) (Shoreditch Streets Act)	The whole Act.

Shoreditch Streets Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed to authorise improvements to certain streets in Shoreditch, an area that is today within the London Borough of Hackney and Tower Hamlets.

2. According to its long title, the purpose of the *Shoreditch Streets Act* of 1778 (“the 1778 Act”) was-

for paving and repairing the Streets, Lanes, and other publick Passages and Places, within such Part of the Liberty of Norton Folgate, in the County of Middlesex, as is extra-parochial;¹³² and certain Parts of Magpie-alley,¹³³ and Blossom-street, in the Parish of Saint Leonard Shoreditch, in the said County; and for removing Obstructions and Annoyances therein.

3. The *preamble* to the 1778 Act recorded that the several streets and other passages and places within the extra-parochial part of the Liberty of Norton Folgate “are extremely ill paved, and greatly obstructed by Posts, and annoyed by Signs, Spouts, and Gutters, and other Incroachments projecting into and over the same”. The preamble also recorded that parts of Magpie Alley and Blossom Street lay within a part of the Liberty of Norton Folgate that fell within the parish of St Leonard Shoreditch, and that it would be advantageous for the inhabitants of that part if it were to be covered by the provisions of this Act.

4. The 1778 Act provided as follows:

- (a) appointment of Commissioners to give effect to this Act; election of successors; meetings of Commissioners; qualification for being a Commissioner; employment of clerks and other officers
- (b) Commissioners were authorised to pave and repair (1) the extra-parochial streets of Norton Folgate, and (2) the parochial part of Magpie Alley and Blossom Street

¹³² Norton Folgate (formerly Norton *Falgate*) connects Bishopsgate with Shoreditch High Street. Until its absorption into the borough of Stepney in 1900, Norton Folgate was a Liberty or enclave outside the normal parochial administrative system. A Liberty was a geographical area falling outside the usual administrative system of the county, borough or parish in which it was situated.

¹³³ Magpie Alley is today known as Fleur de Lis Street. It lies close to Norton Folgate, as does Blossom Street.

- (c) Commissioners were authorised to dig up the streets, enter contracts for the carrying out of the work and sell off the old pavements; penalty for interrupting the paving work
- (d) Commissioners to be given notice of any paving works that affected any sewer, drain or water pipe; Commissioners authorised to enter contracts with water companies for the re-laying of pavements; Commissioners to pay the cost of moving water pipes; procedure in event of burst water pipes; penalty for water company failing to repair damaged pipes
- (e) no alterations to be made to the newly-laid pavements without the Commissioners' consent; Commissioners authorised to put gratings over sewers
- (f) penalty for driving or leading cattle on the pavements; penalty for leaving rubbish on the pavements; pavements to be swept every day between 0600 and 1000 (except Sundays); houses to be numbered; signs, projections and other encroachments over the pavements and streets to be removed
- (g) Commissioners authorised to levy annual rates on every occupant of property in the streets covered by the 1778 Act; rates not to exceed 1 shilling and eight pence in the pound;¹³⁴ appointment of rate collectors; penalty for negligent rate collectors and for those failing to account for money received; power to levy supplementary rate
- (h) rates to be collected quarterly; special provisions for properties having several occupiers in the same year; provisions for properties that were tenanted or in multiple occupation
- (i) to supplement the rate income, the Commissioners were authorised to raise up to £5000 by borrowing against the security of the rates and selling annuities; assignment of annuities
- (j) this Act was to extend to Magpie Alley and that part of Blossom Street situated in the parish of St Leonard Shoreditch
- (k) penalties under this Act; keeping of accounts; appeals; civil procedure issues; expenses and status of this Act; savings; Act not to extend to that part of Hog Lane that was situated within the Liberty of Norton Folgate.

The present position

5. The Commissioners' powers under the 1778 Act ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Management Act

¹³⁴ Equivalent to approximately 8 pence in modern currency.

1855.¹³⁵ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became vested in parish vestries or in district boards.¹³⁶ In the case of the Liberty of Norton Folgate, the Commissioners' functions passed to the Board of Works for the Whitechapel District.¹³⁷ The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,¹³⁸ and now mostly vest in the London Boroughs of Hackney and Tower Hamlets, although responsibility for maintaining the streets in the boroughs is shared between the two boroughs and Transport for London.

6. Accordingly responsibility for paving and maintaining public streets has long ceased to vest in individual parishes or Liberties but has passed to local and county councils and the London boroughs. Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

7. Since none of the highway services for which the 1778 Act was passed are today provided or funded by parishes or Liberties but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1778 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

Consultation

8. The Department for Communities and Local Government, Transport for London, the London Borough of Hackney, the London Borough of Tower Hamlets, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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¹³⁵ 18 & 19 Vict. c.120.

¹³⁶ The 1855 Act, s 90.

¹³⁷ The 1855 Act, Sch B, Pt 1.

¹³⁸ The 1899 Act (62 & 63 Vict. c.14), s 4(1).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
18 Geo.3 c.78 (1778) (Spitalfields Streets Act)	The whole Act.
22 Geo.3 c.43 (1782) (Spitalfields Improvement Act)	The whole Act.

Spitalfields Streets Act of 1778/ Spitalfields Improvement Act of 1782

1. This note proposes the repeal of two obsolete eighteenth century Acts passed in connection with the construction of a street that is today situated within the City of London and the London Borough of Tower Hamlets.

Spitalfields Streets Act (1778)

2. According to its long title, the purpose of the *Spitalfields Streets Act* of 1778 (“the 1778 Act”) was-

*for applying the Sum of Nine thousand Pounds, to arise out of the Surplusses of a certain Fund, commonly called The Orphans Fund, for the Purpose of making a Passage for Carriages from Spitalfields to Bishopsgate-street, in the County of Middlesex.*¹³⁹

3. The Orphans Fund (“the Fund”) referred to in the long title was established by an Act of 1694¹⁴⁰ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹⁴¹ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹⁴²

4. The *preamble* to the 1778 Act recorded that-

*it will be of great publick Benefit to have a Passage commodious for Carriages from Crispin-street near Spitalfields Church, in the Parish of Christchurch and County of Middlesex, into Bishopsgate-street, whereby an easy Communication for Carriages may be made between Moorfields and the great Road called Whitechapel Road.*¹⁴³

¹³⁹ The county of Middlesex dated back to the 10th century. Much of the area became part of the county of London with the passing of the Local Government Act 1888. Middlesex ceased to exist as a separate administrative area with the formation of the new county of Greater London in 1965.

¹⁴⁰ 5 & 6 Will. & Mar. c.10.

¹⁴¹ Much of the Fund’s wealth came from receipts from the duties on coal and wine imported into the City of London.

¹⁴² London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

¹⁴³ The street constructed pursuant to this Act appears to be the thoroughfare that is today known as Brushfield Street which runs west from Commercial Street to Bishopsgate. Brushfield Street was formerly known as Paternoster Row, and then as Union Street before being renamed as Brushfield Street in 1870.

5. The preamble also recorded that it was reasonable that the sum of £9000 should be applied from the surpluses of the Fund towards the cost of the proposed road works.

6. The 1778 Act provided as follows-

- (a) the City of London was required to pay annuities of £405.00 to the Commissioners (“the 1778 Commissioners”) appointed to carry out the road works,¹⁴⁴ the first payment to be made on 24 June 1778
- (b) to secure the payment of these annuities, the City of London was required to issue 90 bonds, each bond to secure £100 and to pay an annuity at the rate of 4.5%
- (c) the 1778 Commissioners were empowered to sell the bonds, the proceeds to be used (after payment of the costs of passing the 1778 Act) for meeting the costs of the road works
- (d) the City of London was empowered to redeem the annuities by giving six months’ notice
- (e) the Fund was charged with the annuity payments; status of this Act.

7. The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives¹⁴⁵ show that in October 1824 sufficient moneys were paid by the City to discharge the 90 bonds of £100 each issued by the City to secure the annuity payments required by the 1778 Act. This repayment ended the City’s liabilities under the 1778 Act, which thereupon became unnecessary. Its repeal is proposed on that basis.

Spitalfields Improvement Act (1782)

8. According to its long title, the purpose of the *Spitalfields Improvement Act* of 1782 (“the 1782 Act”) was-

for making a Passage for Carriages from Spitalfields to Bishopsgate-street, in the County of Middlesex, and for paving the same; and for appropriating to those Purposes the Money arisen by virtue of [the 1778 Act]...

9. The *preamble* to the 1782 Act recorded that bonds to the value of £9000 had indeed been paid by the City to the 1778 Commissioners in accordance with the 1778 Act. Moreover the 1778 Commissioners had purchased additional such bonds

¹⁴⁴ These Commissioners were John Spiller and John Baker (junior).

¹⁴⁵ Annual accounts of the Chamberlain of the City of London: account of the annual produce and outgoings of the Orphans Fund.

(making a total of 105) and were in possession of £300 cash. Finally the preamble noted that “the making of the said Passage for Carriages, and properly paving the same, would be of great Utility to the Publick”.

10. The 1782 Act provided as follows-

- (a) appointment of new Commissioners (“the 1782 Commissioners”) to implement this Act; meetings of the 1782 Commissioners; quorum for meetings and qualifications of the 1782 Commissioners
- (b) the 1782 Commissioners authorised to appoint a clerk, treasurer, surveyor and other officers; duties of officers and penalties for misbehaviour
- (c) the 1778 Commissioners were required to hand over all the bonds and cash in their possession to the 1782 Commissioners
- (d) the 1782 Commissioners were authorised to design and lay out the new street (“the Street”) from Crispin Street to Bishopsgate Street with power to purchase compulsorily all land, houses and premises (as described in the Schedule to the 1782 Act) necessary for the purpose; power to demolish premises and dispose of materials
- (e) the 1782 Commissioners were authorised to lay new sewers in the Street (and to repair existing sewers), and to alter existing water pipes as necessary
- (f) powers to facilitate the purchase of land and premises by the 1782 Commissioners including the exercise of compulsory purchase powers and calculation of compensation; compulsory purchase powers to expire after five years (ie after 1787); power to sell surplus lands
- (g) 1782 Commissioners authorised to construct new buildings in, and archways over, the Street; all new buildings in the Street to be set out in regular and uniform style; power to mortgage any houses pending their demolition
- (h) 1782 Commissioners authorised to contract for the Street to be paved and to engage workmen for the purpose; penalties for anyone obstructing the necessary works; responsibility for paving, cleansing, lighting, watching and regulating the Street was to pass, once the Street was completed, to the Commissioners responsible for the area in which the Street was situated¹⁴⁶

¹⁴⁶ The Commissioners to whom this responsibility passed were the Commissioners responsible for the streets of (1) the parish of Christ Church (in the County of Middlesex) and (2) the City of London.

- (i) expense of this Act; recovery and application of penalties; appeals; civil procedure issues; status of this Act.

The present position

11. The 1782 Act is now obsolete. It ceased to serve any useful purpose in 1786 when the Street was completed and became known as Union Street (today renamed as Brushfield Street). Its repeal is now proposed on that basis.

Consultation

12. The City of London Corporation and the London Borough of Tower Hamlets have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
30 Geo.3 c.76 (1790) (Hans Town, Chelsea Improvement Act)	The whole Act.
43 Geo.3 c.xi (1803) (Hans Town (Chelsea) Improvement Act)	The whole Act.

Hans Town, Chelsea Improvement Act (1790)
Hans Town (Chelsea) Improvement Act (1803)

1. This note proposes the repeal of two obsolete Acts passed in 1790 and 1803 to make improvements to the area around Sloane Street, Chelsea known as Hans Town.

Background

2. Until the 1770s the area stretching from Knightsbridge in the north to the Kings Road in the south was still mostly fields and market gardens. During the 1770s the outward spread of London led the architect Henry Holland to put forward an ambitious scheme to develop the area, which was then known as Hans Town.¹⁴⁷ He was granted a building lease by the Earl of Cadogan,¹⁴⁸ and the development of the area unfolded over the next 50 years.

3. The two Acts covered by this note were consequential upon the building rights granted to Henry Holland to develop Hans Town. The Act of 1790 authorised the creation and repair of the public streets and passages with powers to light, clean, repair, pave and appoint watchmen. Commissioners were appointed to supervise these works and their powers were enlarged by the Act of 1803.

Hans Town, Chelsea Improvement Act (1790)

4. According to its long title, the purpose of the *Hans Town Chelsea Improvement Act of 1790* (“the 1790 Act”) was-

for forming and keeping in Repair the Streets, and other publick Passages and Places, within a certain District in the Parish of Saint Luke Chelsea, in the County of Middlesex, called Hans Town, and for otherwise improving the same.

¹⁴⁷ Hans Town, which comprised about 90 acres, was named after Sir Hans Sloane (1660 - 1753) who purchased the manor of Chelsea in 1712. Sloane Square, Sloane Street, Sloane Gardens, Hans Street, Hans Crescent, Hans Place and Hans Road are all named after him. He was President of the Royal Society and President of the Royal College of Physicians.

¹⁴⁸ The Earl had acquired the land through marrying one of Sir Hans Sloane’s daughters. The land remains part of the Cadogan Estate.

5. The *preamble* to the 1790 Act recorded the lease of 89 acres of land in Hans Town granted by the Earl of Cadogan to Henry Holland and the fact that Henry Holland had already constructed “a commodious Carriage Way or Street, called Sloane Street” running from Knightsbridge across the land. The preamble also stated that the benefit and safety of the inhabitants and visitors to the area would be enhanced if provision were made “for forming and paving, or otherwise repairing and keeping in Repair [the streets] and also for cleansing, lighting, watching, and watering the said Streets... and keeping the same free from all Nuisances, Annoyances, and Incroachments”.

6. The 1790 Act accordingly provided as follows-

- (a) appointment and qualification of Commissioners to implement the Act;¹⁴⁹ meetings of the Commissioners, the first to be held at the Cadogan Arms on 24 June 1790
- (b) the Commissioners were authorised to appoint officers including a treasurer, clerk, surveyor and a collector of rates; treasurer and collector to account for moneys received by them; penalty for default
- (c) property of the pavements, road surface materials, lamps and watch boxes acquired under this Act were vested in the Commissioners
- (d) the Commissioners were authorised to procure that the streets and public places were paved, cleansed, lit, watched and watered, and obstructions removed
- (e) the Commissioners were authorised to keep every street in repair and paved (the initial work to be carried out by the householders)
- (f) the Commissioners were authorised to erect lamp posts and install lamps to light up the streets; penalty for damaging lamps
- (g) provisions for the Commissioners to enter into contracts for the provision of works under this Act
- (h) all signposts and obstructions belonging to individual houses that encroached on the passage-ways were to be removed by householders; householders to build gutters, down pipes and drains
- (i) penalties for driving carts and carriages on the pavements; slaughtering animals in the streets; leaving carriages or depositing rubbish in the streets

¹⁴⁹ Qualification for the office of Commissioner was subject to the value of one’s property and income.

- (j) the Commissioners were authorised to appoint watchmen to guard the area and prevent crime; the Commissioners were authorised to dig wells and provide pumps to ensure the proper cleansing of the streets
- (k) the Commissioners were authorised to pay the highway surveyors for the parish of St Luke Chelsea four pounds each year in lieu of highway rates for the area; no resident in the area was to be liable to pay highway rates to such surveyors
- (l) the Commissioners were authorised to levy an annual rate on the inhabitants of Hans Town to cover the costs of implementing this Act, the money to be paid to the collector; special provisions for rating empty houses and persons moving home; recovery of rates
- (m) the Commissioners were authorised to borrow money upon the security of the rates, and to raise money by granting annuities
- (n) recovery of penalties; appeals; civil procedure issues; status of this Act.

Hans Town (Chelsea) Improvement Act (1803)

7. According to its short title, the purpose of the *Hans Town (Chelsea) Improvement Act* of 1803 (“the 1803 Act”) was for “amending, altering, and enlarging the Powers” of the 1790 Act.

8. The *preamble* to the 1803 Act recorded that the Commissioners appointed under the 1790 Act had “proceeded in the Execution thereof, to the great Benefit of [Hans Town]” but that amendments to these powers were necessary “in order more effectually to carry the Purposes of the said Act into Execution”.

9. The 1803 Act provided as follows-

- (a) the Commissioners were authorised to appoint contractors to clean the streets and to carry away dust, dirt, cinders or ashes from any premises; the cleaning contractors were to bring carts to each street at least twice weekly; penalty for unauthorised contractors
- (b) the Commissioners were authorised to direct that all carriage-ways were to be filled up properly before being surfaced with gravel, and that pavements were properly posted; power for the Commissioners to require the paving of carriage-ways even in areas not yet built upon
- (c) the Commissioners were authorised to levy a rate in respect of public buildings and dead walls

- (d) all occupiers were to clean and sweep the pavements in front of their houses every day between 8 and 10 AM; penalty for leaving unguarded holes in the streets, beating carpets or exercising horses in the streets, driving carriages on the pavements, or obstructing the Commissioners' officers
- (e) the Commissioners were given additional powers relating to the repair of the streets
- (f) provision for water companies and others to open any street to repair damaged underground water pipes and make good
- (g) provisions for repayment of Commissioners' borrowings; provisions for payment of purchase moneys in particular cases
- (h) expenses and status of this Act; recovery of penalties.

The present position

10. The Commissioners' powers under the 1790 and 1803 Acts ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Management Act 1855.¹⁵⁰ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became vested in parish vestries or in district boards.¹⁵¹ In the case of the parishes in Chelsea the Commissioners' functions passed to the vestry for the parish.¹⁵² The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,¹⁵³ and now mostly vest in the Royal Borough of Kensington and Chelsea, although responsibility for maintaining the streets of Kensington and Chelsea is shared between the borough and Transport for London.

11. Accordingly responsibility for providing public street cleaning, lighting, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.¹⁵⁴ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

¹⁵⁰ 18 & 19 Vict. c.120.

¹⁵¹ The 1855 Act, s 90.

¹⁵² The 1855 Act, Sch A, Pt 2.

¹⁵³ The 1899 Act (62 & 63 Vict. c.14), s 4(1).

¹⁵⁴ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

Conclusion

12. Since none of the services for which the 1790 or 1803 Acts were passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1790 and 1803 Acts have become obsolete in their entirety. Their repeal is proposed on that basis.

Consultation

13. The Department for Communities and Local Government, the Cadogan Estate, Transport for London, the Royal Borough of Kensington and Chelsea, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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39 Geo.3 c.lxxiv (1799) (Charles Street, Westminster Act)	The whole Act.
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Charles Street, Westminster Act (1799)

1. This note proposes the repeal of an obsolete 1799 Act to extend what is now Charles II Street in the St James's district of the City of Westminster.

2. According to its long title, the purpose of the *Charles Street, Westminster Act* of 1799 ("the 1799 Act") was-

for making a new Street from The Haymarket into Charles Street,¹⁵⁵ Saint James's Square, within the City and Liberty of Westminster.

3. The *preamble* to the 1799 Act recorded that the approaches to the King's Theatre¹⁵⁶ in the Haymarket were "not sufficiently convenient for the Access of the great Number of Carriages and Persons resorting thereto". Access would be improved and the theatre made more secure against fire "if a new Street were made and opened from the Street called The Haymarket into Charles Street, St James's Square".¹⁵⁷ Finally the preamble recorded that William Taylor (the theatre manager) was willing to make such a street.

4. The 1799 Act provided as follows-

(a) authorised William Taylor to extend the existing Charles Street into the Haymarket; and to place a bar or chain across the new street close to the Haymarket to prevent carriages accessing the Haymarket from the new street during evenings when the theatre was in use (*sections 1 and 2*)

(b) authorised William Taylor to demolish buildings in the Haymarket and in Market Lane; compulsory purchase provisions to enable William Taylor to acquire the land; conveyancing provisions; payment of mortgages; tenants to vacate premises; notices of compulsory purchase to be served before 1 January 1800 (*sections 3 to 10*)

(c) appeals; civil procedure issues; status of Act (*sections 11, 12 and 14*)

¹⁵⁵ Charles Street is today called Charles II Street: its name was changed in 1939.

¹⁵⁶ The King's Theatre is today called *Her Majesty's Theatre*. It occupies the same site on the corner of the Haymarket and Charles II Street.

¹⁵⁷ In 1799 Charles Street ran east from St James's Square across what is now Regent Street and ended near (but not connecting with) the Haymarket.

(d) William Taylor's powers under this Act to build the new street were to pass to the Commissioners of HM Treasury if not exercised before 13 July 1801 (section 13).

5. In the event the new street was built but not pursuant to the 1799 Act. William Taylor failed to exercise his powers under the Act within the time limit and so the powers passed to HM Treasury in accordance with section 13. The building work was instead carried out pursuant to an Act of 1813¹⁵⁸ which was passed to improve communications between Marylebone Park¹⁵⁹ and Charing Cross. *Section 2* of the 1813 Act provided that the Commissioners appointed under that Act¹⁶⁰ should carry out their works as if the powers in the 1799 Act had been repealed. The new street was completed pursuant to the 1813 Act in 1818.

Conclusion

6. The powers given in the 1799 Act to extend Charles Street were never exercised and were effectively repealed by the 1813 Act. Accordingly the 1799 Act no longer serves any useful purpose and its formal repeal is proposed on that basis.

Consultation

7. HM Treasury, Westminster City Council and Transport for London have been consulted about these repeal proposals.

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¹⁵⁸ 53 Geo.3 c.121 (Communications from Marylebone to Charing Cross). This Act included the construction of Regent Street. The architect was John Nash.

¹⁵⁹ Part of the site of the old Marylebone Park is today occupied by Regents Park (also designed by John Nash in 1818)

¹⁶⁰ These Commissioners were the Commissioners of His Majesty's Woods, Forests and Land Revenues. Their functions today are vested in the Crown Estate pursuant to the Crown Estate Act 1961, s 1.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
39 & 40 Geo.3 c.xlii (1800) (Temple Bar Improvement Act)	The whole Act.
44 Geo.3 c.xxvii (1804) (Temple Bar Improvement Act)	The whole Act.
46 Geo.3 c.xcvii (1806) (City of London Lottery Act)	The whole Act.
49 Geo.3 c.lxx (1809) (London and Westminster Houses Lottery Act)	The whole Act.
51 Geo.3 c.ccciii (1811) (Temple Bar Improvement Act)	The whole Act.

Temple Bar Improvement Acts of 1800, 1804 and 1811
City of London Lottery Act of 1806
London and Westminster Houses Lottery Act of 1809

1. This note proposes the repeal of five obsolete early nineteenth century Acts relating to the widening of the streets providing access to the City of London. Three of the Acts were passed to raise money for the construction works. The other two Acts authorised the holding of lotteries to facilitate the development of the area following those works.

Background

2. The Acts proposed for repeal are consequential upon the *Temple Bar etc Act* of 1795 (“the 1795 Act”)¹⁶¹ which was passed to widen and improve two access points to the City of London. The first was near the former west gate to the city known as *Temple Bar* at the junction of Fleet Street and the Strand. This was the principal access point for carriages approaching from Westminster. The second was the street called *Snow Hill* which provided access to the City from the north-west side. In both cases the accesses were described as-

*too narrow and incommodious for the passing and repassing, as well of Foot Passengers as of Coaches, Carts, and other Carriages, to the Prejudice and Inconvenience of the Owners and Inhabitants of Houses in and near the same, to the great Interruption of Business, and to the endangering of the Lives of many of His Majesty’s Subjects*¹⁶²

¹⁶¹ 35 Geo.3 c.126.

¹⁶² The 1795 Act, *preamble*.

3. Temple Bar was built around 1672 to mark the boundary between the City of London and the City of Westminster. The construction of the Royal Courts of Justice in the Strand (which were opened in 1882) necessitated the removal of Temple Bar in 1878. It was transported to Theobalds Park in Hertfordshire in 1887 where it stood until re-sited in 2004 to the new Paternoster Square development near St Paul's Cathedral.

4. The 1795 Act was amended by the *Temple Bar Improvement Act* of 1798 ("the 1798 Act").¹⁶³ Neither Act is proposed for repeal at present.

Temple Bar Improvement Act of 1800

5. According to its long title, the purpose of the *Temple Bar Improvement Act* of 1800 ("the 1800 Act") was-

for raising a further Sum of Money for carrying into Execution [the 1795 Act and the 1798 Act]... for widening and improving the Entrance into the City of London, near Temple Bar, for making a more commodious Street or Passage at Snow Hill, and for raising, on the credit of the Orphans Fund, a Sum of Money for those Purposes; and for explaining and amending the said Acts.

6. The Orphans Fund ("the Fund") referred to in the long title was established by an Act of 1694¹⁶⁴ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹⁶⁵ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹⁶⁶

7. The *preamble* to the 1800 Act recorded that although good progress had been made in carrying out the road improvement works authorised by the 1795 and 1798 Acts, insufficient money had been raised by those Acts to permit completion of the works. Accordingly Parliamentary authority was required for the raising of additional funding.

8. The 1800 Act provided as follows-

- (a) the City was authorised (i) to raise a maximum of £30k by the sale of annuities upon the credit of the Fund; and (ii) to borrow and raise a

¹⁶³ 38 Geo.3 c.lxi.

¹⁶⁴ 5 & 6 Will. & Mar. c.10.

¹⁶⁵ Much of the Fund's wealth came from receipts from the duties on coal and wine imported into the City of London.

¹⁶⁶ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

- maximum of £60k by the sale of annuities upon the credit of the Fund and of the money to be raised from the sale of ground rents and other property assets that were to be acquired pursuant to the 1795 and 1798 Acts; annuities to be paid to all persons contributing to this fund-raising; annuities to be payable half-yearly until redeemed (*section 1*)
- (b) the City was authorised to issue bonds (or other securities) to all persons buying annuities; the Fund was charged with the annuities payable pursuant to this Act; surpluses of the Fund to be used for paying and redeeming the annuities (*sections 2 to 4*)
 - (c) annuities to be redeemable upon the City giving six months' notice; any deficiency in the surpluses of the Fund needed to pay the annuities to be met by the Chamber of the City (*sections 5 and 6*)
 - (d) the moneys raised under this Act to be applied only for the purposes of the 1795 and 1798 Acts (*section 7*)
 - (e) the City was required to sell as soon as practicable all ground and other rents and properties arising out of purchases made pursuant to the 1795 and 1798 Acts and not required for public use; sale proceeds to be used to redeem annuities sold pursuant to this Act (*sections 8 and 9*)
 - (f) the City to be accountable for any misapplication of money raised under this Act; keeping records of disbursements; saving for City's existing creditors (*sections 10 to 12*)
 - (g) certain provisions of the 1795 and 1798 Acts to extend to this Act; status of this Act (*sections 13 and 14*).

Temple Bar Improvement Act of 1804

9. According to its long title, the purpose of the *Temple Bar Improvement Act* of 1804 ("the 1804 Act") was-

for raising an additional Sum of Money for carrying into Execution several Acts for widening the Entrance into the City of London, near Temple Bar; for making a more commodious Street at Snow Hill; and for raising, on the Credit of the Orphans Fund, certain Sum of Money for those Purposes; and also, for enlarging the Powers of the said Acts.

10. The *preamble* to the 1804 Act recorded that, although very great progress had been made in carrying out the earlier Acts,¹⁶⁷ the costs involved had "very far exceeded the Estimates which had been previously made". Accordingly more money

¹⁶⁷ These Acts included, in addition to the 1795, 1798 and 1800 Acts, the Temple Bar Improvement Act of 1802 (42 Geo.3 c.lxxiii).

needed to be raised. Moreover more time was needed to complete transactions than was allowed for by the earlier Acts.

11. The 1804 Act accordingly provided as follows-

- (a) the City was authorised to borrow and raise a further £100k by the sale of annuities upon the credit of the Fund (*section 1*)
- (b) the City was authorised to issue bonds (or other securities) to all persons buying the annuities; the Fund was charged with these annuities; future surpluses of the Fund to be used for paying and redeeming the annuities (*sections 2 to 4*)
- (c) annuities to be redeemable upon the City giving six months' notice; any deficiency in the surpluses of the Fund needed to pay the annuities to be met by the Chamber of the City (*sections 5 and 6*)
- (d) the money raised under this Act to be applied, after payment of the costs of this Act, only for the purposes of the earlier Acts (*section 7*)
- (e) the City to be accountable for any misapplication of moneys raised under this Act; keeping records of disbursements; saving for the City's existing creditors (*sections 8 to 10*)
- (f) the existing six pence duty imposed on coal imported into the City of London was continued until 5 July 1837 in order to increase the income of the Fund sufficiently to pay off the sums charged to the Fund by this Act;¹⁶⁸ similarly the existing annual sum of £1500 charged on the City's revenues to support the income of the Fund was extended until 5 July 1837 (*sections 11 and 12*)
- (g) the City's compulsory purchase powers granted by the earlier Acts were extended by three years from the passing of this Act (3 May 1804); similarly the City's powers to complete the works authorised by those Acts were extended by five years from the passing of this Act (*section 13*)
- (h) provisions for payment of compensation in respect of property purchased pursuant to this Act or the earlier Acts; conveyancing provisions concerning purchase moneys; provisions of the earlier Acts to extend to this Act; status of this Act (*sections 14 to 21*).

¹⁶⁸ This coal import duty, which began in 1694 with the Orphans, London Act of that year (5 & 6 Will & Mar. c.10), was continued by a series of enactments and was finally abolished by the London Coal Duties Abolition Act 1889 (c.17), s 1.

City of London Lottery Act of 1806

12. According to its long title, the purpose of the *City of London Lottery Act of 1806* (“the 1806 Act”) was-

to enable the several Persons therein named to dispose of several Houses in Pickett Street, Temple Bar, in the Parish of Saint Clement Danes, in the County of Middlesex; and in Skinner Street, Snow Hill; and on Snow Hill, and in Fleet Market, in the Parish of Saint Sepulchre, in the City of London, by Lottery.

13. The *preamble* to the 1806 Act recorded that the City, having purchased land and buildings pursuant to the earlier Acts, had granted building leases of this property to persons who were finding it impossible to develop the various sites profitably. The cost of the building work, taken together with the high ground rents payable to the City, meant that the developers were unable to complete the developments and give effect to the necessary improvements desired for the Temple Bar and Snow Hill areas.

14. Accordingly, the *preamble* explained, the City had devised a scheme for resolving these issues. It involved the City divesting itself of the freeholds of the building leases, thereby ending the obligation to pay the high ground rents. The freeholds would be disposed of by *lottery* free of the building leases. The lottery or lotteries would be organised by trustees (“the Trustees”) to whom the City had already transferred the freeholds.

15. The 1806 Act provided as follows-

- (a) the Trustees were authorised to sell the freehold properties listed in Schedules 4 to 6 of the Act by means of *three separate lotteries* (*section 1*)
- (b) the prizes for the first lottery were to comprise the properties in Schedule 4, the proceeds to be raised were not to exceed £100K, a maximum of 20,000 tickets were to be sold at not less than £5 each; the prizes for the second and third lotteries were to comprise the properties in Schedules 5 and 6 respectively, the maximum proceeds and the ticketing arrangements for each of these lotteries to be the same as for the first lottery (*sections 2 to 4*)
- (c) insurance of the prizes; notices of the lotteries and the prizes to be published in the London Gazette; the property interest in the prizes of all existing leaseholders and mortgagees were to vest in the Trustees so

- that the prizes would be transferred to the prize-winners free from all leases, mortgages and other incumbrances¹⁶⁹ (*sections 5 to 7*)
- (d) no ticket in the second (or third) lottery to be sold whilst any buildings in Schedule 5 (or 6) remained incomplete; mode of determining completion of buildings (*sections 8 to 10*)
 - (e) the prizes in the three lotteries to be the 69 properties identified in Schedules 4 to 6; the prizes to be drawn as part of any of the State Lotteries to be held in the period 1 October 1806 to 31 December 1808; 40 days' notice to be given of such lottery in the London Gazette; provisions for any of the three lotteries to be drawn not as part of a State Lottery but separately at the Guildhall; Trustees authorised to appoint officials to supervise such lotteries (*sections 11 to 15*)
 - (f) appointment of new Trustees; payment of expenses; status of this Act (*sections 16 to 18*).

London and Westminster Houses Lottery Act of 1809

16. According to its long title, the purpose of the *London and Westminster Houses Lottery Act of 1809* ("the 1809 Act") was-

to amend and enlarge the Powers of [the 1806 Act], to enable the several Persons therein named to dispose of the several Houses therein mentioned, in London and Westminster, by Lottery.

17. The *preamble* to the 1809 Act recorded that the first two of the three lotteries authorised by the 1806 Act had already been drawn. The first lottery was drawn on 14 April 1807.¹⁷⁰ The second was drawn on 26 April 1808.¹⁷¹ Moreover the houses that were to comprise the prizes in the third lottery were ready to be sold. Doubts, however, had been expressed whether the powers given in the 1806 Act for the holding of the third lottery had lapsed because of the passage of time since then.

18. The 1809 Act provided as follows-

- (a) the provisions of the 1806 Act relating to the drawing of the third lottery were to be repealed (*section 1*)
- (b) the property rights in the properties to be included in the third lottery were deemed to have vested in the 1806 Act Trustees; these properties were

¹⁶⁹ Part of section 7 was repealed by an Act of 1812 (52 Geo.3 c.clxv), s 1.

¹⁷⁰ The London Gazette, 25 April 1807, p 536.

¹⁷¹ The London Gazette, 5 March 1808, p 340.

listed in Schedule 3 to the 1809 Act and the Trustees were authorised to sell them by lottery (*sections 2 and 3*)

- (c) the prizes for the third lottery were to comprise the properties in Schedule 3, the proceeds to be raised were not to exceed £100K, a maximum of 20,000 tickets were to be sold at not less than £5 each; notice of the lottery and the prizes was to be published in the London Gazette (*sections 4 and 5*)
- (d) the lottery was to be drawn at the Guildhall before 25 March 1811; provision for sale by auction of prizes in the event of any winning ticket being lost; payment of sale proceeds into court in particular cases (*sections 6 to 8*)
- (e) Trustees authorised to appoint officials to supervise the third lottery; payment of expenses; status of this Act (sections 9 to 11).

19. The third lottery was duly drawn at the Guildhall on 4 December 1810.¹⁷²

Temple Bar Improvement Act of 1811

20. According to its long title, the purpose of the *Temple Bar Improvement Act* of 1811 (“the 1811 Act”) was-

for raising an additional Sum of Money for carrying into Execution the several Acts for widening the Entrance into the City of London near Temple Bar, for making a more commodious Street at Snow Hill, and for raising Money on the credit of the Orphans’ Fund for these Purposes; and for extending the Powers of the said Acts.

21. The *preamble* to the 1811 Act recorded that, although very great progress had been made in carrying out the earlier Acts,¹⁷³ the costs and expenses involved had greatly exceeded the previous estimates. More money therefore needed to be raised. The preamble also recorded that the City had already paid off and redeemed £60K from the annuities sold pursuant to the 1800 Act, as well as paying off and redeeming £50K from the annuities sold pursuant to the Temple Bar Improvement Act of 1802.

¹⁷² The London Gazette, 16 October 1810, p 1645.

¹⁷³ These Acts included, in addition to the 1795, 1798, 1800 and 1804 Acts, the Temple Bar Improvement Act of 1802 (42 Geo.3 c.lxxiii) and the Temple Bar Improvement Act of 1809 (49 Geo.3 c.lxxxii).

22. The 1811 Act provided as follows-

- (a) the City was authorised to purchase and demolish part of a house situated on the south side of the Strand and on the east side of Essex Street occupied by James Holmes¹⁷⁴ (*section 1*)
- (b) the City was authorised to borrow and raise a further £40K by the sale of annuities upon the credit of the Fund (*section 2*)
- (c) the City was authorised to issue bonds (or other securities) to all persons buying the annuities; the Fund was charged with these annuities; future surpluses of the Fund to be used for paying and redeeming the annuities (*sections 3 to 5*)
- (d) the annuities to be redeemable upon the City giving six months' notice; any deficiency in the surpluses of the Funds needed to pay the annuities to be met by the Chamber of the City (*sections 6 and 7*)
- (e) the money raised under this Act to be applied, after payment of the costs of this Act, only for the purposes of this Act and the earlier Acts; all proceeds arising from the sale of properties acquired pursuant to this Act and the earlier Acts to be used to redeem annuities sold pursuant to this Act (*sections 8 and 9*)
- (f) the City to be accountable for any misapplication of money raised under this Act; keeping records of disbursements; saving for City's existing creditors (*sections 10 to 12*)
- (g) the City to compensate the overseers of the poor and other public authorities in the parish of St Clement Danes for loss of local rates caused by the building works (*sections 13 and 14*)
- (h) this Act and the earlier Acts were not to affect the rights of the Commissioners of Sewers for Westminster; provisions of the earlier Acts to extend to this Act; status of this Act (*sections 15 to 17*).

The present position

23. All five Acts have long been obsolete. In the case of the 1800 Act, the 1804 Act and the 1811 Act, records held at the London Metropolitan Archives¹⁷⁵ indicate that by 1829 or thereabouts sufficient moneys were paid by the City to discharge the bonds issued by the City to secure the annuity payments required by each of those Acts. This repayment ended the City's liabilities under those Acts, which thereupon

¹⁷⁴ The City could have used its powers under the 1798 Act to purchase the whole of the house. However, buying just part of the house would save the City both time and money.

¹⁷⁵ Report from the Select Committee on the Orphans Fund: the 135th account of the Chamberlain of the City of London (1829): LMA File COL/CHD/OA/05.

became unnecessary. In the case of the 1806 Act and the 1809 Act, these became unnecessary once the lotteries which they authorised had been drawn in 1807, 1808 and 1810. Accordingly all five Acts are now unnecessary and their repeal is proposed on that basis.

Consultation

24. The City of London Corporation and Westminster City Council have been consulted about these repeal proposals.

LAW/005/07/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
44 Geo.3 c.lxxxvi (1804) (Southwark Improvement Act)	The whole Act.

Southwark Improvement Act (1804)

1. This note proposes the repeal of an obsolete 1804 Act passed to amend an Act of 1766 relating to improving the streets in Southwark.

2. According to its long title, the purpose of the *Southwark Improvement Act* of 1804 (“the 1804 Act”) was-

for altering and amending an Act passed in the Sixth Year of His present Majesty, for paving the Streets and Lanes within the Borough of Southwark, and certain Parts adjacent in the County of Surrey, and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein, so far as the same relates to the West Division thereof, as therein mentioned.

3. The Act referred to in the long title was the *Streets, Southwark Act* of 1766 (“the 1766 Act”).¹⁷⁶ It has long been repealed.¹⁷⁷ The 1804 Act itself has been partly repealed already.¹⁷⁸

4. The *preamble* to the 1804 Act recorded that the 1766 Act had divided Southwark into two Divisions for the purposes of that Act, the parishes of St George, St Saviour, St Mary Newington and the High Street part of the parish of St Olave being called the *West Division*. The preamble also recorded that the powers in the 1766 Act had turned out to be defective and insufficient (and that the rates that could be levied under that Act were insufficient) with the result that full effect could not be given to the 1766 Act.

5. The 1804 Act accordingly provided as follows-
- (a) the Commissioners appointed to execute the 1766 Act were appointed to execute the 1804 Act with respect to the West Division; qualification of such Commissioners (*sections 1 and 2*)
 - (b) penalties for creating nuisances in the streets or obstructing the pavements (*section 3*)

¹⁷⁶ 6 Geo.3 c.24.

¹⁷⁷ Southwark Improvement Act 1845 (8 & 9 Vict. c.xiii), s 1; SR & O 1901/264, 275.

¹⁷⁸ Southwark Improvement Act 1845 (8 & 9 Vict. c.xiii), s 1; SR & O 1901/264, 275.

- (c) the Commissioners were authorised to impose an annual rate on the persons occupying premises in the West Division, such rate not to exceed three pence in the pound over and above the rates charged under the 1766 Act; further rates to be imposed to cover the costs of executing the 1766 Act and this Act; provisions for reductions and exceptions (*sections 4 to 7*)
- (d) only the official appointed by the Commissioners to collect ashes, dirt and other material from houses was allowed to do so;¹⁷⁹ penalty in the event of such collection by anyone else; penalty on persons providing equipment for use in such unauthorised collections; owners of ashes, dirt etc were entitled to remove the same for their own use (*sections 8 to 10*)
- (e) occupiers to sweep the pavements in front of their premises each day before 9 am (*section 11*)
- (f) penalties under this Act to be levied and collected within fourteen days (*section 12*)
- (g) the Commissioners were authorised to give notice to owners and occupiers of premises to remove obstructions projecting over or extending onto the streets or pavements; Commissioners empowered to carry out the necessary works at the expense of the occupiers; provisions for contributing to the costs of such work and for relieving the poor from the liability to pay (*sections 13 to 15*)
- (h) all new buildings were to be constructed perpendicularly or be pulled down at the expense of their owners (*section 16*)
- (i) provisions for notifying officials of water companies in the event of a water pipe fracture; provision for compensating such officials if they repair a water pipe belonging to another water company (*section 17*)
- (j) provision for permitting inhabitants to give evidence; 1766 Act to extend to this Act; provision for demolishing premises at the corner of King Street (at the entrance to the High Street, Southwark) in order to widen the street (*sections 18 to 20*)
- (k) expenses of this Act; civil procedure issues; status of this Act (*sections 21 to 23*).

¹⁷⁹ This official was known as *the Scavanger*.

The present position

6. The Commissioners' powers under the 1804 Act ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Management Act 1855.¹⁸⁰ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became vested in parish vestries or in district boards.¹⁸¹ In the case of the parish of St George and St Mary Newington, the Commissioners' functions passed to the Vestry of that parish.¹⁸² In the case of the parishes of St Saviour and St Olave, the Commissioners' functions passed to the Metropolitan Board of Works for the relevant parishes.¹⁸³ The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,¹⁸⁴ and now mostly vest in the London Borough of Southwark, although responsibility for maintaining the streets of Southwark is shared between the borough and Transport for London.

7. Accordingly responsibility for paving and maintaining public streets has long ceased to vest in the parish but has passed to local and county councils and the London boroughs. Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

8. Since none of the highway services for which the 1804 Act was passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1804 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

¹⁸⁰ 18 & 19 Vict. c.120.

¹⁸¹ The 1855 Act, s 90.

¹⁸² The 1855 Act, Sch A, Pt 2. The Vestry was an administrative committee of a parish. In England, until the nineteenth century, the parish Vestry was in effect what would today be known as a parochial church council. Vestries were responsible not only for the ecclesiastical affairs of a parish but also for a range of civil or lay issues including the support of the poor.

¹⁸³ The 1855 Act, Sch B, Parts 1 and 3.

¹⁸⁴ The 1899 Act (62 & 63 Vict. c.14), s 4(1).

Consultation

9. The Department for Communities and Local Government, Transport for London, the London Borough of Southwark, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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8 & 9 Vict. c.xiii (1845) (Southwark Improvement Act)	The whole Act.
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Southwark Improvement Act (1845)

1. This note proposes the repeal of an obsolete 1845 Act passed to abolish the charging of the turnpike tolls in Southwark on Sundays.

Background

2. Until the late nineteenth century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid statute labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

3. Turnpikes were an alternative method of road administration and were first used in 1663.¹⁸⁵ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

Abolition of the Southwark turnpikes

4. The *preamble* to the *Southwark Improvement Act* of 1845 (“the 1845 Act”) recorded that an Act of 1766 (“the 1766 Act”)¹⁸⁶ (as amended by several later Acts) provided for the charging of tolls in respect of cattle and carriages passing through certain turnpikes in Southwark on Sundays. The turnpikes were, or were to be, situated along a number of roads and places including Synodd’s Corner (in the parish of Lambeth) Blackman Street (*now* Borough High Street), Newington Butts and Starr Corner (in the parish of Bermondsey).

5. The *preamble* to the 1845 Act also recorded that complaints had been made about the continued collection of the Sunday toll. In particular many of the places where the toll was collected were roads leading directly into London. As the preamble put it, “the Collection of such Toll is a general and public Annoyance and

¹⁸⁵ This turnpike was in Wadesmill in Hertfordshire: 15 Cha.2 c.1 (1663).

¹⁸⁶ 6 Geo.3 c.24 (Streets, Southwark). This Act has since been repealed: SR & O 1901/264, 275.

Inconvenience, it is therefore expedient that the Collection of the said Street Toll on a Sunday should cease". However, an Act of Parliament was thought necessary to achieve this.

6. The 1845 Act accordingly provided as follows-

- (a) the provisions in the 1766 Act (and subsequent amending Acts) authorising the collection of the tolls and the erection of turnpikes were repealed with effect from 29 September 1845 (*section 1*)
- (b) the Commissioners appointed under the 1766 Act were required to remove all turnpikes erected pursuant to that Act by 29 October 1845; any outstanding loans raised on the security of the toll moneys were to be paid out of the rates authorised by the 1766 Act (*section 2*)
- (c) status of this Act (*section 3*).

Conclusion

7. The provisions of the 1845 Act about the abolition of the turnpike tolls took effect when the Act came into force in September 1845 and became unnecessary when the final turnpike was dismantled pursuant to the Act in October 1845. The provision about repayment of outstanding loans became unnecessary, at the latest, in 1901 when the 1766 Act was finally repealed.¹⁸⁷ Accordingly the whole of the 1845 Act has been obsolete for more than a century and its repeal is proposed on that basis.

Consultation

8. The London Borough of Southwark and the Department for Transport have been consulted about this repeal proposal.

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¹⁸⁷ SR & O 1901/264, 275.

<p>Westminster Improvement Association Act 1853 (16 & 17 Vict. c.ccxv)</p>	<p>The whole Act.</p>
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Westminster Improvement Association Act 1853

1. This note proposes the repeal of an obsolete Victorian Act passed to improve housing in central London.

2. According to its long title, the purpose of the *Westminster Improvement Association Act 1853* (“the 1853 Act”) was-

for the Incorporation of the Westminster Association for improving the Dwellings of the Working Classes.

3. During the second half of the nineteenth century, a large number of Model Dwelling Companies and trusts were established to improve the housing conditions of the working classes in Britain by building new homes for them, whilst at the same time receiving a competitive rate of return on their investment. Perhaps the most well-known of these bodies was the Peabody Trust which continues in existence today.

The 1853 Act

4. The *preamble* to the 1853 Act recorded that “great Improvements have of late been made and are still making in the City of Westminster”. However “in the course of making such Improvements many Houses inhabited by the Labouring Classes have been pulled down, and it is right and expedient that Provision should be made for the Erection of other and better Dwellings for them, in order that their moral and social Conditions may be ameliorated.” The preamble also recorded that several persons had united to buy and construct dwelling houses for the poor in the City of Westminster and other districts.

5. Many of the improvements referred to in the preamble had been carried out pursuant to the Westminster Improvement Acts of 1845, 1847, 1850 and 1853. These Acts authorised the Westminster Improvement Commissioners to acquire land compulsorily and carry out street construction work in the Westminster area.¹⁸⁸

¹⁸⁸ The Westminster Improvement Commissioners were wound up in 1891 by the Westminster Improvement Commissioners Winding-up Act 1891 (54 & 55 Vict. c.cxliv).

6. The 1853 Act provided as follows-
- (a) incorporation of other statutory provisions; short title (*sections 1 and 2*)
 - (b) incorporation of “The Westminster Association for improving the Dwellings of the Working Classes” (“The Association”) (*section 3*)
 - (c) the object of the Association was to provide, whether by altering existing buildings or by building new ones, “commodious and healthy Lodgings or Dwellings for the poorer Classes, and to let out the same to them as temporary Lodgings or otherwise” (*section 4*)
 - (d) provisions for the Association’s President, Vice-Presidents, meetings and for a committee of management (*sections 5 to 17*)
 - (e) the Association’s capital was to be £10K, increasable to £100K; issue of shares; payment of shares; power to raise money on mortgage (*sections 18 to 24*)
 - (f) power of the shareholders to dissolve the Association and wind up the Association’s affairs; net remaining assets to be distributed to the shareholders (*sections 25 and 26*).

7. Because the work of the Association was not confined to Westminster, the Association’s name was changed in 1855 to “The London and Westminster Association for improving the Dwellings of the Working Classes”.¹⁸⁹

8. No trace of the Association surviving beyond 1855 has been found. It is likely that the Association, in common with many other Model Dwelling Companies and trusts of the period, was unable to raise the considerable funds needed to acquire and improve properties in the London area. In any event it is clear that the Association no longer exists today with the result that the 1853 Act, its enabling legislation, is obsolete. Its repeal is proposed on that basis.

Consultation

9. Westminster City Council, the Greater London Authority, the Peabody Trust and the Industrial Dwellings Society (1885) Ltd have been consulted about this repeal proposal.

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¹⁸⁹ The Westminster Improvement Act 1855 (18 & 19 Vict. c.cxciii), s 15.

Pimlico Improvement Act 1857 (20 & 21 Vict. c.67)	The whole Act.
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Pimlico Improvement Act 1857

1. This note proposes the repeal of an obsolete 1857 Act passed to extend the time limits for improvement works in Pimlico.

2. According to its long title, the purpose of the *Pimlico Improvement Act 1857* (“the 1857 Act”) was-

to extend the Time for enabling the Commissioners of Her Majesty’s Works to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace.

3. The 1857 Act was consequential upon two earlier Acts – the *Pimlico Improvement Act* of 1852 (“the 1852 Act”)¹⁹⁰ and the *Pimlico Improvement Act 1853*¹⁹¹ (“the 1853 Act”).

4. *The 1852 Act* authorised the Commissioners of Her Majesty’s Works and Public Buildings (“the Commissioners”)¹⁹² to carry out certain works such as constructing and widening streets and pulling down buildings to improve public access to St James’s Park and the Houses of Parliament.¹⁹³ The 1852 Act gave the Commissioners compulsory purchase powers to acquire land and buildings for these purposes.

5. *The 1853 Act* enlarged and extended the Commissioners’ powers conferred by the 1852 Act. However the compulsory purchase powers given to the Commissioners to carry out the improvements were time-limited, with the result that they could not be exercised after four years from the passing of the 1853 Act.¹⁹⁴ This meant that the powers would expire after 4 August 1857.

¹⁹⁰ 15 & 16 Vict. c.78. This Act remains in force and is not proposed for repeal.

¹⁹¹ 16 & 17 Vict. c.44. This Act remains in force and is not proposed for repeal. It was not given a short title.

¹⁹² The functions of the Commissioners of Works and Public Buildings are today vested in the Secretary for Culture, Media and Sport: Crown Lands Act 1851, s 15; Secretary of State for Culture, Media and Sport Order 1997, SI 1997/1744.

¹⁹³ The 1852 Act also provided for the improvement of the Kings Road and the enlargement of the gardens at Buckingham Palace.

¹⁹⁴ The 1853 Act, s 4.

6. The *preamble* to the 1857 Act recorded that a number of properties authorised for purchase by the 1853 Act had not yet been purchased with the result that an extension of the time allowed by that Act for the purchase was necessary.

7. Accordingly the 1857 Act extended for two years from 4 August 1857 the Commissioners' powers to purchase the properties identified in the Schedule to the Act. Accordingly the compulsory purchase powers would lapse as from 4 August 1859.

Conclusion

8. The powers given to the Commissioners by the 1857 Act were not subsequently renewed and so expired in August 1859. The Act thereupon became spent and its repeal is proposed on that basis.

Consultation

9. The Department for Culture, Media and Sport, the Crown Estate and Westminster City Council have been consulted about these repeal proposals.

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October 2012

GROUP 3 – LONDON GASLIGHT ACTS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
London Gaslight Act 1852 (15 & 16 Vict. c.lxxxii)	The whole Act.
London Gaslight Act 1857 (20 & 21 Vict. c.lxxxiii)	The whole Act.
London Gaslight Act 1866 (29 & 30 Vict. c.lv)	The whole Act.
London Gaslight Act 1880 (43 & 44 Vict. c.xcvi)	The whole Act.

London Gaslight Acts 1852 to 1880

1. This note proposes the repeal of four obsolete Victorian Acts relating to the London Gaslight Company which has long ceased to exist.

Background

2. The origins of the gas industry lay with the discovery of coal gas in the early eighteenth century. Gas lighting for homes, buildings and streets was pioneered by a Scottish engineer, William Murdoch, and his pupil, Samuel Clegg. Murdoch first used coal gas in 1792 to light his home in Redruth, Cornwall. By the early 1800s Murdoch was building gas works for the illumination of mills and factories. The first public street gas lighting was demonstrated in Pall Mall in central London in January 1807 by the German inventor, Frederick Winsor. The Gas Light and Coke Company, the first gas undertaking in the world, was incorporated by Royal Charter in 1812. Westminster Bridge was illuminated by gas on New Year's Eve 1813.

3. Gas lighting proved a great success. Gas produced a much brighter light than that obtainable from candles or oil lamps, and was safer and cheaper than either. The installation of gas lamps in the streets made towns safer after dark and helped to reduce crime. Gas lighting in factories helped to increase production especially during the winter months. By 1823 many towns in Britain had gas lighting in their homes, factories and streets. By 1830 two hundred gas companies had been established, a number rising to nearly one thousand by 1860. One of these was the London Gaslight Company.

The London Gaslight Company

4. The London Gaslight Company (“the Company”) was incorporated under that name by an Act of 1844.¹⁹⁵ The powers given to the Company by that Act were extended by an Act of 1849.¹⁹⁶ The repeals proposed in this note relate to four subsequent Acts concerning the Company.

London Gaslight Act 1852

5. According to its long title, the purpose of the *London Gaslight Act 1852* (“the 1852 Act”) was “for granting further Powers to the London Gaslight Company; and for other Purposes”.

6. The *preamble* to the 1852 Act recorded that it was expedient that the Company be permitted to raise additional funds and that amendments be made to its existing statutory powers.

7. The 1852 Act accordingly provided as follows-

- (a) short title; repeal of the Acts of 1844 and 1849; savings provisions to preserve the status of the Company and its officers despite the repeals (*sections 1 to 12*)
- (b) incorporation of other statutory provisions; provisions as to the Company’s share capital and payment of dividends; Company authorised to borrow up to £50K on the security of bonds; priority of existing bonds and mortgages; reborrowing to pay off existing debt; issue of new shares; power of the Company to purchase its shares (*sections 13 to 26*)
- (c) holding of shareholders’ meetings and general meetings; procedure at such meetings; the number of directors to be eight; appointment of directors and of the Company’s Governor and deputy Governor; appointment of auditors (*sections 27 to 38*)
- (d) geographical limits of this Act; the Company was authorised to (1) make, maintain and lay ovens, gasometers, pipes, sewers etc (2) construct buildings upon the lands purchased pursuant to this Act and (3) do all such other acts necessary for supplying the inhabitants of the areas covered by this Act with gas and gas products (*sections 39 and 40*)
- (e) the Company was authorised to purchase or lease land required for the Company’s business (up to fifteen acres); penalty on Company for laying

¹⁹⁵ 7 & 8 Vict. c.xcv (London Gaslight Company).

¹⁹⁶ London Gaslight Amendment Act 1849 (12 & 13 Vict. c.xxxvii)

gas pipes in sewers without consent; notice required for breaking up streets; compensation payable for damage to Company pipes or other property; notice to be given to the Company of lights attached to the Company's mains; recovery of moneys owing to the Company; provision for preventing the fraudulent consumption of gas (*sections 41 to 50*)

- (f) savings; contracts not required to be under seal; penalties not to be cumulative; certain bonds issued by Company to secure debt to be valid (*sections 51 to 58*).

London Gaslight Act 1857

8. According to its long title, the purpose of the *London Gaslight Act 1857* ("the 1857 Act") was "for regulating the Payment of Dividends on certain Classes of Preference Shares in the London Gaslight Company".

9. The *preamble* to the 1857 Act recorded the need to create new debenture stock and to clarify the payment of dividends to certain preference shareholders.

10. The 1857 Act provided as follows-

- (a) short title; authority to create a First Debenture Stock and a Second Debenture Stock, the issue of such stock to discharge the Company from any existing dividend rights of the debenture-holders; order of payment of dividends (*sections 1 to 4*)
- (b) incorporation of other statutory provisions; deferral of dividends on preference shares if profits were insufficient to pay them; sum to be set aside before payment of dividends; application of that sum; expenses of this Act (*sections 5 to 9*).

London Gaslight Act 1866

11. According to its long title, the purpose of the *London Gaslight Act 1866* ("the 1866 Act") was "to authorise the London Gaslight Company to raise further Sums of Money; and for other Purposes".

12. The *preamble* to the 1866 Act recorded that "for enabling the Company to meet their Obligations, and fulfil the Purposes for which they were incorporated, it is expedient that they should be authorised to raise further Sums of Money".

13. The 1866 Act accordingly provided as follows-
- (a) incorporation of other statutory provisions; the Company was authorised to raise up to £300K by the issue of new shares; such new shares to form part of the general capital of the Company; terms of payment and issue of the new shares (*sections 1 to 5*)
 - (b) the Company was authorised to borrow up to £100K by the issue of bonds, existing bonds to take priority; the Company was authorised to issue debenture stock; authority to reduce the price of the Company's gas and increase its illumination power (*sections 6 to 9*)
 - (c) expenses of this Act; short title (*sections 10 and 11*).

London Gaslight Act 1880

14. According to its long title, the purpose of the *London Gaslight Act 1880* ("the 1880 Act") was "to confer further Powers upon the London Gaslight Company; and for further purposes".

15. The *preamble* to the 1880 Act recorded that it was expedient that the Company should be able to sell "gas and other fittings and engines, stoves, pipes, and other appliances for the lighting, warming, and ventilating houses and buildings, the cooking of food, for motive power, and other purposes".

16. The 1880 Act accordingly provided as follows-
- (a) short title; the Company was authorised to buy or hire, sell or let to gas consumers within its area the gas, fittings and appliances described in the preamble; the Company was authorised to charge for such matters (*sections 1 to 3*)
 - (b) the Company was authorised to acquire rights to further its business; application of funds generated by this Act; keeping of accounts; expenses of this Act (*sections 4 to 7*).

Current position

17. The four London Gaslight Acts have long been obsolete. The Company ceased to exist as an independent company in 1883 when it was amalgamated with the Gas Light and Coke Company. Nationalisation of the gas industry on 1 May 1949 resulted in the establishment of twelve Area Boards.¹⁹⁷ One of these Boards, the

¹⁹⁷ Gas Act 1948, s 17(1); Gas (Vesting Date) Order 1949, SI 1949/392.

North Thames Gas Board, was vested with the property, rights, liabilities and obligations of the Gas Light and Coke Company which then ceased to exist.¹⁹⁸

18. The North Thames Gas Board was dissolved on 1 January 1973 when it became a region of the British Gas Corporation (“the BGC”). All the assets of the Area Boards then vested in the BGC.¹⁹⁹ The property, rights and liabilities of the BGC vested in British Gas plc on 24 August 1986 in preparation for privatisation of the company.²⁰⁰ The privatised company demerged to form two separate companies in February 1997. Centrica plc took over responsibility for the gas supply business within the UK, whilst BG plc took over responsibility for the gas transportation business (Transco) and the international exploration and production business.

Conclusion

19. The London Gaslight Acts 1852 to 1880 became obsolete when the Gas Light and Coke Company (with which the London Gaslight Company had amalgamated in 1883) was dissolved at the time of nationalisation of the gas industry in May 1949. The repeal of all four Acts is proposed on that basis.

Consultation

20. The Department of Energy and Climate Change, Ofgem, Centrica plc and BG plc have been consulted about these repeal proposals.

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¹⁹⁸ Nationalisation resulted in the dissolution of most gas companies on 1 May 1949 (the asset vesting date); Gas Act 1948, s 17(9).

¹⁹⁹ Gas Act 1972, s 1(1); Gas Act 1972 (Appointed Day) Order 1972, SI 1972/1440.

²⁰⁰ Gas Act 1986, s 49(2); Gas Act 1986 (Nominated Company) Order 1986, SI 1986/1317. The British Gas Corporation was dissolved on 28 February 1990: Gas Act 1986, s 57; British Gas Corporation (Dissolution) Order 1990, SI 1990/147.

GROUP 4 - MARKETS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
4 & 5 Will.4 c.xlv (1834) (South London Market Act)	The whole Act.
7 Will.4 & 1 Vict. c.cxiv (1837) (South London Market Company Act)	The whole Act.
South London Market Act 1864 (27 & 28 Vict. c.cxli)	The whole Act.
South London Market Act 1866 (29 & 30 Vict. c.cclxix)	The whole Act.
South London (Elephant and Castle) Market Act 1882 (45 & 46 Vict. c.cxliv)	The whole Act.

South London Market Acts (1834 to 1882)

1. This note proposes the repeal of five obsolete nineteenth century Acts passed to establish markets in Southwark. None of the markets proved successful.

Background

2. The markets envisaged by these obsolete Acts would have been established in the vicinity of Borough Market which is situated close to the south end of London Bridge and adjacent to Southwark Cathedral.²⁰¹ Borough Market moved to its current site in 1755 primarily to avoid the congestion of its earlier site in Borough High Street. An Act of 1755 provided that as from 25 March 1756 no market or market stalls should be erected in Borough High Street.²⁰² A second Act of 1755 authorised the holding of the ancient market in the parish of Saint Saviour so long as it did not interfere with Borough High Street.²⁰³ Borough Market remains on its 1755 site to this day. An Act of 1757 prohibited the setting up of any rival market or stalls within a thousand yards of Borough Market.²⁰⁴

South London Market Act (1834)

3. According to its long title the purpose of the *South London Market Act* of 1834 (“the 1834 Act”) was-

²⁰¹ Until 1905 Southwark Cathedral was known as St Saviour’s church.

²⁰² 28 Geo.2 c.9 (Southwark Market), ss 1, 2.

²⁰³ 28 Geo.2 c.23 (Southwark Market).

²⁰⁴ 30 Geo.2 c.31 (Southwark Market), s 10. The penalty for contravening was forty shillings.

for erecting, establishing, and maintaining a Market in the Parish of St George the Martyr in the Borough of Southwark in the County of Surrey.

4. The *preamble* to the 1834 Act recorded that the population of the Borough of Southwark and neighbouring parishes had been greatly increasing for many years. Moreover the establishment of a market and the erection of a market place with shops and other buildings selling fresh meat, fish, vegetables and dairy products and other commodities “would be highly advantageous to a great Part of the said Borough ... and would greatly tend to the Benefit and Advantage of the Inhabitants thereof”.

5. It appears that this new market was planned as an extension to the existing St George’s Market which had been established around 1789 in St George’s Fields in Southwark. The 1834 Act was passed despite considerable opposition from the trustees of Borough Market.

6. The 1834 Act provided as follows-
 - (a) incorporation of “The South London Market Company” (“the Company”) (*section 1*)
 - (b) the Company would pay the trustees of Borough Market (“the Trustees”) £200 yearly as compensation for “the Interference of the said Company”; the Trustees empowered to enforce such payment; the yearly payments to be redeemable by the Company paying the Trustees £4000 (*sections 2 to 4*)
 - (c) the Company was authorised to purchase land and buildings; conveyancing provisions; provisions for valuing land to be purchased compulsorily; Company authorised to raise finance of up to £250k by the issue of £50 shares; Company authorised to borrow up to £84k (*sections 5 to 29*)
 - (d) mortgage interest to be payable before dividends on the Company’s shares; powers of mortgagees; subscribing for shares; keeping of the Company’s accounts; holding of Company meetings; procedure at such meetings; appointment, election and retirement of directors; powers and meetings of directors; enforcing payment for shares; transfer of shares (*sections 30 to 71*)
 - (e) the Company was authorised to demolish buildings and build the new market; to contract for the building work; to make footpaths, open up and widen streets; to sell unwanted land and buildings (*sections 72 to 84*)

- (f) once the market was built the Company was authorised to hold the market and take tolls; no part of the market to be erected within 1000 yards of Borough Market (*sections 85 and 86*)
- (g) no live animals to be sold in the market; lettings of shops; assignments of leases; public weighing houses; display of tolls; power to make rules and regulations and charge tolls for wagons and carts (*sections 87 to 95*)
- (h) penalty for obstructing footpaths or for obstructing market cleaning; penalty for selling unauthorised goods; power to destroy unwholesome meat; search warrants; penalty for assaulting toll collectors or damaging buildings; no fat to be melted in the market (*sections 96 to 105*)
- (i) Company to be liable for nuisance; conviction of offenders; recovery of penalties, damages and costs; civil procedure issues (*sections 106 to 119*)
- (j) the Company was authorised to lease the market and the tolls; savings; powers under this Act to cease if market was not completed by 15 June 1839; interpretation; status of this Act (*sections 120 to 128*).

South London Market Company Act (1837)

7. According to its long title, the purpose of the *South London Market Company Act* of 1837 (“the 1837 Act”) was “to alter and amend [the 1834 Act]”.

8. The *preamble* to the 1837 Act recorded that certain powers and provisions in the 1834 Act had been found defective and insufficient for carrying out the purposes of that Act.

9. The 1837 Act provided as follows-

- (a) confirmation of the 1834 Act; annual general meeting of the Company to be held in July 1837 to elect twelve directors; retirement and re-election of directors; quorum at directors’ meetings; voting at company meetings; location of company meetings (*sections 1 to 7*)
- (b) procedure at jury inquiries into compensation; payment of jury expenses; the Company to be liable to pay court and other costs arising out of the exercise of the Company’s compulsory purchase powers; taxation of costs (*sections 8 to 14*)
- (c) the Company’s compulsory purchase powers under the 1834 Act to be exercisable after 11 July 1838 only with the written consent of the

relevant property owner; powers under the 1834 Act and this Act to cease if the market was not completed by 11 July 1841 (*sections 15 and 16*)
(d) costs and status of this Act (*sections 17 and 18*).

10. Despite the 1837 Act, the directors of the proposed market were unable to raise the necessary capital in the City to construct the market. Accordingly the market was never built pursuant to the 1834 Act or the 1837 Act. However the need for another general market to supplement Borough Market resulted in an attempt in 1864 to give effect to the 1834 Act proposals, albeit in slightly different form.

South London Market Act 1864

11. According to its long title, the purpose of the *South London Market Act 1864* ("the 1864 Act") was-

for making and maintaining a Market in the Parish of St George the Martyr, Southwark, in the County of Surrey.

12. The *preamble* to the 1864 Act recorded that the population of the Borough of Southwark and neighbouring parishes had been greatly increasing for many years. Moreover the establishment of a market and the erection of a market place with shops and other buildings, selling fresh meat, fish, vegetables, dairy products and other commodities "would be highly advantageous to the Inhabitants of the said Borough and Parishes and Places".

13. The 1864 Act provided as follows-

- (a) short title; interpretation (*sections 1 and 2*)
- (b) incorporation of "the South London Market Company" ("the Company"); share capital of the Company (£200K); power to borrow money on mortgage; meetings of the Company; appointment and replacement of directors (*sections 3 to 18*)
- (c) the Company was authorised to construct a market in accordance with plans deposited with the Clerk of the Peace for Surrey; authority to purchase land and buildings and to stop up streets (*sections 19 to 21*)
- (d) the Company would pay the Trustees of the Borough Market such compensation as would be agreed for the damage suffered by "the Interference by the Company with the exclusive Privileges of the Trustees"; no part of the new market was to be erected within 1000 yards of Borough Market; Metropolitan Board of Works approval required before start of market construction (*sections 22 to 24*)

- (e) the Company was liable for any loss of rates arising pending completion of the market; the Company was authorised to alter the position of water and gas pipes during the construction works, making good any damage arising; penalty for obstructing supply of water or gas (*sections 25 to 31*)
- (f) market construction to be completed by 29 June 1869 after which the powers of this Act would cease to be exercisable; the Company's compulsory purchase powers were to cease to be exercisable after 29 June 1867; power to enlarge the market from time to time (*sections 32 to 34*)
- (g) the Company was authorised to levy tolls from stall-holders and from hauliers bringing goods into the market; tolls for weighing goods; authority for Company to erect houses and shops upon land adjacent to the market area; authority for Company to let stalls; savings provisions; expenses of this Act (*sections 35 to 45*).

South London Market Act 1866

14. According to its long title, the purpose of the *South London Market Act 1866* ("the 1866 Act") was "for authorising the South London Market Company to raise further Monies; and for other Purposes".

15. The *preamble* to the 1866 Act recorded that "in consequence of the increasing Value of the Property on the Site of the Market the Powers of the Company for raising Money under the ... [1864] Act are insufficient".

16. The 1866 Act accordingly provided as follows-

- (a) short title; interpretation (*sections 1 to 3*)
- (b) the Company was authorised to raise additional share capital; increased powers to borrow on mortgage; priority of mortgages; application of sums raised (*sections 4 to 13*)
- (c) provisions as to share capital and dividends (*sections 14 to 22*)
- (d) deposits for future Bills not to be paid out of capital; expenses of this Act (*sections 23 and 24*).

17. Once again, however, the efforts to raise the finance to construct the proposed market failed, leaving St George's Market to continue as before.²⁰⁵

South London (Elephant and Castle) Market Act 1882

18. According to its long title, the purpose of the *South London (Elephant and Castle) Market Act 1882* ("the 1882 Act") was-

for the Establishment and Regulation of a Market in South London (near the Elephant and Castle Tavern²⁰⁶) in the parish of Saint Mary Newington in the county of Surrey and for other purposes.

19. Unlike the other two Southwark markets referred to earlier in this note, the Southwark market proposed by the 1882 Act was situated on the north side of the New Kent Road near the Elephant and Castle. Again, unlike the other two South London markets, the one authorised by the 1882 Act actually opened (though it lasted only three years).

20. The *preamble* to the 1882 Act recorded that "the establishment of a market for the sale of fish and other provisions articles and commodities in a convenient position near the Elephant and Castle tavern in the parish of Saint Mary Newington ... would be advantageous to the inhabitants of that neighbourhood and of the southern part of the metropolis generally".

21. The 1882 Act provided as follows-

- (a) short title and interpretation (sections 1 to 3)
- (b) incorporation of "the South London Fish Market Company" ("the Company"); the Company was authorised to construct a market and acquire the necessary land and buildings; saving provisions for the Ecclesiastical Commissioners (*sections 4 to 6*)
- (c) share capital of the Company; Company authorised to borrow on mortgage up to £85k; priority of mortgages; meetings of the Company; directors of the Company (*sections 7 to 19*)
- (d) the Company's compulsory purchase powers to expire on 24 July 1885; the market to be completed by 23 July 1889 after which date the Company's powers to construct the market were to expire; the Company

²⁰⁵ St George's Market gradually fell into a state of neglect and disrepair. It closed as a market around 1900, and in 1906 the site was used as a power station for the electrification of London Tramways. The site is today used for housing.

²⁰⁶ The Elephant and Castle Tavern was an ancient coaching inn situated at the northern end of Walworth Road and at the start of the New Kent Road. The tavern ceased to exist as such when it had its licence withdrawn in around 1920.

was authorised to acquire easements by agreement, and to acquire additional land and stop up certain roads; provisions to protect occupiers of houses compulsorily acquired; application of proceeds of land sold by the Company (*sections 20 to 27*)

(e) the Company was authorised to hold the market for the sale of fish and other commodities; market to be a public market; the Company was authorised to levy tolls, rents and other charges; savings provisions; advance notice to be given of any alteration to water pipes (*sections 28 to 37*)

(f) the Company was required by 31 March 1886 to acquire the land necessary to widen existing streets and construct new streets; the Company was authorised to reach agreement with railway companies concerning links between the market and the railway (*sections 38 and 39*)

(g) expenses of this Act to be paid by the Company (*section 40*).

The present position

22. Borough Market is still thriving today as are other neighbouring markets including East Street Market and the Elephant and Castle Market (outside the Elephant and Castle Shopping Centre). By contrast none of the three markets proposed by the 1834 Act, the 1864 Act and the 1882 Act have survived. Indeed it appears that neither of the markets proposed by the 1834 Act and the 1864 Act opened at all. The South London Fish Market Company established by the 1882 Act was more successful in that it managed to open its market during the summer of 1883. However this was a short-lived success because the market survived for only three years.

Conclusion

23. The collapse of the proposals sanctioned by the Acts of 1834, 1864 and 1882 mean that all three Acts have ceased to serve any useful purpose. Their repeal is proposed on that basis along with the 1837 Act and the 1866 Act which were ancillary to the 1834 Act and the 1864 Act respectively.

Consultation

24. The London Borough of Southwark has been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
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Islington Market Repeal Act 1854 (17 & 18 Vict. c.lxiii)	The whole Act.
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Islington Market Repeal Act 1854

1. This note proposes the repeal of an obsolete Victorian Act passed to repeal earlier legislation establishing a cattle market in Islington.

2. According to its long title, the purpose of the *Islington Market Repeal Act 1854* (“the 1854 Act”) was-

*for repealing an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, for establishing a Market for the Sale of Cattle in the Parish of Saint Mary Islington in the County of Middlesex.*²⁰⁷

3. The Act referred to in the preamble was an 1835 Act²⁰⁸ (“the 1835 Act”) which authorised the opening of a cattle market (in April 1836) in competition with Smithfield Market. The enterprise was not successful and soon closed. The *preamble* to the 1854 Act recorded that the holding of the market “has since been discontinued as unprofitable”.

4. The 1854 Act accordingly provided as follows-

- (a) repeal of the 1835 Act; ending of all rights under the 1835 Act to hold the market and charge tolls; land used for the market was freed from all market liability (*section 1*)
- (b) short title (*section 2*).

5. The repeal of the 1835 Act took effect when the 1854 Act came into force on 16 June 1854. The 1854 Act served no further purpose thereafter. It has therefore been unnecessary for over 150 years. Its repeal is proposed on that basis.

Consultation

6. The London Borough of Islington has been consulted about this repeal proposal.

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²⁰⁷ The parish of St Mary Islington is today situated in the London Borough of Islington.

²⁰⁸ 5 & 6 Will.4 c.cxi (St Mary Islington Cattle Market).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Lambeth Market Act 1868 (31 & 32 Vict. c.clxviii)	The whole Act.

Lambeth Market Act 1868

1. This note proposes the repeal of an obsolete 1868 Act passed to establish a market in Lambeth, south London.

2. According to its long title, the purpose of the *Lambeth Market Act 1868* (“the 1868 Act”) was-

for making and maintaining a Market in the Borough of Lambeth in the County of Surrey.

3. The *preamble* to the 1868 Act recorded that “the Establishment of a Market for the Sale of Butchers Meat, Poultry, Game, Fish, Butter, Cheese, Milk, Vegetables, and other Animal and Vegetable Products, and other marketable Commodities ... in the Borough of Lambeth and County of Surrey, would be highly advantageous to the Inhabitants of the said Borough and the adjoining Parishes and Places”. The preamble also recorded that a number of persons were willing, at their own expense, to be incorporated into a Company to establish such a market.

4. The 1868 Act provided as follows-

- (a) short title; incorporation of other statutory provisions; interpretation provisions (*sections 1 to 3*)
- (b) incorporation of *The Lambeth Market Company* (“the Company”); the Company was authorised to construct a market with power to acquire land compulsorily (*sections 4 and 5*)
- (c) provisions for the Company’s share capital; power for the Company to borrow on mortgage up to £17,500; enforcement of mortgage arrears; application of money raised under this Act (*sections 6 to 11*)
- (d) meetings of the Company; voting at meetings and directors (*sections 12 to 19*)
- (e) the Company’s compulsory purchase powers ceased to be exercisable after July 1871; the Company’s powers to make and complete the market ceased to be exercisable after July 1873 (*sections 20 and 21*)
- (f) the Company was authorised to acquire land by consent and to clear Mead Row for use by vehicles and pedestrians; the Company was

required to keep Mead Row in repair and to pay compensation to the owner of Mead Row (*sections 22 to 26*)

(g) the Company was authorised (1) to levy tolls and rents for use of the market (2) to erect houses and shops in or around the market (3) to let out any houses or stalls in the market (*sections 27 to 34*)

(h) savings and expenses of this Act (*sections 35 to 37*).

5. Although the 1868 Act gave sufficient authority for the establishment of a new food market in Lambeth, it is clear that no such market was ever built in reliance on the Act. Indeed within months of the 1868 Act coming into force in July 1868, notice was published in the *London Gazette*²⁰⁹ of an application for further legislation (1) to authorise the Company to sell or lease the market and any adjoining land to any person willing to purchase it, and (2) to amend or repeal the whole or part of the 1868 Act. In the event no such further legislation was ever brought forward but the terms of this application indicate a desire on the part of the Company to dispose of the market venture.

6. The fact that no market was established pursuant to the 1868 Act means that the Act became spent once the time limit for completing the market expired at the end of July 1873. It is proposed for repeal on that basis.

Consultation

7. The London Borough of Lambeth has been consulted about this repeal proposal.

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²⁰⁹ *London Gazette*, 27 November 1868, page 6293.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
London River-side Fish Market Act 1882 (45 & 46 Vict. c.cxlvi)	The whole Act.
London River-side Fish Market Act 1885 (48 & 49 Vict. c.xlix)	The whole Act.
London Riverside Fish Market (Transfer to Corporation of London) Act 1901 (1 Edw.7 c.lxxi)	The whole Act.

London River-side Fish Market Acts 1882 and 1885

London Riverside Fish Market (Transfer to Corporation of London) Act 1901

1. This note proposes the repeal of two obsolete late Victorian Acts passed to establish a fish market in Shadwell in east London. Also proposed for repeal is an early nineteenth-century Act passed to transfer the market to the City of London. The market closed in the opening years of the twentieth century.

London River-side Fish Market Act 1882

2. According to its long title, the purpose of the *London River-side Fish Market Act 1882* (“the 1882 Act”) was-

for the establishment and regulation of a Fish Market in the parish of St Paul Shadwell and borough of Tower Hamlets in the County of Middlesex and the formation of a New Street and the widening and improvement of existing Streets and Landing Stairs near to the Market and for other purposes.

3. The *preamble* to the 1882 Act recorded that “the establishment of a market for the sale of fish in a convenient position in the parish of St Paul Shadwell ... would be of local and public utility”.

4. The 1882 Act provided as follows:

- (a) short title, interpretation and incorporation of other statutory provisions (*sections 1 to 4*)
- (b) incorporation of *The London River-side Fish Market Company* (“the Company”); the Company’s capital; calls on shareholders; the Company was authorised to borrow up to £85K; appointment of a receiver; issue of debenture stock; application of moneys raised under this Act (*sections 5 to 11*)
- (c) meetings of the Company; appointment of directors (*sections 12 to 16*)

- (d) the Company was authorised (1) to establish and maintain a market-place with all necessary buildings, (2) to build new streets and widen existing streets, (3) to acquire land and easements; the Company's compulsory purchase powers were not to be exercisable after 24 July 1885 (*sections 17 to 20*)
- (e) the Company was authorised to hold a market for the sale of fish on any day except Sundays, such market to be forever a public market²¹⁰; market limits; Company's authority to levy tolls and rents, let rooms, create wharves, create junctions with existing streets and stop up certain streets (*sections 21 to 29*)
- (f) the Company was required to reimburse the parish of St Paul Shadwell for all rates and taxes lost while the market was being constructed; the Company was required to give notice before undertaking street works; provisions imposing obligations on the Company in relation to the street works (*sections 30 to 38*)
- (g) the Company was authorised to discontinue certain drains and sewers and required to make good any damage to other drains and sewers; provisions concerning the district board of works and the roads in Mile End Old Town; protective provisions for the East London Waterworks Company, the Commercial Gas Company and for sewers controlled by the Metropolitan Board of Works (*sections 39 to 49*)
- (h) the Company was authorised to move telegraph wires; the new and improved streets were to be managed and controlled by the same authorities as the other streets; the Company's street-work powers to cease to be exercisable after 24 July 1887 (*sections 50 to 52*)
- (i) protective provisions as to the houses of the labouring classes; disapplication of the Metropolitan Building Act 1855;²¹¹ nothing in this Act to affect the Conservators of the River Thames; the Company to enjoy no exemption from future laws about market or tolls; costs of this Act (*sections 53 to 58*).

London River-side Fish Market Act 1885

5. According to its long title, the purpose of the *London River-side Fish Market Act 1885* ("the 1885 Act") was-

²¹⁰ The requirement that the market be forever a public market was repealed by the City of London (Various Powers) Act 1912 (c.xlii), s 20.

²¹¹ This provision was repealed, and new provisions substituted, by the London River-side Fish Market Act 1885, s 5.

to extend the Time for the Purchase of Lands and for the Completion of certain Works authorised by [the 1882 Act] and for other purposes.

6. The 1885 Act provided as follows-
 - (a) short title (*section 1*)
 - (b) the time limits imposed by the 1882 Act for the Company exercising its compulsory purchase powers and for completion of works authorised by that Act were extended to 24 July 1888 and 24 July 1892 respectively (*section 2*)
 - (c) amendment of the Company's borrowing powers; rate of interest payable by the Company on its debenture stock (*sections 3 and 4*)
 - (d) repeal and substitution of 1882 Act provision (disapplication of the Metropolitan Building Act 1855) (*section 5*)
 - (e) costs of this Act (*section 6*).

London Riverside Fish Market (Transfer to Corporation of London) Act 1901

7. According to its long title, the purpose of the *London Riverside Fish Market (Transfer to Corporation of London) Act 1901* ("the 1901 Act") was-

to confirm and give effect to an agreement for the sale and transfer of the London Riverside Fish Market to the Mayor and Commonalty and Citizens of the City of London and for other purposes.

8. The *preamble* to the 1901 Act recorded that the Company had indeed established a fish market pursuant to the 1882 Act and that the Company had entered into an agreement dated 10 July 1900 ("the Agreement") to sell the market, its land and buildings ("the market undertaking") to the City of London for £175K. Such arrangement, however, required Parliamentary approval.

9. The 1901 Act accordingly provided as follows-
 - (a) short title and incorporation of other statutory provisions (*sections 1 and 2*)
 - (b) the Agreement was duly confirmed and the market undertaking was vested in the City of London in accordance with the Agreement (*sections 3 and 4*)
 - (c) the transfer of the market undertaking was not to affect third parties or market rents or tolls; the City of London was to be entitled to all market premises and income and to exercise all the rights and powers of the

Company (and to be subject to all the Company's duties) in relation to those premises (*sections 5 to 8*)

- (d) winding up and dissolution of the Company; payments into court; general saving for rights arising before such dissolution (*sections 9 to 12*)
- (e) the City of London was authorised to enlarge the fish market and to market additional commodities; City of London to compensate Stepney Council for any loss of general rates arising from such enlargement; this Act not to prevent the holding of any market by the Corporation of West Ham, or to affect any rights of the City of London in relation to markets (*sections 13 to 16*)
- (f) costs of this Act (*section 17*).

Subsequent history

10. During the early years of the twentieth century the demand for a fish market in the Shadwell area diminished. An Act of 1912 recorded that "it has been found that no public demand has existed or now exists for the holding of a fish or other market on the site prescribed in that behalf by [the 1882 Act] and it is expedient that the obligation to provide and maintain the said market should be repealed and that the lands comprised in the said undertaking should be used for other purposes."²¹²

11. In 1910 a committee was formed by the Lord Mayor of London to develop projects in the memory of King Edward VII. A fund was opened for public subscription and one of the projects approved by the committee was the development of a park at Shadwell, including the site occupied by the fish market. The City of London agreed to sell its interest in the site for £70K. Following delays caused by the 1914-18 War, the park (now known as the *King Edward Memorial Park* or simply as *Shadwell Park*) was opened to the public on 24 June 1922 by King George V. Ownership of the park was transferred to the London Borough of Tower Hamlets in 1971.

12. The closing of the fish market between 1901 and 1910 means that the 1882 Act, the 1885 Act and the 1901 Act have all become unnecessary. Their repeal is proposed on that basis.

²¹² City of London (Various Powers) Act 1912 (2 & 3 Geo.5 c.xlii), preamble. Section 20 of that Act provided that the City of London should no longer be under any obligation to provide or maintain a public market for any purpose pursuant to the 1882 Act.

Consultation

13. The London Borough of Tower Hamlets and the City of London Corporation have been consulted about these repeal proposals.

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Paddington Market Act 1883 (46 & 47 Vict. c.clviii)	The whole Act.
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Paddington Market Act 1883

1. This note proposes the repeal of an obsolete 1883 Act passed to establish a market near Paddington railway station in west London.²¹³

2. According to its long title, the purpose of the *Paddington Market Act 1883* (“the 1883 Act”) was-

the establishment and regulation of a Market to be called Paddington Market in the parish of St Mary Paddington in the county of Middlesex and for other purposes.

3. The *preamble* to the 1883 Act recorded that “the establishment of a Market for the sale of fruit vegetables meat poultry fish and other provisions articles and commodities in a convenient position at Paddington in the parish of St Mary Paddington in the county of Middlesex would be advantageous to the inhabitants of that neighbourhood and of the Western and North-western parts of the Metropolis generally”.

4. The 1883 Act provides as follows-

(a) short title; incorporation of other statutory provisions; interpretation
(*sections 1 to 3*)

(b) incorporation of “the Paddington Market Company” (*section 4*)

(c) the Company was authorised to construct a market (to be called *Paddington Market*) with all suitable buildings and approaches; power to acquire land compulsorily for the purpose (*sections 5 and 6*)

(d) the Company’s share capital, calls, borrowing powers; arrears; priority of mortgages; meetings of the Company; directors (*sections 7 to 20*)

(e) the Company’s powers of compulsory purchase were not to be exercisable after 2 August 1885; the Company’s powers to construct the market were not to be exercisable after 2 August 1888 (*sections 21 and 22*)

(f) the Company was authorised to acquire easements by agreement and extend the limits of the market; the Company was authorised to stop up or

²¹³ The market was intended for construction between the Harrow Road and North Wharf Road, just to the north of Paddington Station.

divert roads including Dudley Street, Dudley Mews and Hermitage Street
(*sections 23 to 25*)

- (g) provisions authorising the raising or lowering of streets, and interference with drains and sewers; compensation for loss of rates pending completion of the building works; notice to be given before acquiring houses occupied by the labouring classes; application of sale proceeds from property sold by the Company (*sections 26 to 32*)
- (h) the Company was authorised to hold a daily market (except on Sunday) for the sale of meat, poultry, fish and other commodities, the market to be open to the public; limits of this Act (*sections 33 to 35*)
- (i) the Company was authorised to levy tolls as prescribed; this Act not to affect the rights of the City of London; expenses of this Act (*sections 36 to 41*).

5. Despite the 1883 Act providing the necessary authority for the establishment of a market in Paddington, it appears that no market was ever established pursuant to this Act.²¹⁴ On that basis it is clear that the Act became spent once the time limit for completing the market expired after 2 August 1888. It follows that the 1883 Act has long ceased to serve any useful purpose and its repeal is proposed on that basis.

Consultation

6. Westminster City Council has been consulted about this repeal proposal.

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²¹⁴ An ancient market (dating back to 1830) used to operate in Church Street but was discontinued in the early 20th century. The site was bombed during the Second World War and was then redeveloped as part of the Church Street estate.

GROUP 5 – GENERAL REPEALS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
5 & 6 Will. & Mar. c.10 (1694) (Orphans, London Act)	The whole Act.

Orphans, London Act (1694)

Introduction

1. This note proposes the repeal of an obsolete 1694 Act passed to pay off huge debts of the City of London. The Act became obsolete in 1832 when the debts were finally cleared.
2. According to its long title, the *Orphans, London Act* of 1694 (“the 1694 Act”) was enacted for the *Relief of the Orphans and other Creditors of the City of London*.

Background

3. Some background to the 1694 Act is provided by its *preamble* which records as follows-

Whereas the Mayor, Commonalty, and Citizens of the City of London, have been, and are answerable for, and chargeable with, all Monies of the Orphans of the said City from Time to Time paid into the Chamber of the said City; but by reason of sundry Accidents and publick Calamities, are now become indebted to the said Orphans and other Creditors, for principal Money and Interest thereof, in a much greater Sum of Money than they are able to satisfy and pay, unless some Assistance be given them for the same

4. The *attached note* gives a brief account of the circumstances giving rise to the 1694 Act. However the essence of the 1694 Act was a package of measures to raise a fund (“the Fund”) to pay the interest due on the City’s debts which amounted to £747,472. Most of the debts were in respect of the money with which the City was entrusted to provide for the needs of orphan children of Freemen of the City. This money had not been ring-fenced for the needs of the orphans but had instead been spent by the City in meeting its routine running costs. The money-raising provisions in the 1694 Act were designed to raise sufficient income for the Fund to pay interest at 4% on the £747,472 debt. This amounted to nearly £30,000 per annum.

The 1694 Act

5. The 1694 Act provided as follows:
- (a) the lands of the City were charged from 24 June 1694 with the raising of £8000 annually, the money to be used to establish the Fund (*section 2*)²¹⁵
 - (b) the aqueducts bringing water into the City and the rents and profits arising from them were to be appropriated to the Fund as from 24 June 1694 (*section 3*)
 - (c) from 24 June 1694 the annual sum of £2000 would be raised from the personal estates of City inhabitants, the sum to be assessed on a proportionate basis and paid into the Fund (*section 4*)
 - (d) on or before 24 June 1694 the City would grant to the *Convex Lights Company*²¹⁶ a 21 year licence over the public lights in the City at a yearly rent of £600 (the money to be paid into the Fund) (*section 5*)
 - (e) from 24 June 1694 a twice yearly tax of two shillings and six pence was to be paid for the benefit of the Fund by any person who was bound as apprentice to any master being a member of a City Company (*section 6*)
 - (f) every new Freeman of the City admitted as from 24 June 1694 was required to pay the sum of five shillings to the City for the benefit of the Fund (*section 7*)
 - (g) a duty of four shillings per tun²¹⁷ was levied on all wines imported into the City as from 24 June 1694, such duty to be for the benefit of the Fund and in addition to existing wine import taxes; appointment of collectors of this duty (*sections 8 and 9*)
 - (h) all imports of coal into the City were chargeable (for the benefit of the Fund) with duties in addition to existing coal import duties; the additional duty was four pence on every chaldron²¹⁸ of coal or culm²¹⁹ as from 24 June 1694 and (in addition to this) a further duty of six pence on every chaldron of coal or culm imported as from 29 September 1700; a further duty of six pence per ton was chargeable “for such Sort of Coals as are sold by the Tun” for a period of 50 years from 29 September 1700 (*section 10*)

²¹⁵ Section 1 contains the preamble to the Act.

²¹⁶ The Convex Lights Company was an unincorporated body who installed, lit and maintained oil lamps to illuminate the streets of London by night. Householders paid an annual fee for the lighting. Before this innovation there was no public street lighting in London and pedestrians had to carry their own methods of illumination. The 21 year licence was renewed by the City on similar terms for a further 21 years in 1715. The licence was not renewed when it expired in 1736.

²¹⁷ A tun amounts to 252 wine gallons.

²¹⁸ A chaldron was a coal measure of about 36 bushels.

²¹⁹ Culm is coal dust.

- (i) officers receiving moneys under this Act were required to give security (*section 11*)
- (j) for 50 years from 1750, the City's lands were charged with the annual payment of £6000 in addition to the £8000 charged under *section 2* (*section 12*)
- (k) the moneys raised under this Act were to be paid by way of interest to the orphans in proportion to their respective interests; such payments to be made twice yearly starting in July 1694 (*section 13*)
- (l) the interest payments to the orphans and other creditors authorised by this Act were to be in full satisfaction and discharge of the debts owed by the City to the orphans and other creditors; payment of fees by the orphans and other creditors (*section 14*)
- (m) keeping and inspection of books of account; accounts to be audited annually; penalty for misapplication of moneys; City Chamberlain to provide orphans and other creditors with a note of the moneys owed to them; Orphans' debt to be transferable (*sections 15 to 17*)
- (n) no person was to be under any future obligation to pay Orphans' money to the Chamber of the City; saving in respect of earlier such payments (*sections 18 and 19*)
- (o) the City was to be accountable for any misapplication of moneys raised under this Act; penalties imposed upon the City were not to be discharged (*sections 20 and 21*)
- (p) provision for repayment of moneys due to orphans and other persons out of new moneys paid in to the City Treasury (*section 22*)
- (q) provision for redemption within three years of Orphan debt that had already been assigned by or on behalf of an orphan; agreements made by persons pretending to be an agent authorised to recover Orphan debt were made unenforceable (*sections 23 and 24*)
- (r) this Act was not to affect certain businesses and interests relating to water supply; provisions as to the business assets of Convex Lights (*sections 25 to 28*)
- (s) civil procedure issues and status of this Act (*sections 29 and 30*)
- (t) for 7 years from 29 September 1693 the City was authorised to retain (from the moneys otherwise payable by it to the Fund) an annual sum not exceeding £2000 to cover the City's operational expenses; provision for such retention to be repaid; City's estates to be charged with this repayment (*sections 31 and 32*).

Subsequent history

6. Although the 1694 Act has never been formally repealed, it will be clear from the *attached note* that it no longer serves any useful purpose. The City of London's debts to the orphans and other creditors were cleared by the early 1830s. All the taxes and duties imposed by the 1694 Act had been abolished by then (with the exception of the import duties on coal and wine).²²⁰ The money flowing into the Fund by the 1750s (especially from the duties on coal) together with the surpluses from the use of the Fund to support the finance of large public projects from the 1760s onwards enabled the final debt to be cleared by 1832. The Fund was then effectively wound up when it was merged with the London Bridge Approaches Fund.²²¹ At that point the purposes of the 1694 Act had been met in full with the result that it had become unnecessary. Its repeal is proposed on that basis.

Consultation

7. The City of London Corporation, HM Revenue and Customs and the Greater London Authority have been consulted about these repeal proposals.

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²²⁰ The duty on coal was finally abolished on 5 July 1889 by the London Coal Duties Abolition Act 1889 (c.17), s 1. The duty on wine was abolished on the same day by virtue of London Coal and Wine Duties Continuance Act 1863 (c.46), s 1.

²²¹ The merger was effected by an Act of 1829: 10 Geo.4 c.cxxxvi (London Bridge Approaches), s 76. The London Bridge Approaches Fund ceased to exist when its assets were transferred to the Thames Embankment and Metropolis Fund pursuant to the London Coal and Wine Duties Continuance Act 1861 (c.42), s 9. This latter fund was established by the 1861 Act (s 5) and its assets were later transferred to the Metropolitan Board of Works pursuant to the Thames Embankment Act 1862 (25 & 26 Vict. c.93), s 45.

CITY OF LONDON ORPHANS FUND: A NOTE

1. This note is a brief account of the City of London Orphans Fund that was established by an Act of 1694 (“the 1694 Act”) to replenish an ancient fund run to support orphan children of Freemen of the City of London.

Background

2. The City of London has long made financial provision for the orphan children of Freemen of the City.²²² From the 13th century until 1693 this took the form of the Court of Orphans. The Lord Mayor and Aldermen of the City were entrusted with the care and guardianship of all orphan children of Freemen while they were minors and unmarried. They also had charge of the management of the assets of deceased Freemen: these were commonly deposited in the City’s treasury or Chamber.

3. The Chamber also held other deposits. During their lifetime Freemen enjoyed the privilege of investing money in the Chamber and receiving interest at between 4 and 5 per cent (which provided a higher return than was available elsewhere).

4. Although the Chamber’s funds grew steadily over the years with income from Freemen and their estates, by the late 17th century the funds had been largely spent. The political and economic turmoil in England following the overthrow of Charles I and the losses caused by the Great Fire of 1666 were contributory causes. Moreover the City had been raiding the orphans’ trust moneys to cover the City’s yearly running costs. The result was that the City’s debts by 1694 had reached the enormous sum of £747,472, two-thirds of which was money belonging to the orphans.

5. The City was unable to pay its debts. In 1689 the Lord Mayor and Aldermen and Commonalty presented a petition to Parliament setting out their losses and debts and seeking Parliamentary assistance in raising money to pay off their debts. After much debate and controversy, Parliament in 1694 agreed to sanction a series of measures whereby the debts could gradually be cleared and the orphans’ trust money replenished.

²²² Freemen of the City were (and remain) persons who have been granted the Freedom of the City. Freemen were commonly members of the City Livery Companies.

The 1694 Act

6. The long title to the 1694 Act simply described itself as *An Act for the Relief of the Orphans and other Creditors of the City of London*.²²³

7. The main provision of the 1694 Act was to raise a fund (“the Fund”) to pay the interest due on the City’s debts. The rate of interest was to be 4% which, given that the debt amounted to £747,472, meant raising £30,000 per annum.

The money was to be raised by a number of measures including:

- An annual payment of £8000 from the City’s estates
- An annual tax of £2000 on City residents²²⁴
- Duty of four shillings per tun²²⁵ on all wine imported into the City
- Duty of four pence on every chaldron²²⁶ of coal and culm²²⁷ imported into the City.
- An additional duty on coal and culm of six pence per chaldron for 50 years from 1700
- From 1750 a further annual payment of £6000 from the City’s estates.

The changing nature of the Fund

8. Although in the early years of the Fund insufficient money was raised to meet the annual £30,000 interest payments, after 1710 the Fund’s receipts easily exceeded this figure. The increased level of coal duties as from 1700 was the main cause of this. Indeed so valuable was this increased level of coal duty that the City persuaded Parliament in 1747²²⁸ to extend the six pence per chaldron levy for a further 35 years from 1750.²²⁹ Moreover the 1747 Act went further and reduced from £6000 to £2000 the further annual payment from the City’s estates that was due to start in 1750.

²²³ The 1694 Act has no short title. Its citation is 5 & 6 Will. & Mar. c.10.

²²⁴ This tax was finally abolished by the Temple Bar etc Act of 1795 (35 Geo.3 c.126), s 46.

²²⁵ A tun amounts to 252 wine gallons.

²²⁶ A chaldron was a coal measure of about 36 bushels.

²²⁷ Culm is coal dust.

²²⁸ 21 Geo.2 c.29 (Orphans, London).

²²⁹ Indeed by an Act of 1766 (7 Geo.3 c.37: Thames Embankment), this levy was extended for a further 46 years from 1785 (ie until 1831). A series of subsequent Acts extended the levy until the late nineteenth century. These Acts included an Act of 1804 (44 Geo.3 c.xxvii), an Act of 1829 (10 Geo.4 c.cxxxvi); an Act of 1831 (1 & 2 Will.4 c.lxxvi); an Act of 1838 (1 & 2 Vict. c.ci); an Act of 1845 (8 & 9 Vict. c.101); an Act of 1851 (14 & 15 Vict. c.cxlvi); the London Coal and Wine Duties Continuance Act 1861 (24 & 25 Vict. c.42); the London Coal and Wine Duties Continuance Act 1863 (26 & 27 Vict. c.46); and the London Coal and Wine Duties Continuance Act 1868 (31 & 32 Vict. c.17). Duties on coal imports were finally abolished by the London Coal Duties Abolition Act 1889 (c.17), s 1.

9. The 1694 Act was concerned only with raising money to pay the 4% interest on the City's debts. It made no provision for repayment of the capital of the debts themselves. It was left to the 1747 Act to provide that the surplus monies arising each year as a result of the various taxes and duties levied by the 1694 Act should be used for paying off the City's debts including the debts owed to the orphans.

10. So healthy had the Fund's income become by 1760 that the City was able to use the Fund as security for raising substantial loans to finance public building works in the City. These included the construction of Blackfriars Bridge (which opened in 1769), the reconstruction of parts of the Thames Embankment (1767-1784), the rebuilding of Newgate Gaol (1767-1781), the redemption of the tolls for using London Bridge (1768) and the repair of the Royal Exchange (1767). A total of £300,000 was raised on the security of the Fund, Parliament in each case passing legislation approving the arrangement. Surpluses from the execution of these projects were credited to the Fund.

The winding-up of the Fund

11. By the early 1830s all the City's debt to the orphans had been cleared by the surpluses paid into the Fund. The final debt was paid in 1832 and the Fund was effectively wound up when it was merged with the London Bridge Approaches Fund pursuant to the *London Bridge Approaches Fund Act of 1829*.²³⁰ The final credit balance of the Fund, by that stage standing at £2420, thereby became a credit of the London Bridge Approaches Fund in 1834.²³¹

12. The London Bridge Approaches Fund ceased to exist when its assets were transferred to the Thames Embankment and Metropolis Improvement Fund pursuant to the *London Coal and Wine Duties Continuance Act 1861*.²³² The assets of this latter fund were transferred to the Metropolitan Board of Works shortly afterwards.²³³

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²³⁰ 10 Geo.4 c.cxxxvi, s 76.

²³¹ This was effected by the 1829 Act. This sum of £2420 represented balances due to investors in the fund who could not be traced (so the balances were put towards the improvements authorised by the 1829 Act).

²³² 24 & 25 Vict. c.42, s 9.

²³³ Thames Embankment Act 1862 (25 & 26 Vict. c.93), s 45. The Metropolitan Board of Works was abolished by the Local Government Act 1888 and its powers were taken over by the London County Council.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
21 Geo.2 c.29 (1747) (Orphans, London Act)	The whole Act.

Orphans, London Act (1747)

1. This note proposes the repeal of an obsolete 1747 Act passed in connection with repaying debts owed by the City of London.
2. According to its long title, the *Orphans, London Act* of 1747 (“the 1747 Act”) was passed *for the further Relief of the Orphans and other Creditors of the City of London and for other Purposes therein mentioned*.

Background

3. The 1747 Act is consequential upon the *Orphans, London Act* of 1694 (“the 1694 Act”)²³⁴ which was passed to give effect to a package of measures to raise a fund (“the Fund”) to pay the interest due on the debts owed by the City of London (“the City”). Most of the debts were in respect of the money with which the City had been entrusted to provide for the needs of orphan children of Freemen of the City. Instead of using the money for this purpose, the City had spent it in meeting its routine running costs.
4. The *note attached* to the proposal (above) to repeal the 1694 Act provides a brief account of the circumstances giving rise to that Act. Suffice it to say that the 1694 Act contained money-raising provisions including annual taxes on the City and coal duties on coal imported into the City.
5. The *preamble* to the 1747 Act recorded that the 1694 Act provides for (1) an additional coal duty of six pence per chaldron²³⁵ for 50 years from September 1700, and (2) from September 1750 (i.e. from the end of the additional coal duty) an additional annual payment of £6000 by the City from its estates. The preamble also recorded that a fall in rents in the City meant that the City could not afford to pay the increased annual sum of £6000. However, the loss of this £6000 taken together with the loss of income from the additional coal duty as from 1750 would mean that the Fund would be unable to pay the interest due on the City’s debts.

²³⁴ 5 & 6 Will. & Mar. c.10. This Act is also proposed for repeal: see separate note.

²³⁵ A chaldron was a coal measure of about 36 bushels.

The 1747 Act

6. The 1747 Act accordingly provided as follows-
- (a) the additional coal duty of six pence per chaldron was continued for a further 35 years from September 1750²³⁶
 - (b) the additional annual payment payable by the City from September 1750 was reduced from £6000 to £2000
 - (c) provision for the City to use surpluses in the Fund to pay off creditors
 - (d) payment of orphans under 21; annual accounts; civil procedure issues and status of this Act.
7. The 1747 Act has long been obsolete. The additional coal duty, though subsequently extended by later enactments,²³⁷ ceased to be payable in 1889.²³⁸ The additional annual City payments of £2000 ceased to be payable in 1832 when the City's debts (including the debts owing to the orphans) were finally paid off and the Fund was effectively wound up.²³⁹ Accordingly the 1747 Act is obsolete and its repeal is proposed on that basis.

Consultation

8. The City of London Corporation, HM Revenue and Customs and the Greater London Authority have been consulted about these repeal proposals.

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²³⁶ Part of the proceeds from this duty was to be paid to the Mercers Company, the residue being used to pay the interest on the City's debts to the orphans and other creditors.

²³⁷ For example, an Act of 1766 (7 Geo.3 c.37) extended the duty for 46 years from September 1785 to September 1831, and an Act of 1804 (44 Geo.3 c.xxvii), s11 extended the duty for 5 $\frac{3}{4}$ years from September 1831 to June 1837.

²³⁸ London Coal Duties Abolition Act 1889 (c.17), s1.

²³⁹ The Fund was in fact merged with the London Bridge Approaches Fund pursuant to an Act of 1829: 10 Geo.4 c.cxxxvi, s 76.

12 Geo.3 c.65 (1772) (St George’s Fields, Surrey: Right of Commons Extinguished Act)	The whole Act.
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St George’s Fields, Surrey: Right of Commons Extinguished Act (1772)

1. This note proposes the repeal of an obsolete 1772 Act relating to the extinguishing of a right of common over land in St George’s Fields in Southwark.²⁴⁰

2. According to its long title, the purpose of the *St George’s Fields, Surrey: Right of Commons Extinguished Act* of 1772 (“the 1772 Act”) was “to extinguish the Right of Common upon an Acre of Ground called White Lyon, or Hangman’s Acre, in Saint George’s Fields, in the County of Surrey.

3. The *preamble* to the 1772 Act recorded the need to move the existing house of correction²⁴¹ in Southwark to a new site. The existing house of correction was said to be “too small, unhealthy, inconvenient, and unsafe, and Persons committed to the [house of correction] for Felony cannot be kept separate from those committed for small Misdemeanours, which greatly tends to the Ruin and entire Corruption of the latter”.

4. The preamble also recorded that a suitable site for a new house of correction had been found. An acre of open land in St George’s Fields called White Lyon (or Hangman’s Acre) near the Kings Bench prison had been earmarked for the purpose. The only problem was that the owners of the land enjoyed a right of common over it. Since the land could not be built on whilst this right of common remained in force, an Act of Parliament was needed to extinguish that right.

5. Accordingly the 1772 Act provided that all rights of common and pasture over this acre of land should be extinguished with immediate effect. This enabled building work on the house of correction to start, the work being completed in early 1773.²⁴²

²⁴⁰ St George’s Fields is today in the London Borough of Southwark.

²⁴¹ Houses of correction provided for the custody of persons convicted of comparatively minor offences. By 1865 all distinctions between houses of correction and prisons had been abolished: Prison Act 1865 (28 & 29 Vict. c.126)

²⁴² The house of correction remained in use until 1798 when its inmates were transferred to Horsemonger Lane Gaol. The building was later used as a soap factory.

6. The 1772 Act became spent upon taking effect at Royal Assent. Its single purpose was to extinguish the common rights over the acre of land called White Lyon. Once this was done the 1772 Act ceased to have any effect. It has therefore been obsolete for more than two centuries and its repeal is now proposed on that basis.

Consultation

7. The London Borough of Southwark has been consulted about this repeal proposal.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
16 Geo.3 c.31 (1776) (Theatre Royal, Covent Garden Act)	The whole Act.

Theatre Royal, Covent Garden Act (1776)

1. This note proposes the repeal of an obsolete 1776 Act relating to a charitable fund established for the benefit of incapacitated actors and their families.

2. According to its long title, the purpose of the *Theatre Royal, Covent Garden Act of 1776* (“the 1776 Act”) was-

for securing a Fund, belonging to certain Persons of the Theatre Royal, Covent-garden, applicable to charitable Uses; and for other Purposes.

Background

3. The Theatre Royal, Covent Garden (“the Theatre”) is today better known as the Royal Opera House. It opened in 1732 and was primarily a playhouse until 1847 when the Theatre was re-named as the Royal Italian Opera, being finally re-named as the Royal Opera House in 1892. It is entirely separate from another ancient theatre that still exists – the Theatre Royal, Drury Lane.

The 1776 Act

4. According to the preamble to the 1776 Act, money was collected at the Theatre in or around 1765-

towards the charitable Purposes of establishing a Fund, for the Support of such Performers belonging to the said Theatre as, through Age, Infirmary, or Accident, should be obliged to retire from the Stage; and to the occasional Relief of Performers in case of Sickness; and also to the Relief and Support of the Widows and Children of deceased Performers belonging to the said Theatre.

5. The *preamble* also recorded that the money now held for these purposes amounted to £4300 and was being held in a Fund (“the Fund”) by certain trustees.

6. The 1776 Act provided as follows-

(a) the subscribers to the Fund were incorporated as *The Society established for the Relief of indigent Persons belonging to the Theatre Royal, Covent-garden*

(b) a Committee was appointed to manage the Fund, with powers to make byelaws governing the Society and to appoint a treasurer and other

officers; future elections to the Committee; majority of Committee members to belong to or be employed at the Theatre
(c) status of this Act.

7. The Fund no longer exists in any independent form. It appears to have been absorbed by a separate charity, the Actors' Benevolent Fund,²⁴³ soon after that charity was established in 1882. Meanwhile another charity, *The Royal Opera House Benevolent Fund*,²⁴⁴ exists primarily for the benefit of past and present employees, directors and trustees of the Theatre and their dependants. It does not exist to provide direct benefits for artistes or performers at the Theatre or their dependants.²⁴⁵

8. Given that the Fund no longer exists in any independent form, it follows that the 1776 Act has ceased to serve any useful purpose. Its repeal is proposed on that basis.

Consultation

9. The Royal Opera House, Covent Garden, the Actors' Benevolent Fund and the Charity Commission have been consulted about these repeal proposals.

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²⁴³ Registered charity No 206524. The 1776 Act does not form any part of the constitution of the Actors' Benevolent Fund.

²⁴⁴ Registered charity No 200002.

²⁴⁵ A separate registered charity (No 209046) called the Drury Lane Theatrical Fund provides benefits to performers (and their dependants) at the Theatre Royal, Drury Lane. The origin of this charity is an Act of 1776 (16 Geo.3 c.13).

42 Geo.3 c.lxxxviii (1802) (London Fish Trade Act)	The whole Act.
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London Fish Trade Act (1802)

1. This note proposes the formal repeal of an obsolete early nineteenth-century Act passed to regulate the sale of fish in the City of London. It has been virtually repealed by the Sea Fisheries Act 1868.²⁴⁶

2. According to its long title, the purpose of the *London Fish Trade Act of 1802* (“the 1802 Act”) was-

for repealing so much of [an Act of 1762²⁴⁷] as limits the Number of Fish to be sold by Wholesale, within the ... City of London; and for the better Regulation of the Sale of Fish by Wholesale in the Market of Billingsgate within the said City.

3. Billingsgate²⁴⁸ Wharf, close to Lower Thames Street in the City of London became the centre of a thriving fish market during the sixteenth and seventeenth centuries. In 1849 the market was moved into a riverside building which was replaced by an arcaded market hall in 1875. In 1982 the fish market was relocated to a new thirteen acre building complex close to Canary Wharf in Docklands.

4. The 1802 Act repealed the regulatory provisions of the Act of 1762 replacing them with new statutory regulatory provisions under the supervision of the Corporation of London. These provisions enabled the Corporation to regulate the sale of fish by wholesale in Billingsgate Market.

5. The repeal of the 1802 Act by section 71 of, and Schedule 2 to, the Sea Fisheries Act 1868 (“the 1868 Act”) was subject to a saving provision in section 71 to the effect that the repeal of the enactments listed in Schedule 2 (including the 1802 Act) was not to affect the validity or invalidity of anything already done (or any right of title conferred) pursuant to those enactments.²⁴⁹

²⁴⁶ 31 & 32 Vict. c.45, s 71, Sch 2. The 1802 Act was also partly repealed by the Billingsgate Market Act of 1846 (9 & 10 Vict. c.cccxlv), s 1.

²⁴⁷ 2 Geo.3 c.15 (Fish Carriage). This Act was finally repealed by the Statute Law Revision Act 1948, s 1, Sch 1.

²⁴⁸ Billingsgate remains a ward in the City of London.

²⁴⁹ Nor was the repeal to revive or restore any jurisdiction, toll, imposition, office, duty, bounty, franchise, liberty, custom, privilege, restriction, exemption, usage or practice not existing or in force at the time the 1868 Act came into force (13 July 1868).

6. The passage of time since 1868 would by itself be likely to render such savings unnecessary. In any event, however, section 71 and Schedule 2 were themselves repealed in 1883²⁵⁰ with the result that the saving provision no longer exists. Accordingly the 1802 Act no longer has any effect and its formal repeal is now proposed on that basis.

Consultation

7. The City of London Corporation has been consulted about these repeal proposals.

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²⁵⁰ Sea Fisheries Act 1883 (c.22), s 30, Sch 2, Pt 1.

46 Geo.3 c.cxxxii (1806) (Port of London Act)	The whole Act.
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Port of London Act (1806)

1. This note proposes the repeal of an obsolete 1806 Act relating to compensation payments following improvements to the Port of London.

2. According to its long title, the purpose of the *Port of London Act* of 1806 (“the 1806 Act”) was-

for altering and enlarging the Powers of an Act, made in the Thirty-ninth Year of His present Majesty, intituled, An Act for rendering more commodious, and for better regulating, the Port of London, so far as the same relates to the Compensations to be made by certain Commissioners therein named.

3. The Act referred to in this long title was the *Port of London Improvement and City Canal Act* of 1799 (“the 1799 Act”).²⁵¹ The origins of the 1799 Act lay in the lack of shipping capacity within the Pool of London. In 1790 the West India merchants were concerned about congestion and delays in the existing docks, against a background of a doubling in ships and tonnage using the Pool between 1750 and 1796. The merchants also suffered losses from pilfering and lack of security.

4. The 1799 Act authorised the building of the West India Docks on, and a new canal running across, the Isle of Dogs.²⁵² The 1799 Act contained elaborate provisions for providing compensation out of the Consolidated Fund to those whose interests had been adversely affected by the building of the docks and the canal. Compensation Commissioners (“the Commissioners”) were appointed to operate these compensation provisions.²⁵³

5. The *preamble* to the 1806 Act recorded that the Commissioners had been given compensatory powers not only in relation to the 1799 Act but also under subsequent Acts.²⁵⁴ The preamble also recorded that the powers granted to the Commissioners by the 1799 Act had proved insufficient and in need of amendment.

²⁵¹ 39 Geo.3 c.lxix.

²⁵² The Isle of Dogs is situated on the north side of the Thames, opposite Greenwich.

²⁵³ The 1799 Act, s 130.

²⁵⁴ These Acts were the Port of London Improvement Act of 1800 (39 & 40 Geo.3 c.xlvii); the West India Dock Company Act of 1802 (42 Geo.3 c.cxiii); the East India Docks Act of 1803 (43 Geo.3 c.cxxvi); the London Docks (Warehousing of Goods) Act of 1804 (44 Geo.3 c.100); the Port of London Improvement Act of 1805 (45 Geo.3 c.lviii).

6. The 1806 Act provided as follows-
- (a) extended the provisions of the 1799 Act relating to the Commissioners' powers to their powers in the subsequent Acts and in this Act (*section 1*)
 - (b) appointment of replacement Commissioners from time to time; emergency meetings of Commissioners (*sections 2 to 4*)
 - (c) repeal of provisions in the 1799 Act relating to (1) the assessment of compensation by juries, and (2) the Commissioners' powers to impose fines on persons failing to attend proceedings or perform certain functions (*sections 5 and 6*)
 - (d) new procedure for juries to determine the amount of compensation to be paid in cases where claimants challenged the sums determined by the Commissioners; justices of the peace authorised to impose fines on persons failing to attend proceedings or perform certain functions (*sections 7 and 8*)
 - (e) points of law to be referred to the Court of King's Bench; application to that Court for a new trial; procedure in such cases (*sections 9 to 11*)
 - (f) no evidence of any loss to set before a jury unless that loss has already been specifically claimed; Commissioners authorised to consolidate claims for joint hearings; procedure in consolidated cases (*sections 12 to 14*)
 - (g) procedure for making claims under more than one enactment; Commissioners authorised to permit claimants to amend their claims or submit supplementary claims (*sections 15 and 16*)
 - (h) time limits for lodging claims not to be extended beyond the time limits provided for by the 1799 Act; claims for compensation had to be made between 28 June 1809 and 28 June 1810; all compensation to be paid within six months of being agreed (*sections 17 to 19*)
 - (i) personal liability of Commissioners; expenses and status of this Act (*sections 20 to 22*).

7. The 1806 Act has long been obsolete. The building of the West India Docks, which started in 1799, was completed in 1806. The final claim for compensation pursuant to the 1799 Act had to be lodged no later than 28 June 1810. The Commissioners themselves ceased to operate in or around 1824.

Consultation

8. HM Treasury, the Port of London Authority, the City of London Corporation and the London Borough of Tower Hamlets have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
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54 Geo.3 c.clxxix (1814)
 (Westminster Society for Insurance
 of Lives and Survivorship and for
 Granting Annuities Act)

The whole Act.

Westminster Society for Insurance of Lives and Survivorship and for Granting Annuities Act (1814)

1. This note proposes the repeal of an obsolete early nineteenth century Act relating to the *Westminster Society for Insurance of Lives, and for Granting Annuities* (“the Society”) which was dissolved in 1863.
2. The Society was established as a life insurance office in 1792, its offices being off the Strand, near Charing Cross.
3. According to its long title, the purpose of this 1814 Act (“the 1814 Act”) was “to enable [the Society] to sue and be sued in the Name of their Secretary”.
4. The *preamble* to the 1814 Act recorded that the Society had experienced procedural difficulties in bringing legal proceedings in the courts. As the law then stood, the Society’s legal proceedings had to be brought in the name of all the Society’s subscribers and partners, rather than in the sole name of the Society.
5. The 1814 Act accordingly provided as follows-
 - (a) all legal proceedings concerning the Society were to be brought, and defended, in the name of the Society’s Secretary; any judgement obtained against the Secretary could be executed against any Society member; reimbursement of Secretary and members for costs thereby incurred (*sections 1 to 3*)
 - (b) a record of the current Society membership was to be lodged in the High Court of Chancery; until such lodging the Society could bring no legal proceedings; the Secretary not to be disqualified as a witness in any proceedings; this Act to apply despite future changes in Society membership (*sections 4 to 7*)
 - (c) judgements against the Secretary to have effect as judgements against the Society; this Act not to have the effect of incorporating the Society; status of this Act (*sections 8 to 10*).

6. The 1814 Act became obsolete when the Society was dissolved in 1863 pursuant to the *Westminster Insurance Society's Dissolution Act 1861* ("the 1861 Act").²⁵⁵ The 1861 Act provided for the Society to be taken over by the Guardian Fire and Life Assurance Company.²⁵⁶ Under the terms of the 1861 Act, the 1814 Act was to "continue in full force until the said Westminster Society shall be dissolved in pursuance of the provisions of this Act".²⁵⁷ The 1861 Act provided for the dissolution of the Society in accordance with a resolution to that effect being voted at two meetings of the Society, the dissolution to take effect at the second of the two meetings.²⁵⁸

7. These meetings of the Society were convened at the Society's offices at 4 Adelaide Street, Strand on 7 December 1863 and 23 December 1863.²⁵⁹ Accordingly the dissolution took effect on 23 December 1863. The 1814 Act thereupon became obsolete and its repeal is proposed on that basis.

Consultation

8. Aegon UK plc and the Association of British Insurers have been consulted about these repeal proposals.

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²⁵⁵ 24 & 25 Vict. c.ccxv.

²⁵⁶ This company was renamed the Guardian Assurance Company in 1902 and merged with Royal Exchange Assurance in 1968 to become the Guardian Royal Exchange Assurance plc. This merged company was acquired by AXA in 1999, and the life assurance business was acquired by Aegon NV later that year.

²⁵⁷ The 1861 Act, s 34.

²⁵⁸ The 1861 Act, s 37.

²⁵⁹ The *London Gazette*, 20 November 1863, p 5714.

57 Geo.3 c.lx (1817)
(City of London Gauger)

The whole Act.

City of London Gauger Act (1817)

1. This note proposes the repeal of an obsolete 1817 Act relating to the office of Gauger of the City of London.

2. According to its long title, the purpose of the *City of London Gauger Act* of 1817 (“the 1817 Act”) was-

for granting an Equivalent for the Diminution of the Profits of the Office of Gauger of the City of London, and increasing the Payments to be made by Brokers.

3. The *preamble* to the 1817 Act recorded that the office of Gauger within the City of London was granted to the City by letters patent dated 20 June 1479.²⁶⁰ The Gauger’s functions included examining and measuring all barrels of wine, beer, oil and other liquid substances brought by sea into the City of London.²⁶¹ The Gauger charged fees for these services.

4. The preamble also recorded that, until the completion of the West India Docks and the London Docks in the early 1800s, liquor imported into London would arrive in the City where it would be processed by the deputy Gauger, thereby earning the City of London a considerable sum by way of profits and revenue. The completion of the docks meant that much of the liquor was now arriving in the docks rather than in the City, a change that resulted in a loss of income both for the City and for the person currently holding the office of deputy Gauger.²⁶²

5. Finally the preamble recorded that the cost of compensating the City and the estate of the late deputy Gauger for their respective losses could be met by increasing the fees payable by persons seeking to be admitted as Brokers (of

²⁶⁰ This grant was made by Edward 4 and was confirmed by subsequent letters patent.

²⁶¹ The contents of the barrel had to be marked on the barrel before they could be offered for sale.

²⁶² The most recent office-holder had been Nicholas Bacon Harrison, appointed in 1806 following the death of his brother who had also been the deputy Gauger. Mr Harrison paid a yearly rent of £750 for the right to exploit this apparently lucrative office. He died in 1817.

commodities) within the City.²⁶³ The licensing of such Brokers was an ancient power exercised by the City.²⁶⁴

6. The 1817 Act accordingly provided as follows-

- (a) every person wishing to be admitted to act as a Broker within the City of London as from 1 July 1817 was required to pay to the City Chamberlain an admission fee of three pounds and a yearly fee of three pounds (in addition to the existing admission fee of forty shillings and the existing annual fee of forty shillings); part of this fee income was to be paid by way of compensation to the estate of the late deputy Gauger, the balance being paid to the City (*section 1*)
- (b) any person employing an unadmitted Broker within the City would be liable to a fine of £100; status of this Act (*sections 2 and 3*).

7. The City's jurisdiction over Brokers, and the fees payable by them, ended with the passing of the *London Brokers' Relief Act 1884*²⁶⁵ which took effect from 29 September 1886. Accordingly the 1817 Act thereupon became spent and its repeal is proposed on that basis.

Consultation

8. The City of London Corporation has been consulted about this repeal proposal.

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²⁶³ These fees were first charged in 1707 pursuant to an Act of that year: 6 Ann c.68 (City of London (garbling of spices and admission of brokers)). This Act was repealed by the Food and Drugs Act 1938 (c.56), s 101, Sch 4.

²⁶⁴ Between 1285 and 1886 the Corporation of London was empowered to license all commodity brokers operating in the City of London.

²⁶⁵ 47 & 48 Vict. c.3. This Act was repealed by the Statute Law Revision Act 1898.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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3 Geo.4 c.cxiii (1822) (Orphans' Fund, City of London Act)	The whole Act.
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Orphans' Fund, City of London Act (1822)

1. This note proposes the repeal of an obsolete 1822 Act concerning the finances of the Orphans Fund.
2. According to its long title, the purpose of the *Orphans' Fund, City of London Act* of 1822 ("the 1822 Act") was "the better Regulation of the Fund, called The Orphans' Fund".

Background

3. The 1822 Act is consequential upon the *Orphans, London Act* of 1694 ("the 1694 Act")²⁶⁶ which was passed to give effect to a package of measures to raise a fund ("the Fund") to pay the interest due on the debts owed by the City of London ("the City"). Most of the debts were in respect of the money with which the City had been entrusted to provide for the needs of orphan children of Freemen of the City. Instead of using the money for this purpose, the City had spent it in meeting its routine running costs.
4. The *note attached* to the proposal (above) to repeal the 1694 Act provides a brief account of the circumstances giving rise to that Act. Suffice it to say that the 1694 Act contained money-raising provisions including annual taxes on the City and coal duties on coal imported into the City.
5. The *preamble* to the 1822 Act outlined several measures which could be taken to increase the income of the Fund.
6. The 1822 Act accordingly provided as follows-
 - (a) the surplus income arising from an Act of 1766²⁶⁷ should be credited to the Fund at quarterly rather than six monthly intervals (*sections 1 and 2*)
 - (b) the receivers of wine and coal duties were required to pay the receipts to the Chamber of the City at quarterly intervals; power for the Court of Aldermen to shorten the payment times (*sections 3 and 4*)

²⁶⁶ 5 & 6 Will. & Mar. c.10. This Act is also proposed for repeal: see separate note.

²⁶⁷ 7 Geo.3 c.37 (Thames Embankment).

- (c) any interest or annuities arising from the Fund that had been unclaimed for 20 years should be credited to the Fund; provision for meeting late claims (*sections 5 and 6*)
- (d) expenses and status of this Act (*sections 7 and 8*).

7. The 1822 Act has long been obsolete. The Fund was effectively wound up in 1832 when it merged with the London Bridge Approaches Fund.²⁶⁸ By that time the City's debts (including the debts owed to the orphans) had been fully paid off. Accordingly the 1822 Act no longer serves any useful purpose and its repeal is proposed on that basis.

Consultation

8. The City of London Corporation and the Greater London Authority have been consulted about this repeal proposal.

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²⁶⁸ The merger was effected by an Act of 1829: 10 Geo.4 c.cxxxvi (London Bridge Approaches), s 76. The London Bridge Approaches Fund ceased to exist when its assets were transferred to the Thames Embankment and Metropolis Fund pursuant to the London Coal and Wine Duties Continuance Act 1861 (c.42), s 9. This latter fund was established by the 1861 Act (s 5) and its assets were later transferred to the Metropolitan Board of Works pursuant to the Thames Embankment Act 1862 (25 & 26 Vict. c.93), s 45.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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London Printing and Publishing Company's (Limited) Act 1856 (19 & 20 Vict. c.cvii)	The whole Act.
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London Printing and Publishing Company's (Limited) Act 1856

1. This note proposes the repeal of an obsolete 1856 Act relating to the London Printing and Publishing Company Ltd. This company was wound up in 1882.

2. According to its long title, the purpose of the *London Printing and Publishing Company's (Limited) Act 1856* ("the 1856 Act") was "to amend the Constitution of "The London Printing and Publishing Company, Limited"" ("the Company").

3. The *preamble* to the 1856 Act recorded that the Company was incorporated in 1854 for the purpose of carrying on "the Trades or Businesses of Printing, Engraving, Bookbinding, and various other Branches of Trade, Manufacture, Art, and Science connected with the Production and Publication of Literary Works". The preamble also recorded that legislation was required to give effect to alterations to the Company's constitution arising from the Company's acquisition of a business previously carried on by one Mr John Tallis.

4. John Tallis (1816-1876) was a bookseller and publisher, specialising in the publication of maps. His family began publishing *Tallis's London Street Views* in 1838, with John Tallis taking control of the business in 1849. Tallis entered partnership with Ephraim Tipton Brain in 1853 and together they set up the Company the following year. The 1856 Act was necessary to give effect to their business relationship.

5. The 1856 Act provided as follows:

- (a) short title and construction (*sections 1 and 2*)
- (b) issue of 4000 "A" shares in the Company to John Tallis; other shares to be called "B" shares; dividends payable on shares (*sections 3 to 6*)
- (c) provisions for cancelling terms of an earlier agreement made by the Company; expenses of this Act (*sections 7 and 8*).

6. Initially the affairs of the Company prospered. Differences soon arose, however, and Tallis's subsequent publishing efforts were mainly achieved

independently of the Company. In 1858 he launched a weekly pictorial newspaper called *The Illustrated News of the World*. This followed an unsuccessful attempt to buy (for the Company) *The Illustrated London News* which had been founded in 1842. The economics of publishing *The Illustrated News of the World* proved too great and Tallis lost control of it in 1861. By then he had also lost control of the Company. His subsequent publishing ventures enjoyed mixed success. By the time he died in May 1876, Tallis had relinquished all interest in the Company.

7. The Company itself continued for some years until it was dissolved and wound up by a resolution to that effect being passed by the shareholders on 14 June 1882.²⁶⁹

8. The winding up of the Company in 1882 made the 1856 Act unnecessary and its repeal is proposed on that basis.

Consultation

9. The Illustrated London News and the Publishers Association have been consulted about this repeal proposal.

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²⁶⁹ The London Gazette, 25 July 1882, page 3472.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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London Hydraulic Power Company Limited Act 1860 (23 & 24 Vict. c.lxxxv)	The whole Act.
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London Hydraulic Power Company Limited Act 1860

1. This note proposes the repeal of an obsolete 1860 Act passed to give additional powers to the London Hydraulic Power Company. The company was dissolved in 1882.

2. According to its long title, the purpose of the *London Hydraulic Power Company Limited Act 1860* (“the 1860 Act”) was-

for authorising the London Hydraulic Power Company, Limited, to acquire Powers under “The Waterworks Clauses Acts, 1847;” and for other Purposes.

3. The *preamble* to the 1860 Act recorded that a limited liability company had been established under the name of *The London Hydraulic Power Company Limited* (“the Company”). One of the Company’s objects was “the supplying of Water under Pressure, in order to its being applied as a motive Force to Cranes, Lifts, and other Machinery”. Parliamentary authority was, however, required to lay down the infrastructure necessary to achieve this object.

4. The Company was an early example of the late Victorian and early twentieth-century use of hydraulic (i.e. water) power as a form of energy to operate cranes, lifts, presses and other machinery in central London. Pre-dating the use of electricity as a power source for these purposes, water power was transmitted at high pressure through miles of underground cast-iron pipes to thousands of hotels, shops, offices, docks and factories. The water was pumped using an elaborate network of mains and pumping stations.

5. The 1860 Act provided as follows-

- (a) short title and incorporation of other statutory provisions (*sections 1 to 3*)
- (b) protective provisions concerning sewers, pavements and the River Thames; powers of the Admiralty (*sections 4 to 9*)
- (c) power for the Company to acquire land compulsorily and enter into agreements with water companies for the purchase and supply of water; the area to be covered by the Company; the water was to be used only for

power purposes; use of cranes and other equipment by the Company
(sections 10 to 21)

(d) status of the Company and its legal liability; costs of this Act (sections 22 to 27).

6. The life of the Company was brief. Within twenty years it had become defunct. On 7 March 1882 it was struck off the Companies Register and dissolved.²⁷⁰ By then an entirely separate company had acquired rights to establish a hydraulic power system in central London. Incorporated by the Wharves and Warehouses Steam Power and Hydraulic Pressure Company's Act 1871,²⁷¹ the company that later became known as the London Hydraulic Power Company²⁷² provided London with hydraulic power until 1977 when it finally ceased operations. The network of pipes, ducts and conduits belonging to that company were acquired in 1985 by Mercury Communications Ltd (now owned by Cable & Wireless Worldwide plc). The network now contains many miles of fibre optic cabling.

Conclusion

7. The dissolution of the Company in 1882 meant that the 1860 Act was no longer necessary. Its repeal on that basis is now proposed. The repeal will have no effect on the later enactments relating to the entirely separate company that also became known as the London Hydraulic Power Company.

Consultation

8. The Greater London Authority and Cable & Wireless Worldwide plc have been consulted about this repeal proposal.

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²⁷⁰ *London Gazette*, 7 March 1882, pages 1003, 1009. This action was taken by the Registrar of Joint Stock Companies pursuant to section 7 of the Companies Act 1880 (c.19) (power of Registrar of Joint Stock Companies to strike names of defunct Companies off register).

²⁷¹ 34 & 35 Vict. c.cxxi.

²⁷² The name was changed by the London Hydraulic Power Act 1884 (47 & 48 Vict. c.lxxii), s 10. Later enactments relating to this company are the London Hydraulic Power Act 1889 (52 & 53 Vict. c.vii), the London Hydraulic Power Company's Act 1893 (56 & 57 Vict. c.ix), the London Hydraulic Power Company's Act 1903 (3 Edw.7 c.xvii), the London Hydraulic Power Act 1953 (1 & 2 Eliz.2 c.viii) and the London Hydraulic Power Act 1977 (c.xi).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
City of London Traffic Regulation Act 1863 (26 & 27 Vict. c.ccv)	The whole Act.

City of London Traffic Regulation Act 1863

1. This note proposes the repeal of an obsolete Victorian Act passed to control the traffic in the City of London.

2. According to its long title, the purpose of the *City of London Traffic Regulation Act 1863* (“the 1863 Act”) was-

for the better Regulation of the Traffic in the Streets of the City of London, and for the Prevention of Obstructions therein.

3. The *preamble* to the 1863 Act recorded that it was “expedient that better Provision should be made for the Regulation of Omnibuses, Cabs, Carriages, Carts, and other Vehicles passing through the Streets of the City of London or the Liberties thereof so as to prevent Obstruction, and enable the increasing Traffic of the said City to be conducted with less Delay and in a safer Manner”.

4. The 1863 Act accordingly provided as follows-

(a) short title; interpretation (*sections 1 and 2*)

(b) the Court of the Mayor and Aldermen of the City of London were authorised to make bye-laws for regulating such matters as (i) the routes to be taken by omnibuses, stage carriages and other vehicles carrying passengers; and (ii) the height and width of goods carts and wagons using the streets between 9.00 AM and 6.00 PM; variation or repeal of such bye-laws (*sections 3 and 4*)

(c) penalty of forty shillings for contravening such bye-laws; manner and enforcement of penalties (*sections 5 to 7*)

(d) approval of bye-laws by the Secretary of State following notice of the intention to apply for such approval being advertised in the London Gazette and other newspapers; printing and publishing of bye-laws (*sections 8 to 10*)

(e) expenses of this Act; this Act to remain in force for 7 years from 28 July 1863 (*sections 11 and 12*).

5. The 1863 Act continued in force until 1870 when, in accordance with section 12, it ceased to have effect. Accordingly, although the 1863 Act has never been formally repealed, it has served no useful purpose since 1870.²⁷³ Its repeal is therefore proposed on that basis.

Consultation

6. The City of London Corporation, the City of London Police, Transport for London and the Department for Transport have been consulted about these repeal proposals.

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²⁷³ The 1863 Act was superseded by the Metropolitan Streets Act 1867 (30 & 31 Vict. c.134) which contained analogous provisions relating not just to the City of London but to all parts of London within the jurisdiction of the Metropolitan Board of Works. Bye-laws under the 1863 Act were made in October 1863 and May 1864 (London Gazettes 27 October 1863, page 5073; 3 June 1864, page 2876).

South London Polytechnic Institutes (Borough Road Site) Act 1890 (53 & 54 Vict. c.ix)	The whole Act.
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South London Polytechnic Institutes (Borough Road Site) Act 1890

1. This note proposes the repeal of an 1890 Act authorising the purchase of a site that today houses the London South Bank University.

2. As stated in its long title, the purpose of the *South London Polytechnic Institutes (Borough Road Site) Act 1890* (“the 1890 Act”) was “to authorise the purchase of a Site in Southwark for the South London Polytechnic Institutes”.

Background

3. *South London Polytechnic Institutes* (“the Institutes”) was an association established following the City of London Parochial Charities Act 1883. That Act provided for the distribution by the Charity Commissioners of money to improve the physical, social and moral condition of Londoners. In 1888 the Charity Commissioners pledged funds to establish three polytechnics in south London, one of which was to be established near the Elephant and Castle on Borough Road.²⁷⁴ The 1890 Act provided the necessary authority for the purchase of that site to house the new polytechnic.

The 1890 Act

4. The *preamble* to the 1890 Act recorded that the Institutes had entered an agreement to purchase the leasehold interest of the existing occupier of the Borough Road site.²⁷⁵ The freehold owner of this site, however, was the City of London Corporation (“the Corporation”) who, though willing to sell their freehold interest, had no power to do so without the authority of Parliament.

²⁷⁴ Pressure for the establishment of the polytechnics was exerted by the South London Polytechnics Institutes Council founded by Edric Bayley, a solicitor and member of the London School Board. The other two polytechnics were established at New Cross (now Goldsmiths College) and at Battersea (which eventually moved and became part of the University of Surrey).

²⁷⁵ The site was occupied by the British and Foreign School Society Training College. The agreement was scheduled to the 1890 Act.

5. The 1890 Act accordingly provided as follows-
 - (a) short title and incorporation of land acquisition statutory provisions (*sections 1 and 2*)
 - (b) the Corporation was authorised to sell their interest in the site (*section 3*)
 - (c) costs of this Act (*section 4*).

6. The Corporation duly sold their freehold interest in accordance with the 1890 Act and the polytechnic opened as the *Borough Polytechnic Institute* in 1892.²⁷⁶ Re-named as the Polytechnic of the South Bank in 1971 and as the South Bank Polytechnic in 1987, the polytechnic acquired university status in 1992 and has, since 2003, been known as the *London South Bank University*.

7. The Corporation's disposal of its freehold interest in the Borough Road site in 1890 fulfilled the purpose of the 1890 Act which thereupon became spent. It is proposed for repeal on that basis.

Consultation

8. The City of London Corporation and the London South Bank University have been consulted about this repeal proposal.

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²⁷⁶ The formal opening was by Lord Rosebery on 30 September 1892.

King Edward's Hospital Fund for London Act 1907 (7 Edw.7 c.lxx)	The whole Act.
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King Edward's Hospital Fund for London Act 1907

1. This note proposes the repeal of an obsolete 1907 Act relating to the King Edward's Hospital Fund for London.

2. According to its long title, the purpose of the *King Edward's Hospital Fund for London Act 1907* ("the 1907 Act") was-

To incorporate the President and Council of King Edward's Hospital Fund for London to provide for the management of the Fund and for other purposes.

3. The *preamble* to the 1907 Act recorded that the King Edward's Hospital Fund for London ("the Fund") was established as a result of public subscriptions being invited by the then Prince of Wales in 1897 to secure "more efficient aid and support for hospitals of London and of thus commemorating the sixtieth anniversary of the reign of Her late Majesty Queen Victoria".

4. The *preamble* also recorded that "it is expedient that for the proper establishment and administration of the Fund upon a permanent basis the president and general council should be incorporated and that provision should be made for the regulation and management of the Fund and with respect to present and future investments" .

5. The 1907 Act accordingly provided as follows-

(a) the short title (*section 1*)

(b) incorporation of the Fund's president,²⁷⁷ governors and general council by the name of "*King Edward's Hospital Fund for London*" ("the Corporation") (*section 2*)

(c) the objects of the Corporation which were, in particular, to apply the Corporation's capital and income "towards the support benefit or extension of the hospitals of London" (*section 3*)

(d) interpretation (*section 4*)

(e) appointment of the Corporation's president (*section 5*)

²⁷⁷ His Royal Highness George Prince of Wales was president of the Fund at the time the 1907 Act was Passed.

- (f) powers of the president and general council and special powers of the president (*sections 6 and 7*)
- (g) rules and regulations, meetings, procedure and auditing of accounts (*section 8*)
- (h) transfer of property to the Corporation (*section 9*)
- (i) the Corporation's investment powers (*section 10*)
- (j) acceptance of gifts subject to conditions (*section 11*)
- (k) indemnity of persons acting in the management and application of the Fund (*section 12*)
- (l) costs and expenses of obtaining this Act (*section 13*).

6. The role of the Corporation changed during the twentieth century. Originally its work focussed on raising money for London's voluntary hospitals. However, with the founding of the National Health Service ("the NHS") in 1948,²⁷⁸ the Corporation began to focus on research and development in the area of health and social care, and worked to develop good practice in the NHS.

7. However the passage of time revealed issues with the 1907 Act which became a hindrance to the Corporation in the carrying out of its work. The charitable objects set out in the 1907 Act lacked clarity, thereby obstructing the Corporation in developing a number of its programmes. Furthermore the governance structure in the 1907 Act became ill-suited to the needs of a large modern charity, and outdated in comparison with the types of governance structures commonly used by other large charities.

8. To resolve these difficulties the Corporation in 2007 petitioned the Privy Council for a Royal Charter to establish a new body to take forward the Corporation's charitable objectives, with the benefit of a new governance structure better fitted for modern times. This petition followed consultations with His Royal Highness The Prince of Wales (as President of the Corporation), the Department of Health and the Charity Commission. All supported the petition. The Royal Charter was granted on 9 July 2008 and constituted a new corporate body known as *The King's Fund*²⁷⁹ with a new and modern governance structure. The assets and the undertaking of the

²⁷⁸ By virtue of the National Health Service Act 1946, s 6 and the National Health Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals and most hospitals belonging to local authorities were transferred to and vested in the Minister of Health on 5 July 1948.

²⁷⁹ The objectives of The Kings Fund, as set out in the Charter, are "the promotion of health and the alleviation of sickness for the benefit of the public, by working with and for healthcare organisations, provided that such work will confer benefit, whether directly or indirectly, upon healthcare in London",

Corporation were transferred to The King's Fund on 1 January 2009 on terms that The King's Fund in effect took over the running of the charitable works previously carried on by the Corporation. The King's Fund was registered as a charity on 27 November 2008.

9. The 2009 transfer of assets and functions means that the Corporation is now a shell with no assets to its name and no functions to carry out. Accordingly the provisions of the 1907 Act, which established the Corporation and provided for its functions, are now spent. It follows that the 1907 Act has become obsolete and its repeal is proposed on that basis. Such repeal was supported by the Corporation at its final General Council meeting in November 2010 when it passed a resolution to that effect.

Consultation

10. The Department for Health, the Charity Commission and The King's Fund have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
National Theatre Act 1949 (12, 13 & 14 Geo. 6 c.16)	Section 1.
National Theatre Act 1974 (c.55)	The whole Act.

National Theatre Acts 1949 and 1974

1. The National Theatre Acts 1949 and 1974 (“the 1949 Act” and “the 1974 Act”) were designed and enacted to authorise the Treasury (and, later, the Secretary of State responsible for culture and heritage) to contribute public funds towards the cost of erecting and equipping a new national theatre building on the South Bank in London. That theatre would operate “by way of memorial to William Shakespeare”.²⁸⁰
2. Funding contributions would be made only in accordance with a “scheme” prepared by the memorial trustees and submitted to, and approved by, the Treasury.²⁸¹ Contributions by the state to the memorial trustees were, by section 1 of the 1949 Act, capped at an upper financial limit of £1 million. That limit was increased by section 1 of the National Theatre Act 1969 (Act now repealed)²⁸² to £3.75 million and then, by section 1(1) of the National Theatre and Museum of London Act 1973 (which Act is also now repealed),²⁸³ to £5.7 million. Finally, by section 1 of the 1974 Act, the monetary limit was in that year removed, subject to the stipulation that no contribution should be made without first obtaining Treasury consent.
3. The functions of the Treasury to make contributions under the original 1949 Act were later transferred by a series of orders to the Secretary of State responsible for cultural and heritage matters.²⁸⁴

²⁸⁰ See the preamble to the National Theatre Act 1949. The 1949 Act comprises short and long titles, a preamble and only three sections.

²⁸¹ See the 1949 Act, s 1.

²⁸² National Theatre and Museum of London Act 1973 (c.2), s 2(2).

²⁸³ National Theatre Act 1974, s 2(2) and Museum of London Act 1986 (c.8), s 7(3) and Schedule.

²⁸⁴ See The Transfer of Functions (Cultural Institutions) Order 1965 (SI 1965 No 603), The Transfer of Functions (Arts and Libraries) Order 1979 (SI 1979 No 907), The Transfer of Functions (Arts, Libraries and National Heritage) Order 1981 (SI 1981 No 207), The Transfer of Functions (Arts, Libraries and National Heritage) Order 1983 (SI 1983 No 879), The Transfer of Functions (Arts, Libraries and National Heritage) Order 1984 (SI 1984 No 1814), The Transfer of Functions (Arts, Libraries and National Heritage) Order 1986 (SI 1986 No 600), and The Transfer of Functions (National Heritage) Order 1992 (SI 1992 No 1311). The relevant Secretary of State is now that for Culture, Media and Sport: see The Secretary of State for Culture, Media and Sport Order 1997 (SI 1997 No 1744).

4. Section 1 of the 1949 Act²⁸⁵ and sections 1 and 2 of the 1974 Act (relating to construction costs) are still in force. Section 2(1) of the 1974 Act deals only with citation, and section 2(2) of that Act deals with the repeal of parts of the 1973 Act.²⁸⁶

5. The National Theatre was opened in 1976. Payments under the 1949 Act (as amended) have long ceased to be made and, on that basis, section 1 of the 1949 Act is spent. Section 1 of the 1974 Act, being ancillary to section 1 of the 1949 Act, will fall with it.²⁸⁷ Since section 2 of the 1974 Act provides merely for the short title and citation, and for repeals to the National Theatre and Museum of London Act 1973 (since wholly repealed in 1986), the whole of the 1974 Act is equally spent.

Extent

6. By their nature the 1949 and 1974 Acts have no effect outside of London.

Consultation

7. HM Treasury, the Department for Culture, Media and Sport, the National Theatre and the Arts Council England have been consulted about these repeal proposals.

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²⁸⁵ Section 2 of the 1949 Act is not material here because it relates to appointment of trustees of the Shakespeare Memorial Trust, and section 3 relates solely to citation. Both sections are to be retained.

²⁸⁶ The 1974 Act contains only two sections.

²⁸⁷ Prior to the removal - by the 1974 Act - of the statutory ceiling on publicly-funded contributions towards the construction of the National Theatre, the parliamentary debates reflect the assumption that payments would be completed by 1976: see *Hansard* (HC), 7 November 1974, vol 880, col 1347.

PART 7

LOTTERIES

<i>Reference</i>	<i>Extent of repeal or revocation</i>
10 Ann. c.27 (1711) (Million Lottery Tickets Act)	The whole Act.
38 Geo.3 c.iii (1798) (Macklin's Lottery Act)	The whole Act.
39 & 40 Geo.3 c.cii (1800) (Pigot and Fisher Diamond Lottery Act)	The whole Act.
44 Geo.3 c.vi (1804) (Boydell's Lottery Act)	The whole Act.
45 Geo.3 c.xxiv (1805) (Bowyer's Lottery Act)	The whole Act.
47 Geo.3 Sess.1 c.i (1807) (Bowyer's Lottery Act)	The whole Act.
Pool Competitions Act 1971 (c.57)	The whole Act.

Background

1. This note does two things. First, it proposes the repeal of 5 local Acts and one private Act (of 1711), each of which authorised the holding of private lotteries. All of these Acts are now spent as the relevant lotteries were drawn and moneys distributed.

2. Secondly, it proposes the repeal of the *Pool Competitions Act 1971* which remained in force until 1987 with a limited remit, and escaped the repeal net of the Gambling Act 2005.

Private lotteries

3. State-run and private lotteries began in England in 1567¹, and were recognised as useful mechanisms for raising revenue. Concern, however, over the conduct of

¹ http://www.nationalarchives.gov.uk/museum/item.asp?item_id=30. There seems to be some doubt as to whether this was actually 1567 or 1569.

private lotteries² led to the passing in 1698 of an Act prohibiting all lotteries except those authorised by Parliament.³ Following the initial restriction, further measures to regulate state lotteries, and to improve enforcement of the prohibition on private lotteries, were enacted.⁴

4. Several Acts granting Parliamentary authority to hold private lotteries were passed in the early nineteenth century. The lotteries authorised were granted by way of exception to the prohibition on private lotteries - either because the item being sold was too expensive to attract purchasers in the normal way, or as recompense for the failure of a commercial scheme which carried with it a public benefit (such as the promotion of the arts or schemes for urban improvement). According to L'Estrange a notable feature of the circumstances in which an exemption to the general restrictions on lotteries would be granted was the indulgence shown to art merchants.⁵ This note deals with three such lotteries (those of Macklin, Boydell and Bowyer) where art dealers were enabled to "realise their otherwise unsaleable stock, by means of lotteries granted by Act of Parliament".⁶

Million Lottery tickets

10 Ann. c.27 (1711) (Million Lottery Tickets Act)

5. In 1693 an Act authorised the holding of the so-called Million Lottery, a scheme which involved the issue of up to 100,000 tickets. Of these 100,000 tickets, some 2,500 each year were eligible for prizes of between £10 and £1,000.⁷ This lottery was followed by some 126 lotteries held over the next 130 years.⁸

6. In 1711 Manuel Henriquez⁹ of the city of Amsterdam was entitled to a share in the Million Lottery by virtue of holding 32 tickets, each of which was to yield a half-yearly payment of £250. Of these 32 tickets, 14 had been delivered to Peter and Peire Henriquez (to hold on behalf of Manuel Henriquez) who, in turn, had allegedly

² Earl Ferrers giving a brief history of lotteries during the second reading of the National Lottery Bill 1993 *Hansard* (HL), 27 May 1993, vol 546, col 401.

³ 10 Will. 3 c.23 (1698), being an Act for the suppression of lotteries (repealed by 1934 Betting and Lotteries Act).

⁴ 9 Ann. c.6 (1710) Lotteries Act (repealed by 1934 Betting and Lotteries Act); 8 Geo.1 c.2 (1721) Lotteries Act (repealed by 1934 Betting and Lotteries Act); and 13 Geo.2 c.19 (1739) Gaming Act (repealed by 1960 Betting and Gaming Act).

⁵ L'Estrange *Lotteries and Sweepstakes* (1932) p.299.

⁶ L'Estrange *Lotteries and Sweepstakes* (1932) p.299.

⁷ See 6 & 7 Will. & Mar. c.7 (1693), ss 34 to 49, discussed below. The purpose behind the 1693 Act was to raise taxation and to secure "certain recompences and advantages . . . to such Persons as shall voluntarily advance the Sum of Ten hundred thousand Pounds [today £1 million], towards carrying on the War against France" (from the long title).

⁸ See article by James Raven *A wheel of fickle fortune* in *The Independent*, 18 February 1994 (available at <http://www.independent.co.uk>, last accessed 25.8.09).

⁹ The exact spelling of the surname is difficult to decipher from the manuscript statute (see below).

handed them on to another person or persons for Manuel. Manuel never received the tickets. The court of chancery had declared (in April 1706) that the 14 lottery tickets were the property of Manuel, and Peter and Peire were ordered to deliver the tickets to him.¹⁰

7. By letter of attorney Manuel authorised Sir William Hodges, Bt. to receive on his behalf the moneys due on the tickets. However, the paymaster of the lottery tickets and related annuities refused to pay the moneys due (or the arrears) on the 14 tickets without statutory authority¹¹ to enable him to act. Consequently, Sir William petitioned the Queen in parliament by private Bill for the following authorisation (which authorisation was granted by the 1711 Act):

- (a) that “the present paymaster of the Million Lottery tickets or the paymaster of the said Million Lottery tickets for the time being” be authorised to pay to Sir William Hodges (for the use of Manuel Henriquez) the half-yearly payments of £250 due on the 14 tickets - and for which Sir William could give proper discharge - as if the originals had been produced;¹²
- (b) that on payment to him of the relevant moneys, Sir William was to give security “by his own recognizance” to the Queen to pay over the moneys to such person as could show good title within six months from the end of the then present session of parliament;¹³ and
- (c) that, after receipt of the moneys, Sir William (and his heir or personal representative as appropriate) was to make the necessary payments to persons who were able “to make out their title thereto”, subject to the right of any person or persons with entitlement being able to claim “as if this Act had never been had or made”.¹⁴

Status

8. State lotteries were first established by parliament in 1693-94¹⁵ as a financial experiment designed to raise moneys for government by underwriting state loans,

¹⁰ Preamble to 10 Ann. c.27 (1711) (“the 1711 Act”), being a private Act “To empower the paymaster of the Million Lottery tickets to pay to Sir William Hodges the money due on fourteen tickets”. The Act is still in force. The Act does not contain section numbers: this note assigns informal section numbers for ease of reference.

¹¹ Specifically “without the authority of parliament”: the 1711 Act, preamble.

¹² The 1711 Act, preamble and s 1.

¹³ The 1711 Act, s 2.

¹⁴ The 1711 Act, s 3.

¹⁵ See 6 & 7 Will. & Mar. c.7 (1693) by which moneys were to be raised by taxation and loan in order to underwrite the costs of “the present war against the French king”. The very first state lottery was authorised in 1569: see *Culture, Media and Sport Committee - First Report* HC March 2001, at para 7.

reducing the national debt, funding public projects and raising revenue generally.¹⁶ They acted as long-term loans to government.

9. Prior to 1769 no ticket-holder could lose out: he or she was assured of an annuity return as well as a chance of winning a prize in government bonds. In this sense the loans were a form of investment superior to today's premium bonds or other form of lottery.

10. Given that the authorisation within the 1711 Act was time-limited on its face, that Act is now entirely obsolete and can be repealed.

Macklin's Lottery

38 Geo.3 c.iii (1798) (Macklin's Lottery Act)

11. Thomas Macklin was a print seller and picture dealer (based in Fleet Street in London) who undertook to publish an illustrated folio Bible. Having sold subscriptions to this publication he had to sell his existing collection of paintings (the "poet's gallery") by lottery in order to fund production of the Bible.¹⁷ Macklin was known for giving "great encouragement to the artists in painting and engraving" and for raising "the celebrity of the English school" in this field.¹⁸

12. In 1797 an Act was passed which authorised Thomas Macklin to dispose of his existing collection of modern paintings by the sale of 2,400 lottery tickets at 5 guineas each. The 1797 Act, which scheduled some 96 works of art (to be sold as 76 prizes), placed a financial limit on the sum to be raised by the tickets (£12,600).¹⁹

13. According to its long title, the purpose of the 1798 Act - passed the following year - was:

"for extending the Time limited for determining a Lottery, established under the Authority of an Act, passed in the Thirty-seventh Year of His present Majesty's Reign²⁰, intituled, *An Act for enabling Thomas Macklin to dispose of*

¹⁶ See J. Raven article (Feb. 1994, above).

¹⁷ Bentley "Thomas Macklin" *Oxford Dictionary of National Biography* (2004): <http://www.oxforddnb.com/index/101040489>.

¹⁸ See preamble to 37 Geo.3 c.133 (1797) (Thomas Macklin's paintings Act) ("the 1797 Act"), which Act was repealed by the Statute Law Revision Act 1948.

¹⁹ The 1797 Act, ss 1-4. The draw was to be undertaken through the state lottery. Notice of the intended draw had to be given in the *London Gazette*. Pending the draw the identified "modern paintings" were to be vested in named trustees, who would subsequently effect transfer to the various prizewinners (sections 5, 7).

²⁰ *Ie* the 1797 Act, above.

his Collection of Modern Paintings, as now exhibited at his Gallery in Fleet Street, by way of Chance".²¹

14. Thomas Macklin had given notice of the lottery in the *London Gazette* in July 1797²². However, at the time of passing the 1798 Act (February 1798), "he hath not been able to sell more than one sixth part of the number of tickets limited by the [1797] Act".²³ The purpose of the 1798 Act was therefore to extend the time granted for carrying into execution the powers of the 1797 Act.

15. The 1798 Act provided as follows:

- (a) the 76 prizes of modern paintings were to be determined by the first state lottery after 1798 (*Section 1*)
- (b) any tickets already issued were to be considered part of the 2,400 ticket limit, and were to be in full force until the drawing of the state lottery and the distribution of prizes (*Section 2*)
- (c) the holders of tickets already issued could relinquish their chance of winning by surrendering their ticket in return for a full refund from Thomas Macklin (*Sections 3*)²⁴
- (d) for the status of this Act (*Section 4*).

16. The 1797 Act containing the powers extended by this Act has been repealed.²⁵ Macklin's Lottery was held in 1799.²⁶

17. Accordingly the 1798 Act is obsolete and may now be repealed on that basis.

Pigot and Fisher Diamond Lottery

39 & 40 Geo.3 c.cii (1800) (Pigot and Fisher Diamond Lottery Act)

18. The Pigot Diamond (which was "of very considerable value"²⁷) was bequeathed by George Lord Pigot²⁸ to his brothers Sir Robert and Vice-Admiral Hugh, and to his

²¹ 38 Geo.3 c.iii (1798) ("the 1798 Act"). Although the 1797 Act was numbered as a public Act, from that year onwards public Acts were divided into two series. Thus the 1798 Act fell within the new category of public local and personal Acts, cited by a roman rather than an arabic chapter number.

²² *London Gazette*, 25 July 1797, p. 706, ahead of the 1 August 1797 deadline. This can be accessed via the *London Gazette* website at www.london-gazette.co.uk.

²³ The 1798 Act, preamble.

²⁴ This was time-limited to 1 April 1798.

²⁵ Statute Law Revision Act 1948 c.62.

²⁶ L'Estrange *Lotteries and Sweepstakes* (1932) p.281.

²⁷ See preamble to 39 & 40 Geo.3 c.cii (1800) ("the 1800 Act"), being "An Act to enable Sir George Pigot Baronet, Margaret Fisher, and Frances Pigot, to dispose of a certain Diamond therein mentiond (*sic*) by a Lottery".

²⁸ Baron Pigot had twice been governor of Madras in British India (from where it is believed the diamond originated). He died near Fort St. George in India in May 1777 whilst under arrest arising from a political dispute.

widowed sister, Margaret Fisher. According to Lord Pigot's will of April 1775 the diamond was to be shared in equal proportions between the three siblings. Following the death of Sir Robert Pigot his son, Sir George, acquired a one-third interest in the diamond. Hugh Pigot died intestate in 1793, leaving a widow, Frances Pigot, who then inherited his one-third interest in the diamond.

19. The preamble to the *Pigot and Fisher Diamond Lottery Act* of 1800 records that a diamond "esteemed by skilful lapidists²⁹ to be but little inferior in weight, and equal in water and brilliancy, to any known diamond in Europe; and the value thereof is now estimated at a sum little short of thirty thousand pounds" could not be disposed of by means other than a lottery. No purchasers had been forthcoming at previous sales due to its great value. In order to promote a lottery parliamentary authority was required.

20. The 1800 Act provided as follows:

- (a) that it be lawful for the current owners of the diamond to dispose of the diamond by means of "lottery or chance" without being subject or liable to any statutory penalty, and that such sale "shall be good, valid, and effectual" (*Section 1*);
- (b) that the money to be raised by the lottery sale was not to exceed £23,998 16s,³⁰ and that the number of tickets sold (at 2 guineas each) was not to exceed 11,428 (*Section 2*);
- (c) that the owners of the diamond were to give prior notice of the lottery in the *London Gazette* (*Section 3*);
- (d) that the diamond was to constitute the only prize in the lottery and that the lottery was to be determined by the drawing of the first state lottery after the passing of the Act in July 1800 (*Section 4*);
- (e) that the diamond was to be deposited in the Bank of England in the name of specific trustees pending the successful outcome of the sale (*Section 5*);³¹ and
- (f) that the costs of obtaining the Act, and of implementing the lottery, were to be paid from the moneys raised by the ticket sales (*Section 8*).³²

²⁹ A skilled worker who cuts and engraves precious stones.

³⁰ In today's money equivalent to £772,041.40

(<http://www.nationalarchives.gov.uk/currency/default.asp>).

³¹ Provision was made for the appointment of replacement trustees (with the approval of the court of chancery), and for the Bank to be indemnified for the actions of its officers and servants in the keeping of the diamond: the 1800 Act, ss 6, 7. The diamond was deposited in the Bank on 11 July 1800.

³² Section 9 provided for the status of the 1800 Act.

21. The joint owners published notice of the lottery in the *London Gazette* on 8 July 1800.³³ The lottery was drawn on 2 January 1801³⁴ and was won by a syndicate that had bought a large number of tickets.³⁵ Thereafter the diamond's journey is less than clear. It may have been sold by Christie's of London to the vizier of Albania, Ali Pasha of Jananina and, on Pasha's death in February 1822, destroyed by crushing to prevent it falling into the hands of the Sultan of Turkey, the superior ruler.³⁶ It certainly seems to have disappeared.

22. The 1800 Act is now spent, and may be repealed on that basis.

Boydell's Lottery

44 Geo.3 c.vi (1804) (Boydell's Lottery Act)

23. John and Josiah Boydell were print sellers who had published the plays of Shakespeare ornamented with the engravings of English artists, and had exhibited these works in The Shakespeare Gallery (which they built) in Pall Mall in London. When the collection became too large and expensive to maintain (because the French Revolution, and then the Anglo-French war of 1793, impacted on their trading market) they sought to dispose of it by lottery. Although the collection had been designed to pass into public ownership for the nation, events (and funding) at the time precluded that ambition.

24. According to its long title, the purpose of Boydell's Lottery Act of 1804³⁷ was:

“to enable John Boydell Esquire, One of the Aldermen of the City of London, and Josiah Boydell, his Nephew and Partner, to dispose of their Collection of Paintings, Drawings, and Engravings, together with their Leasehold Premises in Pall Mall, called The Shakspeare Gallery, by way of Chance”.

25. The preamble to the 1804 Act recorded that the Boydells should be allowed the exemption from the restrictions on lotteries as “the said collection cannot easily be disposed of by the common mode of sale, but at very great loss”. It seems from the preamble that the Boydells were granted this exemption as a recognition that they had “given great encouragement to the artists [in the arts of painting and engraving]”

³³ *London Gazette* 8 July 1800, p.793.

³⁴ L'Estrange *Lotteries and Sweepstakes* (1932), p 287; Ashton *A History of English Lotteries* (London 1893) p 129.

³⁵ http://www.langantiques.com/university/index.php/Pigot_diamond.

³⁶ See J. Remington McCarthy *Fire in the Earth: The Story of the Diamond* (Harper & Bros, New York, 1942) at Chapter 11 (Diamonds in Fashion: II) pp 196-8 (available at http://www.farlang.com/diamonds/mccarthy-fire-earth/page_214/print_view) (last accessed on 26.4.2012).

³⁷ 44 Geo.3 c.vi (1804) (“the 1804 Act”).

and had thus “materially contributed to the securing to this country a pre-eminence in those arts over all other nations”.

26. The 1804 Act provided as follows:

- (a) that it was to be lawful for the Boydells to dispose of the collection and gallery by means of a lottery without being subject or liable to any penalty imposed by Act of Parliament (*Section 1*);
- (b) the money to be raised by the lottery was not to exceed £69,300, and the number of tickets to be sold (at a minimum of 3 guineas each) was not to exceed 22,000 (*Section 2*);
- (c) the Boydells were to give notice of the lottery in the *London Gazette* and two London daily newspapers (*Section 3*);
- (d) named persons were to be appointed as trustees of the property, pending the draw, and provision was made for replacement trustees should the need arise (*Sections 4 - 5*);
- (e) a prohibition on any person who won a painting or engraving from copying it for sale without prior consent (*Section 6*);³⁸
- (f) the collection to be divided into 62 prizes to be allocated according to the scheme in the schedule to the Act, and the lottery to be drawn either by state lottery or by separate lottery to be drawn at the City of London guildhall (*Sections 7 - 8*);³⁹ and
- (g) the Boydells were entitled to continue to receive moneys from exhibition of the collection until the draw was complete (*Section 9*).

27. Notice of Boydell’s lottery was published in the *London Gazette* in November 1804.⁴⁰ The lottery was held via the state lottery on 28 January 1805.⁴¹

28. Accordingly the 1804 Act is now spent, and may be repealed on that basis.

³⁸ John and Josiah Boydell had expended some £300,000 or more on creating “their stock of copper plates” and they were to retain copyright in the various art works.

³⁹ Where the draw was by state lottery it was to take place between August 1804 and June 1805. Prize-winning tickets were to be allocated prizes in accordance with the allocation set out in the Schedule to the Act. Where the lottery was to be conducted privately (subject to the consent of the Treasury commissioners) the draw had to take place before September 1805. By section 7 and the Schedule, the unsuccessful lottery participants (holding 21,938 tickets) were nonetheless each to be awarded a print at value of one guinea.

⁴⁰ *London Gazette*, 6 November 1804, p1368.

⁴¹ L’Estrange *Lotteries and Sweepstakes* (1932), p291. Sadly, John Boydell died in December 1804, before the draw, although 22,000 tickets had by then been sold. The business was continued by Josiah Boydell at 90 Cheapside until it was wound up in 1818 (*London Gazette*, 1 December 1818).

Bowyer's Lottery

45 Geo.3 c.xxiv (1805) (*Bowyer's Lottery Act*)

29. In 1783 Robert Bowyer (who was a British miniature painter and print publisher) embarked on a project to promote the arts of painting and engraving in England by publishing an ornamented folio of Hume's *History of England* (which work he exhibited in his Historic Gallery at 87 Pall Mall in London).

30. Whilst Bowyer succeeded in encouraging the arts, the History project was less fortunate. High costs, and the failure of certain "sources of assistance", drove Bowyer, by 1805, to seek to dispose of his collection by lottery.⁴²

31. According to its long title the purpose of *Bowyer's Lottery Act 1805* was:

"to enable Robert Bowyer of Pall Mall, in the City of Westminster, Esquire, to dispose of his Collection of Paintings, Drawings, and Engravings, together with several Copies of certain Books therein mentioned, by way of Chance".

32. The preamble to the 1805 Act records that Bowyer's collection "cannot be disposed of by the common mode of sale but at a very great loss, and unless some encouragement under the sanction of parliament be given ... to enable him to dispose of the same to the best advantage, his endeavours to promote the arts of painting and engraving will prove highly injurious and detrimental to himself".

33. The 1805 Act provided as follows:

- (a) that it be lawful for Robert Bowyer to dispose of his collection (including unsold copies of Hume's *History*) by means of a lottery without being subject or liable to any penalty imposed by Act of Parliament (*Section 1*);
- (b) that the money raised by the lottery should not exceed £69,300, and the number of tickets sold was not to exceed 22,000 (at the price of 3 guineas minimum per ticket) (*Section 2*);
- (c) that notice was to be given of the sale by lottery in the *London Gazette* and two London daily newspapers (*Section 3*);
- (d) that three named persons were appointed as trustees of the property pending its distribution⁴³ (*Section 4*);
- (e) that, in respect of those works of art which were as yet incomplete, the ticket money was to be vested in the trustees until the various works were complete and delivered (with provision made for appointment of named

⁴² See preamble to 45 Geo.3 c.xxiv (1805) ("the 1805 Act").

⁴³ By section 12 of the 1805 Act provision was made for the replacement of trustees in the event of their death.

persons - and substitutes in their event of death - to certify satisfactory completion of the works), and the trustees were enabled to proceed once the certificates were available (*Sections 5 - 8*);⁴⁴

- (f) that the copper plates of Hume's *History* be destroyed by the trustees one month after the lottery was drawn,⁴⁵ and any person winning a painting or engraving was prohibited from copying it for sale⁴⁶ (*Sections 9 - 10*); and
- (g) that the collection was to comprise 1,451 prizes to be allocated according to the Schedule to the 1805 Act, and the draw of 22,000 tickets (or more) was to be undertaken through the state lottery between 1 August 1805 and 1 December 1806⁴⁷ (*Section 11*).

47 Geo.3 Sess.1 c.i (1807) (*Bowyer's Lottery Act*)

34. According to its long title the purpose of *Bowyer's Lottery Act 1807*⁴⁸ was:

"for extending the Term, and altering the Powers, of an Act made in the Forty-fifth Year of His present Majesty, intituled, *An Act to enable Robert Bowyer of Pall Mall, in the City of Westminster, Esquire, to dispose of his Collection of Paintings, Drawings, and Engravings, together with several Copies of certain Books therein mentioned, by way of Chance*".

35. The preamble to the 1807 Act records that although Bowyer intended to have the lottery prizes determined by the last of the state lotteries to be held in the period August 1805 and December 1806 (which began drawing on 13 October 1806) "it become impossible for him so to do, as such state lottery consisted only of twenty thousand tickets". Accordingly, more time was required to carry out the draw, and this required further statutory authorisation.

36. The 1807 Act provided as follows:

- (a) that the powers of the 1805 Act were to continue as if re-enacted in this second Act (*Section 1*);
- (b) that the tickets already sold were deemed to be part of the 22,000 allocation (*Section 2*); and
- (c) that the 1,451 prizes were to be determined by the first state lottery drawn in London, and consisting of 22,000 tickets, after the date of the passing of this Act (February 1807); and, in the event that the first state lottery

⁴⁴ The various art works were set out and described in the Schedule to the 1805 Act. By section 6, once the art works were complete "with as much art and skill" as was displayed in the earlier works, the certificate of completion was to be published in the *London Gazette*.

⁴⁵ This had the effect of enhancing the limited number of prints won as prizes in the draw.

⁴⁶ Copyright remained with Robert Bowyer.

⁴⁷ Unsuccessful ticket holders were each to receive an engraving or engravings to the value of 3 guineas: the 1805 Act, s 11 and Sch.

⁴⁸ 47 Geo.3 Sess.1 c.i (1807) ("the 1807 Act").

failed to consist of 22,000 tickets, Bowyer was authorised to hold a separate lottery before July 1807 in the same manner as a state lottery (at least 20 days' notice of which was to be published in the *London Gazette*) (*Sections 3 - 5*).

Status

37. Robert Bowyer published notice of his intention to dispose of his collection by lottery in the *London Gazette* in May 1805,⁴⁹ and the unfinished works were certified complete in April 1806.⁵⁰ However, Bowyer was unable to have the prizes determined by state lottery in 1806 because, for the first time in 97 years and “to his great mortification”, there were fewer than 22,000 tickets in that lottery.⁵¹ In February 1807 notice was published of Bowyer’s intention to have the prizes determined by the state lottery held on 14 April 1807.⁵²

38. Accordingly the 1805 and 1807 Acts are spent, and both may now be repealed on that basis.

Extent

39. Each of the six Acts (1711 to 1807) described in this note were passed to enable specific lotteries to be undertaken so as to realise the value of art works or gem stones. All the lotteries appear to have been held in London, but the enabling Acts seem to apply throughout the United Kingdom.

Pool betting

Pool Competitions Act 1971 (c.57)

40. The purpose behind the Pool Competitions Act 1971 (“the 1971 Act”) was to make lawful the continuing promotion as “pool betting” of competitions for prizes run by charitable and other societies, such as sports clubs. In November 1970 the appellate committee of the House of Lords had held⁵³ that where such competitions failed to involve the use of forecasting skill they amounted to an unlawful lottery in breach of the Betting, Gaming and Lotteries Act 1963 (“the 1963 Act”).⁵⁴

⁴⁹ *London Gazette* 7 May 1805, p 621.

⁵⁰ *London Gazette* 5 April 1806, p 441.

⁵¹ *London Gazette* 5 August 1806, p 1019.

⁵² *London Gazette* 21 February 1807, p 233.

⁵³ *Singette Ltd v Martin* [1971] AC 407, HL.

⁵⁴ The 1963 Act, s 4(3) and Sch 2, para 13(a). Where the majority of participants paid weekly stakes, but took no active step to select winning teams or to alter their numbers (although they had the opportunity to do so), that amounted to absence of “making forecasts as to sporting or other events” and thus contravened the 1963 Act’s requirements.

41. The 1971 Act (granted royal assent in July 1971) was enacted to permit registered pool promoters, who were able to satisfy the Act's criteria, to obtain a certificate (with or without conditions attached) from the then Gaming Board authorising them to continue such competitions, notwithstanding the 1963 Act provisions. Competitors under the new legislation would be "deemed to make forecasts", whether or not they actually did so.⁵⁵

42. The 1971 Act was enacted as a holding measure to ensure that various pool competitions, which over the years had contributed to charitable and sporting fund-raising, would not founder over-night. Lobbying pressure had been brought to bear on government to authorise the continuing existence of the competitions pending a review of the law.

43. The life of the 1971 Act was time-limited. The whole of the Act has now expired, and it is proposed that it be repealed. The temporary and restricted nature of the 1971 legislation was highlighted originally in two ways.

44. First, licences to hold competitions for prizes would be granted only to those persons or bodies with the status of "registered pool promoter"⁵⁶ who held a certificate under the Act. In the main, a certificate would be granted only if the particular promoter could demonstrate that in the 12 months ending on 24 November 1970 (the day preceding the House of Lords' judgment in *Singette*) they had held at least nine competitions for the financial benefit of a society conducted "wholly or mainly"⁵⁷ for charitable or sporting or cultural or allied non-commercial purposes. Although there was provision for grant of certificates to genuine "successor" promoters,⁵⁸ the scope for expansion of this class of eligible promoter was constrained from the outset.

45. In practice a small number of societies (charitable and sporting), and commercial firms operating on their behalf, had used the simple pool competition vehicle in preference to small public lotteries⁵⁹ because there was no limit either on turnover or on the size of prizes that could be offered (even though they attracted

⁵⁵ The 1971 Act, s 2(5).

⁵⁶ Defined in the 1971 Act, s 7(1) by reference to the 1963 Act, s 4(2).

⁵⁷ The 1971 Act, s 1(1)(b), (2)(a).

⁵⁸ The 1971 Act, s 1(3).

⁵⁹ Made lawful by the Small Lotteries and Gaming Act 1956 (c.45).

liability to pay an element of pool betting duty).⁶⁰ By 1978, seven years after the 1971 Act had taken effect, only seven organisations were using this procedure.⁶¹

46. Secondly, the life of the 1971 Act itself was specifically time-limited on its face. Section 8 provided that, initially, the Act would have a life of just five years. By section 8(2) the Secretary of State (the Home Secretary) was authorised by statutory instrument to extend the date by which the Act would cease to have effect. Although the number of extensions was not limited, approval for each extension had to be sought from each House of Parliament before the expiration of the previous limit. Extension would only operate for 12 months maximum on each renewal.

Status of the 1971 Act

47. The last continuance order was made in July 1986⁶² and, on expiry of the final extension period, the 1971 Act lapsed irrevocably in July 1987.

48. The Royal Commission on Gambling had recommended in 1978 that the 1971 Act should not be extended beyond July 1979 and that it should “simply be allowed to lapse”.⁶³ The Commission found there was “no case” for allowing continuation and that “the activities of the companies licensed to promote charity supporting pools should in any event not be allowed to continue in their present form for more than a limited period.”⁶⁴ Neither the Gaming Board nor the licensed industry in their evidence to the Commission had sought continuation in perpetuity of the “privileged position”⁶⁵ which the existing licensees then possessed.

49. Although the 1971 Act was never repealed in whole, it was subject to minor partial repeal and amendment in 1976, when there were substituted references to the Lotteries and Amusements Act 1976 in place of references to lotteries in Part 3 of the Betting, Gaming and Lotteries Act 1963.⁶⁶

⁶⁰ See hereon *Gambling Review Report* (Cm 5206, 2001), chap 11 (Pool Competitions) at paras 11.5, 11.18.

⁶¹ See *Final Report of the Royal Commission on Gambling (Chairman: Lord Rothschild)*, July 1978, Cmnd. 7200, vol 1 para 15.6. The report listed four pools supporting football and cricket, and a further three supporting medical charities (making just seven in all).

⁶² The Pool Competitions Act 1971 (Continuance) Order 1986, SI 1986 No 1234, continued the 1971 Act in force until 26 July 1987 (see 1986 Order, art 2). By section 8(4) of the 1971 Act, when that Act ceased to have effect, “section 38(2) of the Interpretation Act 1889 (saving as to effect of repeals) shall apply as if this Act had then been repealed by another Act.”

⁶³ See Cmnd. 7200, vol 1 (cited above), at para 15.17.

⁶⁴ Cmnd. 7200, vol 1 para 15.17.

⁶⁵ Cmnd. 7200, vol 1 para 15.9.

⁶⁶ See former Lotteries and Amusements Act 1976 (c.32), s 25(2), Sch 4 para 7 and s 25(3), Sch 5. The 1963 Act (except certain horserace betting provisions) and the 1976 Act were repealed in whole, and replaced, by the Gambling Act 2005 (c.19), but no further amendment was made to the 1971 Act. Although inoperative, the 1971 Act was left on the statute book.

50. Moreover, the 1971 Act had ceased to be so important when new provisions relating to lotteries were enacted in 1976. Section 5 of the Lotteries and Amusements Act 1976 provided a scheme of control for “societies’ lotteries” (replacing a more modest scheme under section 45 of the 1963 Act) which enabled charitable, sporting and cultural bodies to promote lotteries in order to raise funds for their non-commercial purposes. The Lotteries and Amusements Act 1976 has since been repealed by the Gambling Act 2005 (“the 2005 Act”).⁶⁷

51. In its place, the Gambling Act 2005 established a regime for control of the pool betting industry, alongside other forms of gambling. Pool betting operating licences cover greyhound racing, football and other sports pools, and ‘fantasy football’-type competitions, for operations from 1 September 2007.⁶⁸ The 2005 Act makes no provision for resurrecting the 1971 Act.

52. The whole of the 1971 Act is now proposed for repeal on the grounds that it is both spent and superseded.

Extent

53. The 1971 Act extended throughout Great Britain.

Consultation

54. HM Treasury, the Home Office, the Department for Business, Innovation and Skills, the Department for Culture, Media and Sport, the National Gallery, the British Museum, the Gambling Commission, and the relevant authorities in Wales and Scotland have been consulted about these repeal proposals.

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⁶⁷ See Gambling Act 2005, s 356(3)(i), (4) and Sch 17.

⁶⁸ See *Pool Betting: Do I need a licence?* (Gambling Commission information leaflet, March 2007), available at <http://www.gamblingcommission.gov.uk> website (last accessed 5.9.08). The issue of operating licences is governed by Part 5 of the 2005 Act: see particularly sections 65(2)(d) and 93 for “pool betting operating licences”.

PART 8

POOR RELIEF

Background Note

Introduction

1. The Acts identified in these notes for repeal are mostly relics of the “Old Poor Law” as it operated throughout England and Wales. By “Old Poor Law” is meant the parish-based poor law relief arrangements that existed before the implementation of the Poor Law Amendment Act 1834. The Acts identified in these notes were enacted for the purpose of providing for the needs of the poor, particularly by providing the necessary powers to raise money from the inhabitants of a parish to build a workhouse to contain the poor.¹ The Acts have long ceased to serve any useful purpose and their repeal is proposed on that basis. Similarly obsolete, and also proposed for repeal, are a number of Acts that were passed to amend the operation of the poor law as it applied after the implementation of the Poor Law Amendment Act 1834.

Background

2. The origin of the Old Poor Law, as well as the origin of the modern law of social welfare and of rating law, can be traced to enactments passed in 1597 and 1601.² The 1601 Act, which amended the 1597 Act, obliged each parish in England and Wales to relieve the aged and the helpless, to bring up unprotected children in habits of industry, and to provide work for those capable of it but lacking their usual trade. The Act established the parish as the administrative unit responsible for poor relief, with churchwardens or parish overseers collecting poor-rates from the inhabitants of a parish and then allocating relief, usually in the form of bread, clothing, fuel, the payment of rent, or cash. The poor-rate was originally a form of local income tax, but it gradually evolved into a property tax based on the value of a person’s real estate. A consequence of the 1601 Act was the parish workhouse

¹ Although people needing assistance from the parish were generally categorised as “the poor”, poverty was not the only issue. Old age, illness, disability and unemployment were other issues. Moreover, the workhouse was not the only form of relief available from the parish. Assistance often took the form of “out relief” – that is, money, food or medical assistance provided while people continued to live in their own homes. Equally they might have been treated for illness in the workhouse infirmary or in the county lunatic asylum. Children of poor parents were brought up and educated in Poor Law schools and, in due course, apprenticed or placed in service.

² 39 Eliz.1 c.3 (1597); 43 Eliz.1 c.2 (1601).

which appeared around 1650 and became widespread throughout parishes in England and Wales by the 1770s.

3. Examples of early parish workhouses can be found in London (around 1650),³ Chichester (around 1681), Bristol (1696), Witham (1714) and Mildenhall (1720). Many more workhouses were set up following an Act of 1722⁴ which was known as Knatchbull's Act.⁵ This enabled workhouses to be established either by individual parishes or in combination with neighbouring parishes. A further purpose of the Act was to ensure that the prospect of the workhouse should act as a deterrent and that relief should be available only to those who were prepared to enter the workhouse. About 700 workhouses were estimated to be in operation in 1732. By 1777, a Parliamentary survey of poor law expenditure in England and Wales estimated that the number of parish workhouses had risen to 1873 (approximately one parish in seven) with a total capacity of over 90,000 places.⁶

4. Not every workhouse was run by the parish itself. The work was sometimes contracted out to a third party who would feed and house the poor, charging the parish a weekly rate for each inmate. The contractor would provide the inmates with work, any income thereby generated being kept by him. This system was known as "farming the poor".

5. In 1832 the Government appointed a Royal Commission to review the existing arrangements for poor relief. This was at least partly in response to growing dissatisfaction with the current system, not least from the land-owning classes who carried much of the poor-rate burden. The Royal Commission reported⁷ in 1834 making a number of recommendations that resulted in the Poor Law Amendment Act 1834.⁸

6. The 1834 Act established a new poor law system. A Poor Law Commission was set up to administer the new system. It divided the 15,000 or so parishes of

³ The London Corporation of the Poor was set up in 1647 to erect workhouses and houses of correction, enforce the law against vagabonds and set the poor to work.

⁴ 9 Geo.1 c.7.

⁵ Sir Edward Knatchbull, MP for Kent, promoted this enactment.

⁶ Report from the Committee appointed to inspect and consider the returns made by the Overseers of the Poor, 15 May 1777.

⁷ Royal Commission on the Administration and Practical Operation of the Poor Laws. *Administration and Practical Operation of the Poor Laws*, 1834 Sessional Papers, vol xxvii, number 44.

⁸ 4 & 5 Will.4 c.76.

England and Wales into new administrative units called “Poor Law Unions”,⁹ each run by a locally elected Board of Guardians who took over responsibility for poor relief in that Union area. The funding of each Union and its workhouses continued to be provided by the local poor rate within each parish. The Poor Law Commission was abolished and replaced by a new Poor Law Board in 1847¹⁰ which itself was replaced by the Local Government Board in 1871.¹¹

7. The workhouse system continued until well into the twentieth century and until 1930 the parish remained the basis for the funding of poor relief. In 1913, the terminology was changed so that workhouses became known as “poor law institutions”. It was only on 1 April 1930, when the Local Government Act 1929 came into force, that Boards of Guardians and Poor Law Unions were abolished, their functions being transferred to local government. The 1920s had seen these unions amass huge debts which they were unable to meet. The only option was a more centralised system. Their functions were transferred to public assistance authorities run by county boroughs and county councils.

Centralisation

8. It was becoming apparent that a fully centralised system was needed. Section 1 of the National Assistance Act 1948 swept aside the 1930s system by providing that:

the existing poor law shall cease to have effect, and shall be replaced by the provisions of Part 2 of this Act as to the rendering, out of moneys provided by Parliament, of assistance to persons in need....

9. Accordingly, the National Assistance Act 1948 terminated the existing poor law and replaced it with new arrangements whereby persons in need were assisted by the National Assistance Board. The National Assistance Act 1948 was one of three Acts which, coming into force on the same day, changed the face of the welfare state in Britain. The National Insurance Act 1946 created the National Insurance

⁹ “Union” meant union of a group of parishes, with each Union operating one or more workhouses in that Union area.

¹⁰ The Poor Law Board Act 1847 (10 & 11 Vict c.109) abolished the Poor Law Commission and allowed the appointment of members of the new Poor Law Board. Problems with the Poor Law Commission had been brought to the public’s attention by the Andover Scandal in 1845. The scandal revealed systematic abuses of paupers which had gone unnoticed for a considerable number of years, and may have been encouraged by the Poor Law Commission’s permissive attitude to its institutions. The Poor Law Board was intended to exercise greater control, and prevent these problems happening again. See A Brundage, *The English Poor Laws, 1700-1930* (2002, Palgrave).

¹¹ The Local Government Board Act 1871 (34 & 35 Vict c.70) established the Local Government Board which was to be responsible for supervising the laws relating to public health, local government, and the relief of the poor. Upon the establishment of the Local Government Board, the Poor Law Board would cease to exist, and all its powers and duties were to vest in the newly formed Local Government Board.

system we have today. The National Health Service Act 1948 introduced a health care system providing free health care to all. The Board was abolished by the Ministry of Social Security Act 1966, and its functions under Part 2 of the 1948 Act were transferred to the Minister of Social Security.¹² The 1960s saw significant changes to the welfare state which was increasing in cost. There were additional reforms in the 1980s to deal with rising unemployment rates. The modern equivalent of assistance under Part 2 of the 1948 Act is income support under the Social Security Contributions and Benefits Act 1992¹³ and payments out of the social fund.¹⁴

Abolition of parish overseers

10. So far as the overseers of the parish were concerned, their duties of raising money by rates for the poor of their parish under the 1601 Act were extended by later legislation so as to enable them to levy rates for other purposes. These purposes included raising money for general county purposes under section 26 of the County Rates Act 1852, and meeting the expenses of lighting public thoroughfares under section 33 of the Lighting and Watching Act 1833. Outside London these functions in relation to the making, levying and collecting of rates remained with the overseers until they were transferred to rating authorities in 1927 by the Rating and Valuation Act 1925.¹⁵ Thereafter the poor-rate became part of the consolidated general rate for each area. In London, other than the City, the metropolitan borough councils became overseers for rating purposes in 1899.¹⁶ In the City of London the Common Council became overseers of the parish of the City of London in 1908.¹⁷

Modern rating system

11. The 1601 Act survived until 1 April 1967 when it was repealed by the General Rate Act 1967.¹⁸ The 1967 Act consolidated the existing statutory powers of local rating authorities¹⁹ to set rates for their areas, and to apply the money raised to local

¹² The 1966 Act, ss 2, 39(3), Sch 8.

¹³ The 1992 Act, Pt 7.

¹⁴ The 1992 Act, Pt 8.

¹⁵ Rating and Valuation Act 1925, ss 1(2), 68(1). The 1925 Act abolished overseers (s 62(1)(2)), and their miscellaneous functions and powers were transferred to other authorities by the Overseers Order 1927, SR & O 1927 No 55.

¹⁶ London Government Act 1899, s 11(1).

¹⁷ City of London (Union of Parishes) Act 1907, s 11.

¹⁸ The 1967 Act, s 117(1), Sch 14, Pt 1; General Rate Act 1967 (Commencement) Order 1967, SI 1967/499. The 1967 Act also repealed many other obsolete public general rating Acts. The 1597 Act was repealed by the Statute Law Revision Act 1863.

¹⁹ Rating authorities were the borough councils, the district councils, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple: the 1967 Act, s 1(1).

purposes. Any rate made by a rating authority was levied as a single consolidated rate known as the *general rate*.²⁰

12. Modern rating law is provided by the Local Government Finance Acts 1988 and 1992. The 1988 Act repealed the 1967 Act²¹ and replaced the old rating system with a new local taxation system. Part 3 of the 1988 Act provided for non-domestic rating whilst the 1992 Act established the council tax.

Conclusion

13. The abolition of parish-run poor law by the Local Government Act 1929 and the abolition of the existing poor law system itself by the National Assistance Act 1948 has made nearly all of the poor law legislation dating back to the seventeenth century unnecessary. The finance for providing the income and other support previously provided by the parish is today drawn either from central funds provided by central government or raised by local government from local taxation. The funding by local government of “poor-law type” assistance (for example, the provision of social services functions such as accommodation for elderly or disabled persons) derives not from parish rates but from the modern system of non-domestic rating and council tax established under the Local Government Finance Acts 1988 and 1992.

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²⁰ The 1967 Act, s 2(3).

²¹ The 1988 Act, ss 117(1), 149, Sch 13, Pt 1.

GROUP 1 – GENERAL REPEALS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
9 Will.3 c.17 (1697) <i>(Crediton Workhouse Act)</i>	The whole Act.

9 Will.3 c.17 (1697) (Crediton Workhouse Act)

1. This note proposes the repeal of an obsolete 17th century Act passed to provide relief for the poor living in Crediton, Devon.

2. The *preamble* to the 1697 Act recorded that:

The poor who are very numerous within the Bounds and Parish of Crediton alias Kyrton in the County of Devon and hamlett of Sandford within the said Parish doe dayly multiply and Idlenesse and Debauchery increase for want of workhouses to sett them at work.

3. The 1697 Act provided as follows:²²

- (a) from 1 June 1698 a Corporation was to be established within the bounds and parish of Crediton comprising the 12 Governors of the Church of Crediton and 10 other inhabitants who would be elected by those Governors at a meeting held for that purpose
- (b) the 10 elected inhabitants would act as Assistants to the Governors; tenure of office of the Assistants and provisions for their replacement
- (c) the Governors and Assistants to meet annually to elect three of the Assistants as *Guardians of the Poor* for the next year
- (d) the Governors, Assistants and Guardians to be incorporated and known as the *Governors, Assistants and Guardians for the better relief of the Poor* of Crediton with power to hold and transfer land and other property; first meeting to be held on 1 June 1698 to elect a treasurer from within their number for the next year; power to appoint other officers
- (e) the Guardians authorised to convene a court or assembly of the Corporation every two months, or at any time with two days' notice; power to summon inhabitants to appear before the court; churchwardens and overseers required to attend meetings to produce all books and papers relating to the poor

²² The provisions of the 1697 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

- (f) the Corporation authorised to make bye laws for the better government of the Corporation and the poor; authority for the Corporation to buy a hospital, workhouse or house of correction and to provide whatever was required to set to work the poor of Crediton; power to compel the idle poor to take up employment, including employment in the workhouse; Corporation to have jurisdiction over poor children until they reach 16, whereupon they might be apprenticed for a period not exceeding 7 years
- (g) court authorised to punish the misbehaviour of any poor person in Corporation premises
- (h) Corporation authorised to assess the sum required to build and fit out a hospital or workhouse, such sum (not exceeding £600) to be raised over a 2 year period; Corporation also authorised to assess the weekly or monthly sum required to maintain the poor in such hospital or workhouse, such sum not to exceed the sums paid by the inhabitants to maintain the poor in the last 2 years; all such sums to be raised by taxation of every inhabitant of Crediton; churchwardens and overseers authorised to collect the tax; penalty for non-payment; appeals against assessment
- (i) Corporation authorised to confer the status of Assistant or Guardian on anyone making donations of £50 or more to the Corporation
- (j) Corporation to be responsible for the care and maintenance of all the poor of Crediton except in cases where the poor were already sufficiently provided for; power to apprehend vagrants or beggars and set them to work in the workhouse for a period not exceeding three years; power to obtain details from the churchwardens and overseers of every person in Crediton who received poor relief, ensuring that those able to work were sent to the workhouse and given such work as would be most advantageous to the Corporation; provisions for checking misbehaviour by workhouse inmates and Corporation officers
- (k) Corporation authorised to employ such officers as are necessary for the running of the Corporation's premises
- (l) accounts of the Corporation to be kept and made available for inspection; penalty for neglect or refusal to produce accounts
- (m) penalty for refusal by any Guardian or treasurer to take their oath of office
- (n) penalties imposed by this Act to be recoverable by seizure of the offender's goods
- (o) civil procedure; status of Act

- (p) *special provisions to apply to the hamlet of Sandford* parts of which, although falling within the parish of Crediton, were many miles away from the town of Crediton; Corporation's powers under this Act not to extend to Sandford; authority for those Governors living in Sandford to build a hospital, workhouse or house of correction in Sandford, and to administer the running of such buildings; provisions for charging and collecting the poor rate from the inhabitants of Sandford; penalties for non-payment and appeals; other provisions analogous to those in this Act relating to Crediton generally
- (q) provision in event of any justice of the peace neglecting their duties under this Act.

4. Workhouses at both Crediton and Sandford were indeed built pursuant to the 1697 Act. Parish records indicate that both had been built by around 1700. A Parliamentary report of 1777²³ recorded that parish workhouses continued to operate in both Crediton and Sandford (for up to 90 and 60 inmates respectively). However it seems probable that both workhouses closed in consequence of the Crediton Poor Law Union which came into existence in April 1836. That resulted in the building of a new union workhouse on a site to the west of Crediton. Designed to hold 300 inmates, this new workhouse superseded the existing workhouses in neighbouring parishes including Crediton and Sandford.

5. The 1697 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

6. Accordingly the 1697 Act is obsolete and may now be repealed on that basis.

²³ *Report from the Committee appointed to inspect and consider the returns made by the Overseers of the Poor, 15 May 1777.*

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Devon County Council and the Local Government Association have been consulted about these repeal proposals.

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9 Will.3 c.18 (1697) (Tiverton Workhouse Act)	The whole Act.
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9 Will.3 c.18 (1697) (Tiverton Workhouse Act)

1. This note proposes the repeal of an obsolete 17th century Act passed to provide relief for the poor living in Tiverton, Devon.

2. The *preamble* to the 1697 Act recorded that:

the poor (who are very numerous) within the Towne and Parish of Tiverton in the County of Devon doe dayly multiply and idleness and debauchery amongst the meaner sort doth greatly increase for want of workhouses to sett them to work.

3. The 1697 Act provided as follows:²⁴

- (a) from 6 June 1698 a Corporation was to be established within the town and parish of Tiverton comprising the Mayor, Recorder, Capital Burgesses²⁵ and 26 Assistants of the town and parish, the Port Reeve²⁶ and 25 other inhabitants who would be elected as Guardians of the poor of the town and parish by residents who contributed money for the relief of the poor
- (b) the 25 Guardians to be elected on 6 June 1698; provisions for their replacement
- (c) the Mayor to convene a meeting every three years for the election of new Guardians
- (d) the Mayor, Recorder, Capital Burgesses, Assistants, Port Reeve and Guardians to be incorporated and known as the *Governor, Deputy Governor and Guardians of the Poor* of the town and parish of Tiverton, with power to hold and transfer land and other property; first meeting to be held on 20 June 1698 to elect a Governor, Deputy Governor, Treasurer and 12 Special Assistants
- (e) the Governor authorised to convene a court or assembly of the Corporation every two months, or at any time with two days' notice; power to summon inhabitants to appear before the court; churchwardens

²⁴ The provisions of the 1697 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

²⁵ A burgess was an inhabitant of a town or borough who was entitled by payment of rates to be enrolled to elect the council. There were assistant burgesses and capital burgesses (the latter being elected from the ranks of the former). Capital burgesses commonly elected the Mayor each year.

²⁶ A port reeve was the chief officer of a town or borough.

and overseers required to attend meetings to produce all books and papers relating to the poor

- (f) the Corporation authorised to make bye laws for the better government of the Corporation and the poor; authority for the Corporation to buy a hospital, workhouse or house of correction and to provide whatever was required to set to work the poor of Tiverton; power to compel the idle poor to take up employment, including employment in the workhouse; Corporation to have jurisdiction over poor children until they reach 16, whereupon they might be apprenticed for a period not exceeding 7 years
- (g) court authorised to punish the misbehaviour of any poor person in Corporation premises
- (h) Corporation authorised to assess the sum required to build and fit out a hospital or workhouse, such sum (not exceeding £3000) to be raised over a 6 year period; Corporation also authorised to assess the weekly or monthly sum required to maintain the poor in such hospital or workhouse, such sum not to exceed the sums paid by the inhabitants to maintain the poor in the last 3 years; all such sums to be raised by taxation of every inhabitant of Tiverton; churchwardens and overseers authorised to collect the tax; penalty for non-payment; appeals against assessment
- (i) Corporation authorised to confer the status of Guardian on anyone making donations of £50 or more to the Corporation
- (j) Corporation to be responsible for the care and maintenance of all the poor of Tiverton except in cases where the poor were already sufficiently provided for; power to apprehend vagrants or beggars and set them to work in the workhouse for a period not exceeding three years
- (k) Corporation authorised to employ such officers as were necessary for the running of the Corporation's premises
- (l) accounts of the Corporation to be kept and made available for inspection; penalty for neglect or refusal to produce accounts
- (m) penalties imposed by this Act to be recoverable by seizure of the offender's goods
- (n) all charitable gifts given in the future for the use of the poor of the town or parish of Tiverton were to be paid to the Corporation for the uses of the poor of Tiverton
- (o) civil procedure; status of Act

(p) special provisions to amend 1695 Act relating to the poor in Bristol²⁷ authorised the Corporation established under that Act (“the 1695 Act Corporation”) to assess the sum required to build and fit out a hospital, workhouse or house of correction, such sum (not exceeding £5000) to be raised over a 3 year period; the 1695 Act Corporation also authorised to assess the weekly or monthly sum required to maintain the poor in such accommodation, such sum not to exceed the sums paid to maintain the poor in the last 3 years; all such sums to be raised by taxation of every inhabitant in the City and County of Bristol; Mayor and Aldermen to order churchwardens and overseers to collect the tax; default powers for the 1695 Act Corporation to enforce payment by seizure of the offender’s goods; all charitable gifts given on or after 12 May 1697 were to be paid to the 1695 Act Corporation for the uses of the poor of the City and County of Bristol [As explained in the footnote below, these Bristol provisions were repealed in 1822].

4. A workhouse/hospital at Tiverton was indeed built pursuant to the 1697 Act. The building was opened in 1704 and a Parliamentary report of 1777²⁸ recorded that it accommodated up to 400 inmates. Tiverton Poor Law Union came into existence in November 1835 and a new union workhouse was built in 1836-38 on the site of the old building in Belmont Road. Subsequently the workhouse buildings were used as a hospital (Belmont Hospital) used for the care of elderly people. The hospital has now closed and the site is likely to be developed for housing.

5. The 1697 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

²⁷ 7 & 8 Will.3 c.32. The provisions of this 1695 Act for empowering local corporations to provide relief for the poor were followed by several later Acts including the present enactment concerning Tiverton. However, this 1695 Act (together the provisions in the present Tiverton enactment concerning Bristol) was repealed in 1822: 3 Geo.4 c.xxiv.

6. Accordingly the 1697 Act is obsolete and may now be repealed on that basis.

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Devon County Council and the Local Government Association have been consulted about these repeal proposals.

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²⁸ *Report from the Committee appointed to inspect and consider the returns made by the Overseers of the Poor, 15 May 1777.*

<i>Reference</i>	<i>Extent of repeal or revocation</i>
9 Will.3 c.33 (1697) (Exeter Workhouse Act)	The whole Act.
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9 Will.3 c.33 (1697) (<i>Exeter Workhouse Act</i>)	
1. This note proposes the repeal of an obsolete 17 th century Act passed to provide relief for the poor living in the City and County of Exeter.	
2. The <i>preamble</i> to the 1697 Act recorded that: <i>the poor of the City of Exon²⁹ do dayly multiply and idleness and debauchery ... doth greatly increase for want of workhouses to set them to work.</i>	
3. The 1697 Act provided as follows: ³⁰	
(a) from 30 June 1698 a Corporation was to be established within the City of Exeter comprising the Mayor, Aldermen and 40 other inhabitants of the City, all such persons to be known as <i>Guardians</i> of the poor; the 40 inhabitants were to be elected at meetings of those residents of the City who contributed to paying for the relief of the poor	
(b) tenure of office of the 40 inhabitants and provisions for their replacement	
(c) Mayor, Aldermen and 40 inhabitants to be incorporated and known as the <i>Governor, Deputy Governor, Assistants and Guardians of the Poor of the City and County of Exon</i> with power to hold and transfer land and other property; first meeting to be held on 28 June 1698 to elect officers from within their number including a Governor and Deputy Governor; procedure for replacement of these officers	
(d) the Governor authorised to convene a court or assembly of the Corporation every two months, or at any time with two days' notice; penalty for any officers failing to carry out their official functions; power to summon inhabitants of the City to appear before the court	
(e) the Corporation authorised to make bye laws for the better government of the Corporation and the better employment of the poor of the City; authority for the Corporation to buy a hospital, workhouse or house of correction and to provide whatever was required to set to work the poor of the City; power to compel the idle poor to take up employment, including employment in the workhouse, Corporation to have jurisdiction	

²⁹ Exon is the old English name for Exeter.

- over poor children until they reach 16, whereupon they may be apprenticed for a period not exceeding 8 years
- (f) court authorised to punish the misbehaviour of any poor person in Corporation premises
 - (g) Corporation authorised to assess the sum required to build and fit out a hospital or workhouse, such sum (not exceeding £3000) to be raised over a 3 year period; Corporation also authorised to assess the weekly or monthly sum required to maintain the poor in such hospital or workhouse, such sum not to exceed the sums paid by the City to maintain the poor in the last 3 years; all such sums to be raised by taxation of every inhabitant in the City; churchwardens and overseers authorised to collect the tax; penalty for non-payment; appeals against assessment
 - (h) procedure for the Corporation collecting the taxes itself in the event of delay; penalties for bureaucratic delay
 - (i) Corporation authorised to confer the status of Guardian on anyone making donations of £50 or more to the Corporation
 - (j) Corporation to be responsible for the care and maintenance of all the poor of the City except in cases where the poor were already sufficiently provided for; power to apprehend vagrants or beggars and set them to work in the workhouse for a period not exceeding three years; this Act not to affect almshouses, hospitals or other charitable donations made within the City
 - (k) Corporation authorised to employ such officers as are necessary for the running of the Corporation's premises
 - (l) accounts of the Corporation to be kept and made available for inspection; penalty for neglect or refusal to produce accounts
 - (m) penalties imposed by this Act to be recoverable by seizure of the offender's goods
 - (n) all charitable gifts given in the future to the City were to be paid to the Corporation for the uses of the poor of the City
 - (o) civil procedure; status of Act
 - (p) authorised Mayor and Aldermen to use market toll receipts to promote employment schemes for the poor.

³⁰ The provisions of the 1697 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

4. The Corporation purchased a site at Heavitree (near Exeter) pursuant to the 1697 Act and the workhouse opened in 1701.³¹ It accommodated 400 inmates. The workhouse buildings continued to be used after 1834 by the Exeter Poor Law Union. By 1889 the workhouse buildings included a large hospital, schools, workshops and mental wards. Further additions of an infirmary and children's home were made in the early 1900s. The children's home was used as a military hospital during the First World War. The workhouse became a Public Assistance Institution before becoming the City Hospital in 1939, and later the Royal Devon and Exeter Hospital. Bombing during the Second World War severely damaged the original workhouse and only the 20th century structures remain. The Royal Devon and Exeter Hospital was rebuilt and still operates on this site.

5. The 1697 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

6. Accordingly the 1697 Act is obsolete and may now be repealed on that basis.

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Exeter City Council and the Local Government Association have been consulted about these repeal proposals.

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³¹ An earlier workhouse had been built in the 1670s in Summerland Street, Exeter following a bequest of Canon John Bury.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
9 Will.3 c.34 (1697) (Hereford Workhouse Act)	The whole Act.
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<i>9 Will.3 c.34 (1697) (Hereford Workhouse Act)</i>	
1. This note proposes the repeal of an obsolete 17 th century Act passed to provide relief for the poor living in the City of Hereford.	
2. The <i>preamble</i> to the 1697 Act recorded that: <i>the poor in the City of Hereford doe dayly multiply and through idleness or want of some fitting employment [have become] indigent and disorderly.</i>	
3. The 1697 Act provided as follows: ³²	
(a) from 14 June 1698 a Corporation was to be established within the City of Hereford comprising the Mayor and Justices of the City and 25 other inhabitants of the City; the 25 inhabitants were to be elected at meetings of those residents of the City who contributed to paying for the relief of the poor; tenure of office of the 25 inhabitants and provisions for their replacement	
(b) the Mayor, Justices and 25 inhabitants to be incorporated and known as the <i>Governor, Deputy Governor, Assistants and Guardians of the Poor in the City of Hereford</i> with power to hold and transfer land and other property; first meeting to be held on 20 June 1698 to elect officers from within their number including a Governor and Deputy Governor; procedure for replacement of these officers	
(c) the Governor authorised to convene a court or assembly of the Corporation every two months, or at any time with two days' notice; power to summon inhabitants of the City to appear before the court	
(d) the Corporation authorised to make bye laws for the better government of the Corporation and the better employment of the poor of the City; authority for the Corporation to buy a hospital, workhouse or house of correction and to provide whatever was required to set to work the poor of the City; power to compel the idle poor to take up employment, including employment in the workhouse; Corporation to have jurisdiction	

³² The provisions of the 1697 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

over poor children until they reach 16, whereupon they may be apprenticed for a period not exceeding 7 years

- (e) court authorised to punish the misbehaviour of any poor person in Corporation premises
- (f) Corporation authorised to assess the sum required to build and fit out a hospital or workhouse, such sum (not exceeding £2000) to be raised over a 5 year period; Corporation also authorised to assess the weekly or monthly sum required to maintain the poor in such hospital or workhouse, such sum not to exceed the sums paid by the City to maintain the poor in the last 3 years; all such sums to be raised by taxation of every inhabitant in the City; churchwardens and overseers authorised to collect the tax; penalty for non-payment; appeals against assessment
- (g) procedure for the Corporation collecting the taxes itself in the event of delay; penalties for bureaucratic delay
- (h) Corporation authorised to confer the status of Guardian on anyone making donations of £50 or more to the Corporation
- (i) Corporation to be responsible for the care and maintenance of all the poor of the City except in cases where the poor were already sufficiently provided for; power to apprehend vagrants or beggars and set them to work in the workhouse for a period not exceeding three years; this Act not to affect almshouses, hospitals or other charitable donations made within the City
- (j) Corporation authorised to employ such officers as are necessary for the running of the Corporation's premises
- (k) accounts of the Corporation to be kept and made available for inspection; penalty for neglect or refusal to produce accounts
- (l) penalties imposed by this Act to be recoverable by seizure of the offender's goods
- (m) all charitable gifts given in the future for the use of the City or any parish in it were to be paid to the Corporation for the uses of the poor of the City
- (n) civil procedure; status of Act
- (o) authorised the Mayor, Aldermen and citizens of the City to use market toll receipts to promote employment schemes for the poor.

4. It is unclear whether any workhouse was eventually built in Hereford pursuant to the 1697 Act. It seems that, by the 1770s, five of the City's parishes were

operating their own small workhouses.³³ This perhaps indicates that no workhouse was actually built pursuant to the 1697 Act. In 1783 the City's six parishes agreed to maintain a joint workhouse.

5. The 1697 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

6. Accordingly the 1697 Act is obsolete and may now be repealed on that basis.

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Herefordshire Council and the Local Government Association have been consulted about these repeal proposals.

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³³ These parishes were All Saints; St John Baptist; St Martin; St Nicholas; and St Peter.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
9 Will.3 c.37 (1697) <i>(Colchester Workhouse Act)</i>	The whole Act.

9 Will.3 c.37 (1697) (Colchester Workhouse Act)

1. This note proposes the repeal of an obsolete 17th century Act passed to provide relief for the poor living in Colchester (Essex).

2. The *preamble* to the 1697 Act recorded that:

the poor in the Towne of Colchester in the County of Essex doe dayly multiply and idleness and debauchery ... doth greatly increase for want of workhouses to sett them to work.

3. The 1697 Act provided as follows:³⁴

- (a) from 24 June 1698 a Corporation was to be established within the town of Colchester comprising the Mayor, Aldermen and 48 other inhabitants of the town, such inhabitants to be known as *Guardians of the poor* of the town; the 48 inhabitants were to be elected at meetings of those residents of the town who contributed to paying for the relief of the poor
- (b) tenure of office of the 48 inhabitants and provisions for their replacement
- (c) in June 1700 the Mayor and Aldermen were required to hold a meeting of the Corporation to arrange elections for new guardians in each ward
- (d) Mayor, Aldermen and Guardians to be incorporated and known as the *Governor, Deputy Governor, Assistants and Guardians of the Poor* in the town of Colchester with power to hold and transfer land and other property; first meeting to be held on 6 July 1698 to elect officers from within their number including a Governor and Deputy Governor; procedure for replacement of these officers
- (e) penalty for any officers failing to carry out their official functions
- (f) the Governor authorised to convene a court or assembly of the Corporation every two months, or at any time with two days' notice; power to summon inhabitants of the town to appear before the court
- (g) the Corporation authorised to make bye laws for the better government of the Corporation and the better employment of the poor of the town; authority for the Corporation to buy a hospital, workhouse or house of correction and to provide whatever was required to set to work the poor

of the town; power to compel the idle poor to take up employment, including employment in the workhouse, Corporation to have jurisdiction over poor children until they reach 16, whereupon they may be apprenticed for a period not exceeding 7 years

- (h) court authorised to punish the misbehaviour of any poor person in Corporation premises
- (i) Corporation authorised to assess the sum required to build and fit out a hospital or workhouse, such sum (not exceeding £5000) to be raised over a 3 year period; Corporation also authorised to assess the weekly or monthly sum required to maintain the poor in such hospital or workhouse, such sum not to exceed the sums paid by the town to maintain the poor in the last 3 years; all such sums to be raised by taxation of every inhabitant in the town; churchwardens and overseers authorised to collect the tax; penalty for non-payment; appeals against assessment
- (j) procedure for the Corporation collecting the taxes itself in the event of delay; penalties for bureaucratic delay
- (k) Corporation authorised to confer the status of Guardian on anyone making donations of £100 or more to the Corporation
- (l) Corporation to be responsible for the care and maintenance of all the poor of the town except in cases where the poor were already sufficiently provided for; power to apprehend vagrants or beggars and set them to work in the workhouse for a period not exceeding three years; this Act not to affect almshouses, hospitals or other charitable donations made within the town
- (m) Corporation authorised to employ such officers as are necessary for the running of the Corporation's premises
- (n) accounts of the Corporation to be kept and made available for inspection; penalty for neglect or refusal to produce accounts
- (o) penalties imposed by this Act to be recoverable by seizure of the offender's goods
- (p) civil procedure; status of Act
- (q) no apprenticeships within the town to be given to poor children resident outside the town without the consent of the Governor; no weaver to take on more than two apprentices at any one time

³⁴ The provisions of the 1697 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

- (r) no-one eligible to be a Guardian without being a ratepayer or benefactor to the town.

4. The workhouse at Colchester was duly constructed pursuant to the 1697 Act in or around 1700 in the old Crutched Friars building in Crouch Street. By 1711, however, the workhouse moved away to East Street. A report by the Society for Promoting Christian Knowledge in 1725 confirmed that the workhouse inmates included 40-50 children at work carding and spinning wool. By 1745, however, it seems that the workhouse had ceased to operate because of the collapse of the Corporation in that year. This failure obliged adjacent parishes to provide their own workhouses. Shortly after the Colchester Poor Law Union formally came into being on 19 October 1836, a new Colchester Union workhouse was opened. The site of this new workhouse was redeveloped for residential use in the 1990s.

5. The 1697 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

6. Accordingly the 1697 Act is obsolete and may now be repealed on that basis.³⁵

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Essex County Council and the Local Government Association have been consulted about these repeal proposals.

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³⁵ An Act of 1741 (15 Geo.2 c.18) amending the 1697 Act was repealed by the Statute Law Revision Act 1950, s 1, Sch 1.

9 Will.3 c.48 (1697) (Shaftesbury Workhouse Act)	The whole Act.
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9 Will.3 c.48 (1697) (Shaftesbury Workhouse Act)

1. This note proposes the repeal of an obsolete 17th century Act passed to provide relief for the poor living in the borough of Shaftesbury, Dorset.

2. The *preamble* to the 1697 Act recorded that:

the poor of the several parishes of the Holy Trinity and Saint Peter which said parishes doe lye as well without as within the Burrough of Shaston alias Shaftsbury in the County of Dorsett doe daily multiply and idleness and debauchery ... doth greatly increase for want of workhouses to set them to work.

3. The 1697 Act provided as follows:³⁶

- (a) from 10 August 1698 a Corporation was to be established within the parishes of Holy Trinity and St Peter (“the Parishes”) in Shaftesbury comprising the Mayor, Recorder, 12 Capital Burgesses³⁷ and 24 other inhabitants of the Parishes, all such persons to be known as *Guardians* of the poor; the 24 inhabitants were to be elected at a meeting of those residents of the Parishes who contributed to paying for the relief of the poor
- (b) tenure of office of the 24 inhabitants and provisions for their replacement
- (c) Mayor, Recorder, Capital Burgesses and 24 inhabitants to be incorporated and known as the *Governor, Deputy Governor, Assistants and Guardians of the Poor* of [the Parishes] with power to hold and transfer land and other property; first meeting to be held on 1 September 1698 to elect officers from within their number including a Governor and Deputy Governor
- (d) penalty for any officers failing to carry out their official functions

³⁶ The provisions of the 1697 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

³⁷ Shaftesbury received a Charter of Incorporation from James I in 1604. The Charter confirmed rights to self government under a Mayor, a Recorder and Capital Burgesses. A burgess was an inhabitant of a borough who was entitled by payment of rates to be enrolled to elect the council. There were assistant burgesses and capital burgesses (the latter being elected from the ranks of the former). Capital burgesses commonly elected the Mayor each year. A further Charter was granted to Shaftesbury in 1665 and the town was governed in accordance with it until the passage of the Municipal Corporations Act 1835.

- (e) the Governor authorised to convene a court or assembly of the Corporation every two months, or at any time with two days' notice; power to summon inhabitants of the Parishes to appear before the court
- (f) the Corporation authorised to make bye laws for the better government of the Corporation and the better employment of the poor of the Parishes; authority for the Corporation to buy a hospital, workhouse or house of correction and to provide whatever is required to set to work the poor of the Parishes; power to compel the idle poor to take up employment; Corporation to have jurisdiction over poor children until they reach 16, whereupon they may be apprenticed for a period not exceeding 8 years
- (g) court authorised to punish the misbehaviour of any poor person in Corporation premises
- (h) Corporation authorised to assess the sum required to build and fit out a hospital or workhouse, such sum (not exceeding £500) to be raised over a 7 year period; Corporation also authorised to assess the monthly sum required to maintain the poor in such hospital or workhouse, such sum not to exceed the sums paid by the Parishes to maintain the poor in the last 3 years; all such sums to be raised by taxation of every inhabitant in the Parishes; churchwardens and overseers authorised to collect the tax; penalty for non-payment; appeals against assessment
- (i) procedure for the Corporation collecting the taxes itself in the event of delay
- (j) Corporation authorised to confer the status of Guardian on anyone making donations to the Corporation
- (k) Corporation to be responsible for the care and maintenance of all the poor of the Parishes except in cases where the poor were already sufficiently provided for; power to apprehend vagrants or beggars and set them to work in the workhouse for a period not exceeding one year; this Act not to affect almshouses, hospitals or other charitable donations made within the Parishes
- (l) Corporation authorised to employ such officers as are necessary for the running of the Corporation's premises
- (m) accounts of the Corporation to be kept and made available for inspection; penalty for neglect or refusal to produce accounts
- (n) penalties imposed by this Act to be recoverable by seizure of the offender's goods

- (o) all charitable gifts given in the future to the Parishes were to be paid to the Corporation for the uses of the poor of the Parishes
- (p) civil procedure; status of Act.

4. Although the 1697 Act authorised the construction of a workhouse (and other buildings) in Shaftesbury, there is no evidence that any such building was ever constructed. Historical records indicate that at least one workhouse was subsequently built in Shaftesbury and was functioning by the early 19th century.³⁸ The Shaftesbury Poor Law Union was formed in 1836 following which a new workhouse in Shaftesbury was opened. However it does not appear that any of these later workhouses derived in any way from the 1697 Act.

5. The 1697 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

6. Accordingly the 1697 Act is obsolete and may now be repealed on that basis.

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, North Dorset District Council and the Local Government Association have been consulted about these repeal proposals.

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³⁸ Workhouses had been established in the neighbouring areas of Alcester and Gillingham by the 1770s.

Reference	Extent of repeal or revocation
16 Geo.2 c.9 (1742) (St Botolph, Aldgate Poor Relief Act)	The whole Act.
6 Geo.3 c.64 (1766) (St Botolph, Aldgate Poor Relief Act)	The whole Act.

16 Geo.2 c.9 (1742) (St Botolph, Aldgate Poor Relief Act)

6 Geo.3 c.64 (1766) (St Botolph, Aldgate Poor Relief Act)

1. This note proposes the repeal of two obsolete enactments relating to the raising of money in the parish of St Botolph without Aldgate in the City of London³⁹ for the relief of the poor.

16 Geo.2 c.9 (1742) (St Botolph, Aldgate Poor Relief Act)

2. According to the long title, the purpose of the 1742 Act was:

to enable the Parishioners of the Parish of Saint Botolph without Aldgate, in the City of London, to raise a certain sum of Money, for Payment of Debts already contracted for the Relief and Maintenance of the Poor of the said Parish.

3. The *preamble* to the 1742 Act recorded that the money raised in recent years for the relief of the poor of the parish of St Botolph without Aldgate had not been sufficient for that purpose. Moreover the parish had incurred debts from loans raised to meet the shortfall, and the creditors were commencing legal action to secure repayment of these debts.

4. The 1742 Act provided as follows:⁴⁰

- (a) trustees to be appointed to raise a sum not exceeding £2400 by means of levying a rate or assessment on the inhabitants of the parish, such rate not to exceed 6 pence (6d) in each pound of the rental value of the land and property in the parish owned by each inhabitant
- (b) appointment of trustees (including the parish churchwardens) to carry Act into effect; powers to seize property in the event of non-payment of any rate

³⁹ At that time the parish of St Botolph without Aldgate was partly in the City of London and partly in the County of Middlesex. Today it extends from Aldgate High Street to the junction of Fenchurch Street and Leadenhall Street. "Aldgate" derives from one of the eight gates (ie *old* gate) to the walled City of London. The present church of St Botolph without Aldgate was completed in 1744. It replaced earlier churches on the site.

⁴⁰ The provisions of the 1742 and 1766 Acts are not identified by reference to section numbers because the Acts themselves were not divided into sections.

- (c) overseers of the poor authorised to collect the rate; arrangements for accounts to be kept; penalties for overseers failure to account or carry out the collection duties
- (d) trustees empowered to borrow money on the credit of this Act (such moneys to be repaid by means of annuities); application of rate receipts to pay parish debts; provisions as to payment of annuities and as to record-keeping; rights of annuitants
- (e) election and qualification of trustees
- (f) the Act, and its authority to levy rates, to continue only so long as any annuity granted under the Act continues (Act and its powers thereafter to cease)
- (g) trustees' expenses; civil procedure issues; status of Act.

6 Geo.3 c.64 (1766) (St Botolph, Aldgate Poor Relief Act)

5. According to the long title, this 1766 Act was enacted for:

the better maintaining, regulating, and employing, the Poor within the Parish of Saint Botolph, Aldgate, in the City of London .

6. The *preamble* to the 1766 Act recorded that “the Poor of the Parish of Saint Botolph, Aldgate, in the City of London, are very numerous, and are maintained and supported at a very great Expence by the said Parish.” It also recorded the need to provide a place for those persons whose age or infirmities rendered them incapable of supporting themselves, as well as for the better employment of the able and industrious, the correction and punishment of the profligate and idle, and for the education of poor children.

7. The 1766 Act provided as follows:

- (a) churchwardens, overseers of the poor and vestrymen of the parish of St Botolph, Aldgate were authorised to meet annually to ascertain the sums needed to provide for the relief and employment of the poor of the parish; qualification of vestrymen
- (b) churchwardens, overseers of the poor and vestrymen authorised to levy a poor rate on all inhabitants of the parish; property owners to be liable for the poor rate assessed on tenants and lodgers; tenants and lodgers to be liable to pay any rates not paid by their landlord (up to the amount of the rent due) upon pain of having their goods seized

- (c) churchwardens, overseers and vestrymen authorised to purchase or lease land and property for the purpose of receiving, employing and maintaining the poor of the parish in a workhouse
- (d) churchwardens, overseers and vestrymen authorised to raise money for the purchase and furnishing of the workhouse by selling annuities, such annuities to be entered in a book and to be secured upon the poor rates raised under the Act
- (e) power for the churchwardens, overseers and a special committee to make orders for regulating the running of the workhouse and its inmates; penalties for inmates' misbehaviour
- (f) churchwardens and overseers authorised to send any child under 12 found wandering or begging in the parish to the workhouse for employment
- (g) recovery of unpaid rates including seizure of goods in event of non-payment; penalties for theft of workhouse clothes, goods or materials; overseers and other collectors of rates to account on oath
- (h) expenses of enactment; civil procedure issues; status of Act.

8. The 1742 and 1766 Acts have long been obsolete. They date back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

9. Accordingly the 1742 and 1766 Acts have long been obsolete and may now be repealed on that basis.

Consultation

10. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, St Botolph's Aldgate, the City of London Corporation, the City Remembrancer and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
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<i>Reference</i>	<i>Extent of repeal or revocation</i>
19 Geo.2 c.15 (1745) <i>(Bethnal Green, Church Completion and Poor Relief Act)</i>	The whole Act.

19 Geo.2 c.15 (1745) (Bethnal Green, Church Completion and Poor Relief Act)

1. This note proposes the repeal of an obsolete 1745 Act passed to raise money for a church and for poor relief in Bethnal Green in London.

2. According to its long title, the purpose of the 1745 Act was:

for enabling the Inhabitants of the Hamlet of Bethnal Green, in the County of Middlesex,⁴¹ to compleat their Church, and to pay for Debts already contracted, for the Relief of the Poor of the said Hamlet.

3. The preamble to the 1745 Act recorded that the Act was consequential upon an Act passed in 1742⁴² for the purpose of (1) making the hamlet of Bethnal Green (in the parish of St Dunstan, Stepney) a separate and distinct parish and (2) erecting a new parish church (and Minister's house) there.⁴³ The preamble also recorded that the arrangements set out in the 1742 Act for raising the necessary funds – including the levying of funeral rates and duties and the sale of annuities (up to £5000) – had proved insufficient to permit the completion of the church building or the commencement of the building of the Minister's house. Moreover some of the administrative arrangement provided for in the 1742 Act for the meetings of the trustees appointed by that Act and the collection of rate moneys were not working properly.

4. The 1745 Act provided as follows:⁴⁴

(a) repeal of 1742 Act arrangements for electing trustees; appointment of new and future trustees to implement the 1745 Act; punishment of neglectful rate collectors

(b) additional sum of £1300 to be raised by annuities; trustees empowered to levy additional rates on all houses and land in the hamlet of Bethnal

⁴¹ Bethnal Green today is within the London Borough of Tower Hamlets.

⁴² 16 Geo.2 c.28. This 1742 Act has since been repealed by 53 Geo.3 c.cxxiii (1813) (Bethnal Green Improvement), 8 & 9 Vict. c.clxxx (1845) (St Matthew's Church, Bethnal Green) and SR & O 1901/212(L), art 4.

⁴³ The need for a new parish arose because of a considerable increase in the population in that area in the latter half of the seventeenth century.

⁴⁴ The provisions of the 1745 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

Green for so long as these annuities remained payable, such rates (together with those authorised in the 1742 Act) not to exceed 1 shilling and 4 pence in the pound; payment of additional rates to give no right of settlement in the parish; additional rate to cease to be levied once all the annuities had ceased to be payable

- (c) the money raised under this Act to be applied (1) for paying part of the costs of the enactment process (2) for completing the building of the church and Minister's house, and (3) for the use of the church
- (d) appointment of rate collectors; continuation of powers of 1742 Act for collecting and disposing of rate moneys
- (e) debts built up by parish inhabitants in recent years to raise money to provide relief for the poor of the hamlet were to be settled by a rate to be levied on all parish inhabitants; such rate was not to exceed six pence in the pound; trustees appointed to receive this money and apply it in repaying the debts
- (f) churchwardens and overseers of the poor authorised to be the collectors of the rate moneys referred to in (e) above; accounting for such moneys; penalties for failings by churchwardens or overseers
- (g) authority for selling further annuities to help meet the debts referred to in (e) above; administrative provisions concerning annuities
- (h) rates levied in accordance with (e) above to cease to be levied once all the annuities referred to in (g) above had ceased to be payable
- (i) trustees to pay their own expenses, civil procedure issues; status of Act.

5. The church (St Matthew's, Bethnal Green) was finally completed and dedicated on 15 July 1746. The church still exists today, although it was rebuilt in 1859 following a fire and remodelled after severe damage in the Second World War.

6. The 1745 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. The 1745 Act, however, ceased to serve any useful purpose long before the end of the poor law system. The provisions of the Act concerned with raising money for completing the church and the Minister's house would have become unnecessary, at the latest, when the annuities sold for the purpose ceased to be payable. The Act itself provided that the additional rate would cease to be levied at that point. Similarly the provisions of the Act concerned with repayment of the poor relief debts incurred before 1745 would have become unnecessary, at the latest, when the annuities sold for that purpose ceased to be payable. Again the Act provided that the rates being levied for that purpose would cease to be levied at that point. In either case, the annuities would have ceased to be payable upon the death of the persons who had bought the annuities. It may be assumed that anyone buying an annuity in or around 1745 would have died by around 1800, whereupon the provisions of the 1745 Act became unnecessary.

8. Accordingly the 1745 Act may now be repealed on the basis that it is obsolete.

Consultation

9. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, the Church Commissioners, St Matthew's Church, Bethnal Green, the London Borough of Tower Hamlets and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
4 Geo.3 c.90 (1764) (Loddon and Clavering (Norfolk) Poor Relief Act)	The whole Act.

4 Geo.3 c.90 (1764) (Loddon and Clavering (Norfolk) Poor Relief Act)

1. This note proposes the repeal of an obsolete 1764 Act passed to provide relief for the poor living in the hundreds of Loddon and Clavering, in Norfolk.⁴⁵

2. According to its long title, the purpose of the 1764 Act was:

for the better Relief and Employment of the Poor in the Hundreds of Loddon and Clavering, in the County of Norfolk.

3. The *preamble* to the 1764 Act recorded that the poor living in the hundreds of Loddon and Clavering were “very numerous, and are maintained and supported at a great Expençe by their respective Parishes”. The *preamble* also recorded the desirability for “the granting of proper Powers for the better Government and Regulation of the Poor” and for establishing a place for the general reception of the poor to provide them with effective relief and assistance.

4. The 1764 Act provided as follows.⁴⁶

(a) establishment of corporation to be known as *The Guardians of the Poor within the Hundreds of Loddon and Clavering in the County of Norfolk* (“the Guardians”) comprising all local residents owning land rated at £30 and certain other persons; women qualifying as Guardians to act by proxy

(b) poor to continue to be under the care of the churchwardens and overseers until the workhouse is built; thereafter the poor to be managed by the Guardians

(c) authority for children to be bound as apprentices for terms not exceeding seven years (subject to upper age limits) including as apprentices to the governor or steward; authority to hire out poor persons for harvest work or hop-picking work or other suitable work; poor children to be handed over to relatives or friends willing and able to receive them; discharge of poor persons capable of looking after themselves

⁴⁵ The “hundred” is an ancient description of groups of townships in English counties.

⁴⁶ The provisions of the 1764 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

- (d) Guardians to meet to appoint 24 of their number to be Directors of the poor; appointment of treasurer and clerk; remuneration and removal of officers
- (e) Directors to purchase land not exceeding 40 acres for use as workhouse and house of correction; workhouse and house of correction to be operational within 2 years of such purchase; Directors to furnish workhouse
- (f) Directors authorised to make bye-laws; Directors to hold meetings quarterly; appointment of quarterly committees to be responsible for the care of the poor in each quarter; accounts to be settled each quarter
- (g) Directors and acting Guardians authorised to borrow money (not exceeding £8000) using the poor rates as security for the loan
- (h) Directors and acting Guardians authorised to assess the amount of poor rate necessary to repay the loan interest and capital and meet their obligations; churchwardens and overseers required to raise the necessary money by taxing the inhabitants of each parish, the amount of this poor rate not to exceed the average poor rate for the previous 7 years; parish of Yelverton deemed to be within the hundreds of Loddon and Clavering for the purposes of this Act; delivery of books and accounts; churchwardens to assist and obey orders of Guardians
- (i) Directors authorised to grant certificates of settlement; any person allowed to live in a parish without a settlement certificate should be maintained by that parish without help from the Corporation
- (j) appointment of governor or steward to oversee the running of the workhouse; appointment of workhouse matron and clergyman
- (k) punishment of misbehaving workhouse inmates; penalties for stealing or receiving workhouse clothing; rewards for industrious inmates out of the profits of their work; profits generally to be applied to reduce the poor rate
- (l) penalty for thefts by workhouse officers; justices of the peace empowered to act upon complaints by the Directors or acting Guardians; forfeitures to be paid to the treasurer; expenses of this Act; Guardians' expenses; strong liquor banned from workhouse; election of Directors and Guardians; civil procedure issues; status of Act.

5. A workhouse was duly opened in 1765 at Heckingham. It was adopted as the workhouse for the Loddon and Clavering Union in 1836. The workhouse was closed

in 1927 and was converted to use as a hospital and become known as Hales Hospital. Hales Hospital closed in 1997 and the buildings await redevelopment.

6. The 1764 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1764 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, South Norfolk District Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
7 Geo.3 c.72 (1767) (Queenborough Poor Relief Act)	The whole Act.

7 Geo.3 c.72 (1767) (Queenborough Poor Relief Act)

1. This note proposes the repeal of an obsolete 1767 enactment passed to raise money for the relief of the poor living in the parish of Queenborough in Kent. Queenborough is a small town on the Isle of Sheppey.

2. According to its long title, the 1767 Act was passed for:

the better and more effectual Maintenance and Relief of the Poor of the Borough and Parish of Queenborough, in the County of Kent.

3. The *preamble* to the 1767 Act recorded that Queenborough, though small, was “burdened with many necessitous Poor”. It also recorded that the existing custom of raising money through levying rates on the inhabitants to meet the needs of the poor was not legally enforceable. As a result the parish was finding it impossible to raise enough money for these needs.

4. The 1767 Act provided as follows:⁴⁷

- (a) the churchwardens and overseers of the poor for the borough and parish of Queenborough were authorised to levy rates on every inhabitant and occupier of property within the borough and parish to provide for the maintenance and relief of the poor in that borough and parish
- (b) in the event that such rates should be insufficient, the churchwardens and overseers were authorised to make up the deficiency by imposing additional rates on the inhabitants according to their status. Thus magistrates might have to pay a further 12 shillings, traders 8 shillings, other inhabitants 5 shillings (2 shillings in the case of widows)
- (c) all such rates to be signed off by the churchwardens and overseers and approved by two justices of the peace
- (d) all such rates to be collected and enforced in accordance with the general law
- (e) expenses and status of enactment.

⁴⁷ The provisions of the 1767 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

5. The 1767 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

6. Accordingly the 1767 Act has long been obsolete and may now be repealed on that basis.

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Swale Borough Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

15 Geo.3 c.13 (1775) <i>(East and West Flegg Poor Relief Act)</i>	The whole Act.
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15 Geo.3 c.13 (1775) (East and West Flegg Poor Relief Act)

1. This note proposes the repeal of an obsolete 1775 Act passed to provide relief for the poor living in the hundreds of East and West Flegg, Norfolk.⁴⁸ This was an area on the eastern side of Norfolk, near Rollesby.

2. According to its long title, the 1775 Act was passed for:

the better Relief and Employment of the poor within the Hundreds of East and West Flegg, in the County of Norfolk.

3. The preamble to the 1775 Act recorded that the poor living in the hundreds of East and West Flegg “are very numerous, and are maintained at a great Expense”. It also recorded the need to provide a place⁴⁹ to assist the elderly and infirm and the able unemployed, to correct the profligate and idle and to educate poor children.

4. The 1775 Act provided as follows:⁵⁰

(a) appointment of guardians of the poor and their incorporation under the name of “The Guardians of the Poor within the Hundreds of East and West Flegg, in the County of Norfolk” (“the Guardians”)

(b) poor persons currently under the charge of the parish churchwardens and overseers to be transferred to the Guardians once the workhouse had been built; thereafter the Guardians to have charge of all poor children and other persons incapable of providing for themselves

(c) the Guardians to have the care of workhouse boys till they reach 16 and workhouse girls till they reach 14, the Guardians empowered to bind children to apprenticeships and to hire out poor inmates to bring in the harvest; the Guardians empowered to hand over poor inmates to any relatives or other responsible persons willing to take them on

(d) the Guardians to meet in April 1776 to appoint 24 of their number to be Directors of the poor (“the Directors”)

⁴⁸ The ‘hundred’ is an ancient description of groups of townships in English counties.

⁴⁹ The ‘place’ referred to was sometimes described as the “house of industry”. More commonly, as in the present note, it was described as “the workhouse”.

⁵⁰ The provisions of the 1775 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

- (e) qualification of the Directors; appointment of treasurer and clerk
- (f) the Directors empowered to contract to buy or rent land on which they would build the workhouse (2 year time limit to build the workhouse and associated buildings)
- (g) the Directors empowered to make bye-laws governing the Guardians; meetings of the Directors; the Directors empowered to pay money to relieve poor persons living outside the workhouse
- (h) the Directors empowered to borrow up to £6000 upon the security of the workhouse buildings and the poor rates; the Directors empowered to raise up to £3000 of this £6000 upon the security of annuities, all such transactions to be properly recorded
- (i) the Directors empowered to assess the sums needed to service the debts incurred pursuant to their borrowing powers and to pay the expenses of providing for the poor; churchwardens and overseers of the poor authorised to raise the necessary money by way of taxation of every inhabitant in their respective areas
- (j) churchwardens and overseers to produce accounts for the years 1764 to 1774 and to assist the Directors in the working of this Act
- (k) procedure in event of the Directors failing to hold meetings
- (l) arrangements concerning removal of poor persons between parishes; appointments of workhouse staff and clergy
- (m) punishing workhouse inmates for misbehaviour; rewards for hard work; contracting out the services of inmates; punishments for fraudulent workhouse staff
- (n) expenses of enactment, and of the Guardians and the Directors; civil procedure issues; status of Act.

5. The workhouse was duly built near Rollesby in 1776. It was enlarged in 1818 and 1834, by which time it could accommodate 400 persons. The inmates were employed in the making of rope, twine, fishing nets and sacks. After closing as a workhouse in the late nineteenth century, the building became used as a court house before being converted into a hotel and, more recently, used as a private residence.

6. The 1775 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself

finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1775 Act has long been obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Norfolk County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
15 Geo.3 c.59 (1775) (Mitford and Launditch (Norfolk) Poor Relief Act)	The whole Act.
41 Geo.3 c.lxiii (1801) (Mitford and Launditch (Norfolk) Poor Relief Act)	The whole Act.

15 Geo.3 c.59 (1775) (Mitford and Launditch (Norfolk) Poor Relief Act)

41 Geo.3 c.lxiii (1801) (Mitford and Launditch (Norfolk) Poor Relief Act)

1. This note proposes the repeal of two obsolete 18th and early 19th century Acts passed to provide relief for the poor living in the hundreds of Mitford and Launditch, Norfolk.⁵¹ This was an area comprising 50 parishes between Swaffham and Dereham and included Gressenhall, where the workhouse or house of industry referred to in these Acts was situated.

15 Geo.3 c.59 (1775) (Mitford and Launditch (Norfolk) Poor Relief Act)

2. According to its long title, the purpose of the 1775 Act was:

for the better Relief and Employment of the Poor within the Hundreds of Mitford and Launditch, in the County of Norfolk.

3. The *preamble* to the 1775 Act recorded that

the Poor within the hundreds of Mitford and Launditch, in the County of Norfolk, might be better and more comfortably maintained and supported, and at a less Expence than they are at present, if convenient Houses were provided for their Reception, and proper Materials and Utensils furnished for employing such of them as are able to work.

4. The 1775 Act provided as follows:⁵²

(a) appointment of guardians of the poor and their incorporation under the name of “*The Guardians of the Poor within the Hundreds of Mitford and Launditch, in the County of Norfolk*” (“the Guardians”); women to be able to act as guardians by proxy

(b) poor persons currently under the care of the parish churchwardens and overseers to be transferred to the Guardians once the workhouse had been built; thereafter the Guardians to have charge of all poor children and other persons incapable of providing for themselves

⁵¹ The “hundred” is an ancient description of groups of townships in English counties.

- (c) the Guardians empowered to bind children to apprenticeships and to hire out poor inmates to farmers and others; Guardians empowered to hand over poor children to any parents willing to take them on; discharge of inmates capable of maintaining themselves
- (d) the Guardians to meet in June 1775 to appoint a President and 36 of their number to be Directors of the poor (“the Directors”)
- (e) qualification of the Directors; appointment of treasurer and clerk and others at a salary
- (f) the Directors empowered to contract to buy land (including common land) on which they would build the workhouse; procedure for agreeing value of land to be bought; two year time limit to build the workhouse and associated buildings; penalty for obstruction; committee to supervise building works
- (g) the Directors empowered to make rules and bye-laws for the governing and employment of the poor; quarterly meetings of the Directors to be held; procedure for such meetings; penalty for non-attendance
- (h) the Directors empowered to borrow up to £15,000 upon the security of the poor rates; the Directors empowered to raise up to £7,500 of the £15,000 upon the security of annuities, all such transactions to be properly recorded
- (i) the Directors empowered to assess the sums needed to service the debts incurred pursuant to their borrowing powers and to pay the expenses of providing for the poor; churchwardens and overseers of the poor authorised to raise the necessary money by way of taxation of every occupier in their respective areas; money assessed not to exceed the average poor rate in the previous seven years; appeals against assessments; churchwardens and overseers to produce accounts and to assist the Guardians in the working of this Act (penalty for failure to comply)
- (j) procedure and penalties in the event of the Directors failing to hold meetings
- (k) the Directors empowered to issue settlement certificates to poor persons wishing to move away; appointment of workhouse staff including governor, matron and clergyman; penalties for misbehaving staff

⁵² The provisions of the 1745 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

- (l) rewards for industrious workhouse inmates; rules governing workhouse work; punishment of misbehaving or fraudulent workhouse inmates; penalties for receiving stolen workhouse property; justices authorised to act upon complaints of the Directors
- (m) application of fines; expenses of enactment; penalty for bringing alcohol into workhouse; civil procedure issues; status of Act.

41 Geo.3 c.lxiii (1801) (Mitford and Launditch (Norfolk) Poor Relief Act)

5. According to its long title, the purpose of this 1801 Act was “to alter, amend, and render more effectual” the 1775 Act.

6. The *preamble* to the 1801 Act recorded that, although a large workhouse had been built in accordance with the 1775 Act, considerable debts had been incurred in the process. Moreover the provisions of the 1775 Act for raising money to cover the cost of servicing such debts and to maintain the poor had proved to be inadequate in that insufficient moneys were being raised and that the tax burden was being borne unfairly amongst the various parishes.

7. The 1801 Act provided as follows:

- (a) the repeal of provisions of the 1775 Act about poor children being dismissed from the care of the Guardians once they attain a particular age; new powers for the Guardians to be able to have workhouse children apprenticed up to the maximum age of 21 (for males) or 18 (for females); the Directors empowered to enquire as to the nature of an apprenticeship trade or business and its scope for maintaining an apprenticed child (*sections 1 to 5*)
- (b) repeal of 1775 Act provisions about the dismissal from the workhouse of certain inmates including children to the care of parents willing to take them on; Directors to be required to hand over children if parents or other relatives are willing and able to maintain them; penalties for any employer mistreating an apprenticed child (*sections 6 to 8*)
- (c) churchwardens and overseers required to procure the employment of poor persons able and willing to work; punishment of workhouse inmates who misbehave (*sections 9 and 10*)
- (d) repeal of certain of the 1775 Act provisions as to the election of acting Guardians and attendance of weekly meetings by acting Guardians and Directors; new provisions as to election and appointment of acting

Guardians and Directors and about attendance at meetings; neglectful churchwardens and overseers to be summoned to attend meetings of Directors and acting Guardians (*sections 11 to 17*)

- (e) because the workhouse was inconveniently situated for some parishes, the churchwardens and overseers of individual parishes were empowered to use rate moneys to provide relief for the poor of their parishes (*sections 18 and 19*)
- (f) expenses of workhouse to be met by each parish in proportion to the number of workhouse inmates coming from that parish; rates to be levied and collected on that basis; calculations of such expenses to be made weekly (*sections 20 and 21*)
- (g) clothing of workhouse inmates to be paid for out of the rates; all costs of running the workhouse, including repairs and salaries, to be met by each parish in proportion to the number of workhouse inmates coming from that parish, the rates for this being calculated each year on the basis of the previous four years' expenses (*sections 22 and 23*)
- (h) continuation of provisions of 1775 Act whereby the poor rates were charged as security for moneys borrowed; certain poor rate payments to continue to be levied until capital and interest on loans were repaid (*sections 24 and 25*)
- (i) authorised the parish of East Dereham with Dillington to be exempted from the provisions of the 1775 Act and this Act and to make its own arrangements for the poor of that parish; that parish to sever its connection with the workhouse established under the 1775 Act; consequential financial provisions (*sections 26 to 31*)
- (j) saving provisions for creditors; 1775 Act and this Act to be construed as one (*sections 32 and 33*).

8. The workhouse was built at Chapel Farm in Gressenhall in 1777 at a cost of £16,242. The workhouse buildings were altered in the mid-1830s to meet the demands of the new poor law. In 1930 responsibility for the buildings (re-named as the *Gressenhall Poor Law Institution*) passed to Norfolk County Council. After 1948 the buildings were used to provide accommodation for old people and homeless families. In 1975 the entire site was transferred to the Norfolk Museums Service. Since 1977 the Gressenhall workhouse has been used as a museum.

9. The 1775 and 1801 Acts have long been obsolete. They date back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

10. Accordingly the 1775 and 1801 Acts are obsolete and may now be repealed on that basis.

Consultation

11. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Norfolk Museums and Archaeology Service, Breckland District Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
16 Geo.3 c.9 (1776) (Forehoe Poor Relief Act)	The whole Act.
54 Geo.3 c.xliv (1814) (Forehoe Poor Relief Act)	The whole Act.
3 & 4 Will.4 c.cvii (1833) (Forehoe Poor Relief Act)	The whole Act.

16 Geo.3 c.9 (1776) (Forehoe Poor Relief Act)

1. This note proposes the repeal of three obsolete Acts passed to provide relief for the poor living within the hundred⁵³ of Forehoe in Norfolk, near Wymondham.

2. According to its long title, the 1776 Act was passed for:

the better Relief and Employment of the Poor within the Hundred of Forehoe, in the County of Norfolk.

3. The preamble to the 1776 Act recorded that:

the Poor within the Hundred of Forehoe, in the County of Norfolk, might be better and more comfortably maintained and supported, and at a less Expence than they are at present, if a convenient Place was provided for their Reception, and proper Materials and Utensils furnished for employing such of them as are able to work.

4. The 1776 Act provided as follows:⁵⁴
 - (a) appointment of guardians of the poor and their incorporation under the name of “The Guardians of the Poor within the Hundred of Forehoe, in the County of Norfolk” (“the Guardians”)
 - (b) limit on the corporation’s power to hold land; women able to act as Guardians by proxy
 - (c) poor persons currently under the charge of the parish churchwardens and overseers to be transferred to the Guardians once the workhouse had been built;
 - (d) the Guardians to have the care of workhouse boys till they reach 16 and workhouse girls till they reach 14, the Guardians empowered to bind children to apprenticeships for a maximum of 7 years; no boy to be apprenticed beyond 21, no girl beyond 18; the Guardians authorised to

⁵³ The “hundred” is an ancient description of groups of townships in English counties.

⁵⁴ The provisions of the 1776 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

- hire out poor inmates to bring in the harvest; the Guardians empowered to hand over children to any relatives or friends willing to take them on
- (e) the Guardians to meet in April 1776 to elect a President and to appoint 24 of their number to be Directors of the Poor (“the Directors”)
 - (f) qualification of the Directors; appointment of treasurer, clerk and other officers; election of additional Directors
 - (g) the Directors empowered to contract to buy or rent land on which they would build the workhouse; provisions for transfer of the land and its subsequent taxation; two year time limit after the purchase of land to build the workhouse and associated buildings (including a hospital)
 - (h) penalty for obstructing the building work or causing damage; seven Directors to supervise the work; furnishing of the buildings; general meeting of the Guardians to be called once the building work was complete
 - (i) the Directors and Guardians empowered to make bye-laws governing their operation; quarterly meetings of the Directors; weekly meetings of committees; the Directors empowered to pay money to relieve poor persons living outside the workhouse; arrangements about meetings
 - (j) the Directors empowered to borrow up to £11000 upon the security of the workhouse buildings and the poor rates; provisions for assignment of debt, all such transactions to be properly recorded
 - (k) the Directors empowered to assess the sums needed to service the debts incurred pursuant to their borrowing powers and to pay the expenses of providing for the poor; churchwardens and overseers of the poor authorised to raise the necessary money by rating every inhabitant in their respective areas; rate money to be paid to the treasurer; penalty for failure to collect rates; rates not to exceed the average of the past 7 years; this Act not to affect charitable gifts
 - (l) churchwardens and overseers to produce accounts for the years 1754 to 1774; appeals against assessments; parish officers to assist the Directors in the working of this Act; penalties for not assisting
 - (m) procedure in event of the Directors failing to attend meetings or make any rate
 - (n) arrangements concerning removal of poor persons between parishes; voluntary contributions; appointments of workhouse staff and clergy; penalties for embezzlement; appointment of overseers for Wymondham; appointment of constable

- (o) rewards for industrious workers; penalties for bringing strong liquor into the workhouse; penalty for workhouse inmates' misbehaviour; penalties for misappropriation of corporation property; justices of the peace empowered to proceed upon complaints by Directors
- (p) expenses of enactment; application of proceeds of fines and forfeitures; Governor's power to execute warrants; civil procedure issues; parish of Honingham excluded from scope of Act; status of Act.

23 Geo.3 c.29 (1783)/29 Geo.3 c.4 (1789)

5. The 1776 Act was followed by Acts of 1783 and 1789. Both Acts amended the 1776 Act by enabling the Guardians to borrow more money. Both Acts were repealed by the Statute Law Revision Act 1948.⁵⁵

54 Geo.3 c.xliv (1814) (Forehoe Poor Relief Act)

6. The purpose of this 1814 Act was to amend the provisions of the 1776, 1783 and 1789 Acts so as to improve the operation of those enactments. The *preamble* to the 1814 Act recorded that the Directors and Guardians had indeed built the workhouse authorised by the 1776 Act. The provisions of the earlier enactments, however, had been found inadequate to raise sufficient money to pay the debts incurred by the Directors and Guardians and to meet their obligations to provide for the poor in the area.

7. Accordingly the 1814 Act provided as follows:

- (a) the Directors and Guardians were to be allowed to set rates without having to comply with the limitation imposed by the 1776 Act about the amount not exceeding the average of the amount set in the years 1767 to 1774 (*section 1*)
- (b) the rates to be set for each of the parishes would be set in proportion to the actual expenditure on support for the poor in that parish over a four-year period (*section 2*)
- (c) objections to, and appeals against, rating assessments; power to amend assessments; apportionment of certain expenses; interests of parishes in property of the corporation (*sections 3 to 9*)
- (d) penalty for overseers failing to levy rates; justices empowered to proceed on complaint of certain persons; rate-paying inhabitants of a parish

⁵⁵ The 1948 Act, s 1, Sch 1.

competent to give evidence; construction, expenses and status of enactment (*sections 10 to 15*).

3 & 4 Will.4 c.cvii (1833) (Forehoe Poor Relief Act)

8. The purpose of this 1833 Act was to amend the provisions of the earlier Acts so as to improve the operation of those enactments. In particular the *preamble* to the 1833 Act recorded that “the Mode of Assessment between the Parishes in the said Hundred to which the said Acts extend, have been found by Experience to be disproportionate, and injurious to many of the said Parishes”.

9. Accordingly the 1833 Act provided as follows:

- (a) this and the earlier Acts to be construed as one; annual election of Guardians for the several parishes in the hundred; mode of such election; voting by proxy; continuation of existing Guardians; filling of vacancies; mode of electing Guardians in case of default by parishes; at least 8 Directors to be resident in Wymondham; appointment of Committees (*sections 1 to 9*)
- (b) rates assessments on each parish to be done quarterly (and not on the average over a four-year period) in proportion to the actual expenditure on support for the poor in that parish during the preceding quarter; annual costs for repairs and improvements to corporation buildings to be apportioned amongst the parishes; profits from workhouse farmland to be used to meet workhouse expenses (*sections 10 to 14*)
- (c) justices of the peace empowered to summon any person failing to pay rates; seizure of goods in event of continuing failure to pay; penalty for attempting to hide goods to prevent seizure; non-residents liable to be sued for unpaid rates; churchwardens and overseers authorised to provide relief for the poor in their own parishes; churchwardens and overseers summoned by any Director following complaints by any poor person; expenses of the workhouse to be apportioned amongst the parishes in proportion to the number of poor persons sent to the workhouse by each parish; workhouse expenses to be calculated weekly; powers of overseers to raise money; power to apprentice children whether or not previously resident in workhouse (*sections 15 to 25*)
- (d) penalties on Directors and Guardians for non-attendance of weekly meetings; agreements made in vestry to be binding on ratepayers; procedure concerning, and appeals against, such agreements; powers of

justices of the peace in particular cases; provision for extending scope of enactments to the parish of Honingham (*sections 26 to 36*)

- (e) offices of treasurer and clerk to be kept separate; officers appointed by Directors and Guardians to produce accounts (or, in the event of officer's death, a personal representative of that officer); recovery from absent husband of money paid to his wife; parishes empowered to object to assessments and lodge appeals; financial provisions for indemnifying parishes against costs of maintaining children of unmarried parents; service of notices; levying of fines (*sections 37 to 46*)
- (f) expenses and status of enactment (*sections 47 and 48*).

10. The workhouse was duly built pursuant to the 1776 Act in Wicklewood, near Wymondham. The construction was completed in 1777. The workhouse was used as an institution for the poor until 1948 when it became an NHS hospital. The hospital closed in 1974 and the site has since been redeveloped for residential accommodation.

11. The 1776, 1814 and 1833 Acts have long been obsolete. They date back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background* note, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

12. Accordingly the 1776, 1814 and 1833 Acts are obsolete and may now be repealed on that basis.

Consultation

13. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Norfolk County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
19 Geo.3 c.13 (1779) (Hartsmere, etc (Suffolk) Poor Relief Act)	The whole Act.
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<i>19 Geo.3 c.13 (1779) (Hartsmere, etc (Suffolk) Poor Relief Act)</i>	
1.	This note proposes the repeal of an obsolete 18 th century Act passed to provide relief for the poor living in the hundreds of Hartsmere, Hoxne and Thredling in the county of Suffolk. ⁵⁶
2.	According to its long title, the 1779 Act was passed for: <i>the better Relief and Employment of the Poor, within the several Hundreds of Hartsmere, Hoxne, and Thredling in the County of Suffolk.</i>
3.	The preamble to the 1779 Act recorded that: <i>the Poor within the several hundreds of Hartsmere, Hoxne, and Thredling, in the County of Suffolk, might be better and more comfortably maintained and supported, and at a less Expence than they are at present, if convenient Houses were provided for their Reception, and proper Materials and Utensils furnished for employing such of the Poor as are able to work.</i>
4.	The 1779 Act provided as follows: ⁵⁷ <ol style="list-style-type: none"> (a) appointment of guardians of the poor and their incorporation under the name of “The Guardians of the Poor within the several Hundreds of Hartsmere, Hoxne, and Thredling, in the County of Suffolk” (“the Guardians”) (b) limit on the corporation’s power to hold land; women able to act as Guardians by proxy (c) poor persons currently under the charge of the parish churchwardens and overseers to be transferred to the Guardians once the workhouse had been built; (d) the Guardians to have the care of workhouse boys till they reach 16 and workhouse girls till they reach 14, the Guardians empowered to bind children to apprenticeships for a maximum of 7 years; no boy to be apprenticed beyond 21, no girl beyond 18; the Guardians authorised to hire out poor inmates to bring in the harvest; the Guardians empowered

⁵⁶ The ‘hundred’ is an ancient description of groups of townships in English counties.

⁵⁷ The provisions of the 1779 Act are not identified by reference to section numbers because the Act itself was not divided into sections.

to hand over children to any relatives or other responsible persons willing to take them on

- (e) the Guardians to meet in June 1779 to elect a President and to appoint 24 of their number to be Directors of the Poor (“the Directors”)
- (f) qualification of the Directors; appointment of treasurer, clerk and other officers; election of additional Directors
- (g) the Directors empowered to contract to buy or rent land on which they would build the workhouse; valuation of the land and provisions for assessment and transfer; three year time limit to build the workhouse and associated buildings (including a hospital)
- (h) penalty for obstructing the building work or causing damage; seven Directors to supervise the work; furnishing of the buildings; general meeting of the Guardians to be called once the building work was complete
- (i) the Directors and Guardians empowered to make bye-laws governing their operation; quarterly meetings of the Directors; weekly meetings of committees; the Directors empowered to pay money to relieve poor persons living outside the workhouse; arrangements about meetings
- (j) the Directors empowered to borrow up to £25000 upon the security of the workhouse buildings and the poor rates; the Directors empowered to raise up to £15000 upon the security of annuities, all such transactions to be properly recorded
- (k) the Directors empowered to assess the sums needed to service the debts incurred pursuant to their borrowing powers and to pay the expenses of providing for the poor; churchwardens and overseers of the poor authorised to raise the necessary money by rating every inhabitant in their respective areas; rates not to exceed the average of the past 7 years; appeals against rating assessments
- (l) churchwardens and overseers to produce accounts for the years 1771 to 1778 and to assist the Directors in the working of this Act; assistance of parish officers required; penalties for not assisting
- (m) procedure in event of the Directors failing to attend meetings or make any rate
- (n) arrangements concerning removal of poor persons between parishes; voluntary contributions; appointments of workhouse staff and clergy; penalties for embezzlement

- (o) rewards for industrious workers; penalties for workhouse inmates' misbehaviour; penalties for misappropriation of Corporation property; application of fines and forfeitures
- (p) expenses of enactment; procedure at meetings of the Directors; penalty for taking strong liquor into the workhouse; Governor's power to execute warrants; civil procedure issues; status of Act.

5. In the event the workhouse authorised by the 1779 Act was never built. The £16000 required to erect the workhouse proved impossible to raise. Accordingly the proposed incorporation of the Guardians was also abandoned. Several parishes in the area subsequently erected their own workhouses.

6. The 1779 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background* note, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1779 Act has long been obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Suffolk County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
26 Geo.3 c.28 (1786) (Romford Poor Relief Act)	The whole Act.
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<i>26 Geo.3 c.28 (1786) (Romford Poor Relief Act)</i>	
1.	This note proposes the repeal of an obsolete 18 th century Act passed to provide relief for the poor living within the parish of Romford, Essex. ⁵⁸
2.	According to its long title, the 1786 Act was passed for: <i>providing a proper Workhouse, and better regulating the Poor, within the Parish of Romford, in the Liberty of Havering Atte Bower, in the County of Essex.</i>
3.	The preamble to the 1786 Act recorded that: <i>the present Workhouse within the Parish of Romford ... is not sufficiently large and convenient for the Reception and Employment of the Poor of the said Parish.</i>
4.	The 1786 Act provided as follows: <ul style="list-style-type: none"> (a) appointment of Directors and Guardians of the Poor; provisions for filling vacancies; qualification for acting as a Director and Guardian; oath of office (<i>sections 1 to 4</i>) (b) first meeting of the Directors and Guardians to be held on 5 June 1786; formation of Committees of Directors and Guardians; provision for weekly meetings of Committees; quorum for meetings; quarterly meetings of Directors and Guardians; calling of special meetings (<i>sections 5 to 11</i>) (c) appointment of clerk, treasurer, governor, matron and other officers (<i>section 12</i>) (d) poor persons in the parish to be under the government and management of the Directors and Guardians; the Guardians to have the care of workhouse boys till they reach 17 and workhouse girls till they reach 15, the Guardians empowered to bind children to apprenticeships; no boy to be apprenticed beyond 21, no girl beyond 18 (<i>sections 13 and 14</i>) (e) the Directors and Guardians empowered to contract to buy or rent land on which they would build the workhouse; provisions for conveyance of land; fitting out and furnishing the workhouse; furniture and chattels to vest in the Directors and Guardians (<i>sections 15 to 19</i>)

- (f) money raised by poor rates to be paid to the treasurer and to be under the control of the Directors and Guardians (*section 20*)
- (g) the Directors and Guardians empowered to borrow up to £3500 upon the security of the poor rates to build the new workhouse; borrowings to be by means of £50 bonds; procedure for repayment of bonds; Directors and Guardians empowered to make rates assessments if churchwardens and overseers failed to do so; all bonds transactions to be properly recorded; donations for the poor to be paid to the treasurer (*sections 21 to 25*)
- (h) existing parish workhouse (together with house on Rush Green) to be vested in the Directors and Guardians who were empowered to sell the same (*sections 26 and 27*)
- (i) Directors and Guardians empowered to make bye-laws for governing the poor who were received in the workhouse; parish officers required to aid the Directors and Guardians in the execution of this Act; power to send vagrants and disorderly persons to the workhouse; penalties for fraudulent workhouse inmates or staff; penalty for taking strong liquor into the workhouse (*sections 28 to 34*)
- (j) Directors and Guardians authorised to employ workhouse inmates in any trade or occupation; rewards for industrious workers; penalties for misbehaviour; overseers authorised to pay cash sums to poor persons for one-off purposes; treasurer to apply money as directed for the purposes of this Act; all business of the Directors and Guardians to be properly recorded (*sections 35 to 40*)
- (k) justices of the peace (including any who might also be a Director or Guardian) authorised to act upon the complaints of the Directors and Guardians; rate-paying inhabitants of the parish competent to give evidence; penalties to be paid to the treasurer; continuance of actions despite death or removal of treasurer; enforcement and application of penalties and forfeitures; criminal procedure; appeals; civil procedure issues; expenses of enactment; status of Act (*sections 41 to 52*).

5. The workhouse was duly built in 1787 upon land in Collier Row Lane (North Street). The workhouse closed in 1836 because of the formation of the Romford Poor Law Union in that year.⁵⁹ The workhouse was demolished in 1840 and the site was sold.

⁵⁸ Today Romford falls within the London Borough of Havering.

⁵⁹ A new workhouse in the area was built in 1838.

6. The 1786 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background* note, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1786 Act has long been obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, the London Borough of Havering and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
30 Geo.3 c.81 (1790) (Manchester Poor Relief Act)	The whole Act.
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30 Geo.3 c.81 (1790) (<i>Manchester Poor Relief Act</i>)	
1. This note proposes the repeal of an obsolete 1790 Act passed to provide relief for the poor living in Manchester.	
2. According to its long title, the purpose of the 1790 Act was: <i>for providing a new Poor-house for, and for the better Relief and Government of the Poor of, the Township of Manchester, in the County of Lancaster.</i>	
3. The <i>preamble</i> to the 1790 Act recorded that: <i>the Township of Manchester, in the County of Lancaster, is very populous, and the Poor thereof are becoming exceedingly numerous; and the Poor House of the said Township is too small, and is in other Respects very inconvenient; and it would tend to the better Relief and Employment of the Poor, and be of Benefit to the Inhabitants of the said Township, to have a proper and commodious Poor House provided for the same ...</i>	
4. The 1790 Act provided as follows:	
(a) the churchwardens of the “Collegiate and Parish Church of Christ, in Manchester” (“the churchwardens”) and the overseers of the poor of the township of Manchester (“the overseers”) were empowered to carry this Act into effect (<i>section 1</i>)	
(b) first meeting of churchwardens and overseers; their oath of office; their monthly, quarterly and special meetings; expenses (<i>sections 2 to 8</i>)	
(c) existing poor house land and buildings to be vested in the churchwardens and overseers who were empowered to sell the same to raise money for a new poor house; protection for purchasers (<i>sections 9 to 11</i>)	
(d) churchwardens and overseers empowered to appoint staff to run the poor house and clergy to perform divine service; payment of allowances; powers of justices of the peace to visit and inspect the poor (<i>sections 12 and 13</i>)	
(e) churchwardens and overseers authorised to purchase land for, and to construct, a new poor house; exemption of poor house from taxation; conveyancing provisions; building contract provisions; goods and chattels provided for the poor to vest in the churchwardens and overseers; civil procedure issues (<i>sections 14 to 26</i>)	

- (f) churchwardens and overseers authorised to borrow money for the purposes of this Act upon the security of the poor rates and by granting annuities; provisions for transfer and recording such transactions and for repayment (*sections 27 to 32*)
- (g) churchwardens and overseers authorised to make rules for the purposes of this Act, including for regulating the poor kept in the poor house, such rules to be confirmed by two justices of the peace; procedure for convening meetings of parishioners; written order needed for admittance of each poor person to the poor house (*sections 33 to 36*)
- (h) punishment for misbehaviour in the poor house; penalty for misappropriating clothing or goods brought into the poor house; churchwardens and overseers authorised to find employment for poor house inmates; provision for children to be detained in the poor house and apprenticed; provision for poor relief to be provided independently of the poor house; punishment of idle or disorderly persons (*sections 37 to 43*)
- (i) appointment of additional overseers; form of conviction; saving for existing poor laws; appeals; civil procedure issues; expenses and status of Act (*sections 44 to 52*).

5. The workhouse was duly built in New Bridge Street, Manchester and was opened on 14 February 1793. However it proved inadequate to house all Manchester's poor, so a new workhouse was opened in Crumpsall in 1855. The New Bridge Street workhouse continued to house the aged and infirm until 1875 when the premises were sold to the Lancashire and Yorkshire Railway Company. Today the site is occupied by Manchester Victoria Station.

6. The 1790 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1790 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Manchester City Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
31 Geo.3 c.24 (1791) (Oswestry Poor Relief Act)	The whole Act.

31 Geo.3 c.24 (1791) (Oswestry Poor Relief Act)

1. This note proposes the repeal of an obsolete 1791 Act passed to provide relief for the poor living in the area of Oswestry (Shropshire) and Llanfyllin (Powys).

2. According to its long title, the purpose of the 1791 Act was:

the better Relief and Employment of the Poor belonging to the Town of Oswestry, and to certain Parishes within the Hundred of Oswestry,⁶⁰ in the County of Salop, and to such Part of the Parish of Llanmynech as lies within the said Hundred; and to the Parish of Chirk, in the County of Denbigh; and to the Parish of Llanfilin,⁶¹ in the Counties of Salop and Denbigh.

3. The *preamble* to the 1791 Act recorded that the poor within the town and liberties of Oswestry and in several of its parishes, in part of the parish of Llanmynech, in the parish of Chirk and in the parish of Llanfilin were very numerous and were supported at a great and burdensome expense; and that “providing a convenient House or Houses for the general Reception of the Poor of the said Town and Parishes ... would tend to their better and more effectual Relief, and at a less Expenche than at present”.

4. The 1791 Act provided as follows:

(a) appointment of guardians of the poor and their incorporation under the name of “The Guardians of the Poor of the Town and Liberties of Oswestry, in the County of Salop, and of the Poor of the several Parishes united therewith” (“the Guardians”); first meeting of the Guardians to be held on 1 August 1791; provision for quarterly meetings; women able to vote by proxy at meetings of the Guardians; Guardian’s oath of qualification; no officer to be concerned with any contract for work arising under this Act (*sections 1 to 5*)

(b) appointment, from the ranks of the Guardians, of a Chairman and Directors; election and qualification of Directors; churchwardens and overseers required to convene vestry meetings; Directors required to accept office within ten days; Directors’ oath of office; appointment of

⁶⁰ The “hundred” is an ancient description of groups of townships in English counties.

⁶¹ This is today known as Llanfyllin.

treasurer, clerk and other officers, including staff to run the workhouse and clergy to perform divine service; weekly meetings of the Directors (*sections 6 to 15*)

- (c) Directors empowered to contract to buy land within the hundred of Oswestry and to construct a workhouse or other buildings for the purposes of this Act; the buildings to be called “The Oswestry House of Industry”⁶²; taxation and furnishing of such buildings; Directors to have the management and care of the poor; Directors empowered to set the poor to work; Directors empowered to send the idle or disorderly poor to the workhouse; Directors required to set aside space for a burial ground (*sections 16 to 21*)
- (d) Directors empowered to arrange for the apprehension of vagrants for despatch to the workhouse or for their conveyance to any previous place of settlement; workhouse children at 14 to be apprenticed for a maximum of seven years or until they reach 21 (boys) or 18 (girls); Directors empowered to discharge children at 14 or to hire them out for employment in the area (including gathering in the harvest) (*sections 22 to 25*)
- (e) the Corporation (ie the Guardians as an incorporated body) authorised to borrow up to £12,000, assigning the Corporation’s assets and the poor rates as security; form and transfers of assignments (*section 26*)
- (f) Directors authorised to assess the sums needed to meet their obligations under this Act to provide relief for the poor and to service borrowings, by means of levying rates on the inhabitants of Oswestry and neighbouring parishes; amount of rates to be fixed by reference to the average expenditure over the previous seven years, such average amount to be fixed by Commissioners (*section 27 to 29*)
- (g) churchwardens and overseers of Oswestry and other parish officers required to produce books and accounts of poor law receipts and expenses over the past seven years; provision for assessment of rates in absence of such books and accounts; appointment of new Commissioners; all parish officers required to assist the Directors in the execution of this Act; penalties for defaulting churchwardens and overseers (*sections 30 to 34*)
- (h) appointment of constables; charity money to be included in the calculation of rates assessments; this Act not to affect parish officers’ other powers to

⁶² I.e. workhouse.

raise money to provide poor relief; parish officers allowed to retain money to provide poor relief for one-off purposes (*sections 35 to 38*)

- (i) existing workhouse in Oswestry and all land and property to vest in the Corporation; Directors empowered to sell the same, the proceeds being used to supplement the poor rates; all goods and chattels used for the poor to vest in the Directors; penalty for stealing, damaging or receiving such property (*sections 39 to 40*)
- (j) Directors' business to be transacted only at official meetings; penalty for Directors failing to attend meetings; provision for previous year's rates to be applied in event of failure to assess new rates; removal of poor persons between parishes; bonds indemnifying the town and parishes from the costs of illegitimate children (*sections 41 to 44*)
- (k) Directors empowered to make bye-laws for giving effect to the purposes of this Act; procedure for making bye-laws; rewards for industrious workhouse workers; this Act not to give the Corporation any powers in relation to the poor in any almshouses or hospitals; this Act not to extend to such part of the parish of Llanymynech as is not situated within the hundred of Oswestry; all contracts and proceedings to be recorded in writing; inspection of books and papers (*sections 45 to 51*)
- (l) workhouse inmates not to acquire any settlement rights in the parish; ascertaining the place of settlement of illegitimate children; certain appeals to require the consent of Directors; ratepayers competent to give evidence in settlement cases; poor rates to cease if workhouse profits meet the cost of maintaining the poor in the workhouse (*sections 52 to 56*)
- (m) recovery and application of penalties; form of conviction; appeals; civil procedure issues; expenses and status of this Act (*sections 57 to 64*).

5. The workhouse built pursuant to the 1791 Act was situated at Morda and opened in 1792. It held up to 300 inmates. It continued to be used as a workhouse until 1930. Much of the surviving building was destroyed in a fire in 1982. Today the old workhouse site is mostly converted to residential accommodation.

6. The 1791 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the

income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1791 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, the Welsh Assembly Government, Shropshire County Council, Powys County Council, the Local Government Association and the Welsh Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
31 Geo.3 c.78 (1791) <i>(Ellesmere Poor Relief Act)</i>	The whole Act.

31 Geo.3 c.78 (1791) (Ellesmere Poor Relief Act)

1. This note proposes the repeal of an obsolete 1791 Act passed to provide relief for the poor living in the area of Ellesmere (Shropshire) and neighbouring areas.

2. According to its long title, the purpose of the 1791 Act was:

the better Relief and Employment of the Poor belonging to the several Parishes of Ellesmere, Middle,⁶³ Baschurch, and Hordley, and to the Chapelry or District of Hadnal⁶⁴ (otherwise Hadnal Ease) in the County of Salop.

3. The *preamble* to the 1791 Act recorded that the poor within the several parishes of Ellesmere, Middle, Baschurch and Hordley and within the chapelry or district of Hadnal were “very numerous, and are maintained and supported at a great and burdensome Expençe by the Inhabitants of such [parishes and chapelry and] ...the providing of a convenient House or Houses for the general Reception of the Poor of the said [parishes and chapelry]...would tend to the more effectual Relief, Assistance, and Accommodation of such as by Age, Infirmities, or Diseases, are rendered incapable of supporting themselves by their Labour ...”.

4. The 1791 Act provided as follows:

(a) appointment of guardians of the poor and their incorporation under the name of “*The Guardians of the Poor of the several Parishes of Ellesmere, Middle, Baschurch and Hordley, in the County of Salop*” (“the Guardians”); first meeting of the Guardians to be held on 8 June 1791; provision for quarterly meetings; women able to vote by proxy at meetings of the Guardians; Guardian’s oath of qualification; poor persons to continue to be governed by the churchwardens and overseers until a workhouse was built pursuant to this Act; no officer to be concerned with any contract for work arising under this Act (*sections 1 to 6*)

(b) appointment, from the ranks of the Guardians, of a Chairman and Directors; election and qualification of Directors; provisions for filling vacancies in ranks of Directors; churchwardens and overseers required to

⁶³ “Middle” is today spelt “Myddle”.

⁶⁴ “Hadnal” is today spelt “Hadnall”.

convene vestry meetings; election of Directors in particular circumstances; Directors required to accept office within ten days; no Director to be re-elected within three years; Directors' oath of office; appointment of treasurer, clerk and other officers, including staff to run the workhouse and clergy to perform divine service; taking of security from such officers; weekly meetings of the Directors (*sections 7 to 18*)

- (c) Directors empowered to contract to buy land within the parish of Ellesmere and to construct a workhouse or other buildings for the purposes of this Act; the buildings to be called "The Ellesmere House of Industry"⁶⁵; rating and furnishing of such buildings; Directors to have the management and care of the poor; Directors empowered to set the poor to work; Directors empowered to send the idle or disorderly poor to the workhouse; Directors required to set aside space for a burial ground, such ground to be consecrated (*sections 19 to 25*)
- (d) Directors empowered to arrange for the apprehension of vagrants for despatch to the workhouse or for their conveyance to any previous place of settlement; workhouse children at 14 to be apprenticed for a maximum of seven years or until they reach 21 (boys) or 18 (girls); Directors empowered to discharge children at 14 or to hire them out for employment in the area (including gathering in the harvest) (*sections 25 to 29*)
- (e) the Corporation (ie the Guardians as an incorporated body) authorised to borrow up to £8000, assigning the Corporation's assets and the poor rates as security; form of assignments; power to grant annuities; form of such grant; annuities to be secured by the poor rates; transfer and records of securities (*sections 30 to 33*)
- (f) Directors authorised to assess the sums needed to meet the sums needed to meet their obligations under this Act to provide relief for the poor and to service borrowings, by means of levying rates on the inhabitants of the various parishes and chapelry; rates to be collected by the churchwardens and overseers who had to account for the same to the treasurer and provide accounts; amount of rates to be fixed by reference to the average expenditure over the previous twelve years (*sections 34 to 36*)
- (g) churchwardens and overseers required to produce books and accounts of poor law receipts and expenses over the past twelve years; persons who

⁶⁵ I.e workhouse.

were churchwardens or overseers in the previous twelve years required to produce books and accounts; provision for assessment of rates in the absence of such books and accounts; all parish officers required to assist the Directors in the execution of this Act; penalty for defaulting parish officers (*sections 37 to 40*)

- (h) appointment of constables; charity money to be included in the calculation of rates assessments; this Act not to affect parish officers' other powers to raise money to provide poor relief; parish officers allowed to retain money to provide poor relief for one-off purposes; all goods and chattels used for the poor to vest in the Directors; penalty for stealing, damaging or receiving such property (*sections 41 to 44*)
- (i) Directors' business to be transacted only at official meetings; penalty for Directors failing to attend meetings; provision for previous year's rates to be applied in event of failure to assess new rates; removal of poor persons between parishes; bonds indemnifying the parishes from the costs of illegitimate children (*sections 45 to 48*)
- (j) Directors empowered to make bye-laws for giving effect to the purposes of this Act; procedure for making bye-laws; rewards for industrious workhouse inmates; this Act not to give the Corporation any powers in relation to the poor in any almshouses or hospitals; this Act not to extend to any district separately liable to maintain its own poor; charitable gifts to be paid to the treasurer; provision for benefactors to be elected Guardians; all contracts and proceedings to be recorded in writing; inspection of books and papers (*sections 49 to 57*)
- (k) workhouse inmates not to acquire any settlement rights in the parish of Ellesmere; ascertaining the place of settlement of illegitimate children; certain appeals to require the consent of Directors; ratepayers competent to give evidence in settlement cases; poor rates to cease if workhouse profits meet the cost of maintaining the poor in the workhouse (*sections 58 to 62*)
- (l) recovery and application of penalties; form of conviction; appeals; civil procedure issues; expenses and status of this Act (*sections 63 to 70*).

5. The workhouse built pursuant to the 1791 Act was situated at Haughton and opened in 1795. It was eventually taken over by the Ellesmere Poor Law Union and become known as the Ellesmere Poor Law Institution. The buildings were demolished in the 1930s.

6. The 1791 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1791 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Shropshire County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
32 Geo.3 c.20 (1792) (Stone Poor Relief Act)	The whole Act.
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<i>32 Geo.3 c.20 (1792) (Stone Poor Relief Act)</i>	
1. This note proposes the repeal of an obsolete 1792 Act passed to provide relief for the poor living in the area of Stone (Staffordshire).	
2. According to its long title, the purpose of the 1792 Act was: <i>for providing a Workhouse for the Reception of the Poor of the Parish of Stone, in the County of Stafford, and for regulating and employing the Poor therein.</i>	
3. The <i>preamble</i> to the 1792 Act recorded that it would tend to the better relief and employment of the poor of the parish of Stone, and be of benefit to the inhabitants of the parish, “if a commodious Workhouse was provided therein”.	
4. The 1792 Act provided as follows:	
(a) appointment of Directors and Guardians of the Poor of the Parish of Stone; provision for filling vacancies amongst the Directors or Guardians; refusal of Directors or Guardians to act as such; qualifications of Directors and Guardians; oath of qualification; first meeting of the Directors and Guardians to be held on 14 April 1792 (<i>sections 1 to 5</i>)	
(b) provision for Directors and Guardians dividing into Committees, weekly and general meetings and the quorum for such meetings; adjournment of such meetings; calling of meetings; appointment of officers including a clerk and treasurer and persons to run the workhouse; poor persons to be under the direction and management of the Directors and Guardians, including children in the workhouse until discharge at 17 (for boys) or 15 (for girls); power to apprentice workhouse children until they reach 21 (boys) or 18 (girls) (<i>sections 6 to 14</i>)	
(c) Directors and Guardians empowered to contract to buy land within the parish of Stone and to construct a workhouse; conveyancing provisions; provisions for contracts for the building work; goods and chattels provided for the poor to vest in the Directors and Guardians (<i>sections 15 to 19</i>)	
(d) All poor rates money arising under this Act to be paid to the treasurer; the Directors and Guardians authorised to borrow up to £3500 against the	

security of the poor rates and of bonds of £100 each; manner of paying off such bonds; Directors and Guardians empowered to levy poor rates in the event of the churchwardens and overseers failing to do so; keeping records of bonds and of bond assignments; gifts for the poor to be payable to the treasurer (*sections 20 to 25*)

- (e) Directors and Guardians authorised to make bye-laws for giving effect to the purposes of this Act; procedure for making bye-laws; parish officers required to assist in the execution of this Act; Directors and Guardians empowered to arrange for the apprehension of vagrants for despatch to the workhouse; penalty for any workhouse inmate stealing or damaging workhouse property; penalty for any officer stealing property vested in the Directors and Guardians; no strong liquor to be brought into the workhouse; rewards for industrious workhouse inmates; penalty for misbehaviour by inmates (*sections 26 to 35*)
- (f) parish officers allowed to pay money to poor people to provide relief for one-off purposes; treasurer to pay over money as ordered by the Directors and Guardians; penalty for defaulting overseers; removal of poor persons between parishes; bonds indemnifying the parishes from the costs of illegitimate children (*sections 36 to 39*)
- (g) all contracts and proceedings to be recorded in writing; justices of the peace authorised to act upon a complaint by any Director or Guardian; such justices not disqualified by virtue of being Directors, Guardians or ratepayers; ratepayers competent to give evidence; penalties to be paid to the treasurer; recovery and application of penalties; civil and criminal procedure issues; expenses and status of this Act (*sections 40 to 52*).

5. The Stone workhouse was duly built in 1793 in Stafford Road, Stone. In 1838 the Stone Poor Law Union was established. The Union took over the Stone workhouse and enlarged it in 1839 to accommodate 300 people. The workhouse later became the Stone Poor Law Institution before being renamed as Trent Hospital as part of the National Health Service. The hospital closed in the 1990s and the site has since been redeveloped.

6. The 1792 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself

finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1792 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Staffordshire County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
32 Geo.3 c.70 (1792) (Tewkesbury Poor Relief Act)	The whole Act.

32 Geo.3 c.70 (1792) (Tewkesbury Poor Relief Act)

1. This note proposes the repeal of an obsolete 1792 Act passed to provide relief for the poor living in the parish of Tewkesbury, in Gloucester.⁶⁶

2. According to its long title, the purpose of the 1792 Act was:

for the better Relief and Employment of the Poor of and belonging to the Parish of Tewkesbury, in the County of Gloucester.

3. The *preamble* to the 1792 Act recorded that the poor living in parish of Tewkesbury were “exceedingly numerous, [and] are maintained and supported at a great and burdensome Expence by the Inhabitants of the said Parish”. The preamble also recorded the desirability for “providing ... a convenient House or Houses for the Reception of the Poor of the said Parish, and granting proper Powers for the Government, Regulation, and Employment of such Poor”.

4. The 1792 Act provided as follows:

- (a) establishment of corporation to be known as *The Guardians of the Poor of the Parish of Tewkesbury in the County of Gloucester* (“the Guardians”) comprising all local residents owning land rated at £15 and certain other persons; the Guardians empowered to buy and sell land or goods for the purposes of this Act (*Section 1*)
- (b) First meeting of the Guardians to be held on 2 July 1792; provision for quarterly meetings (*Sections 2 – 3*)
- (c) Qualifications of the Directors; Guardians and Directors to cover their own expenses; provision to avoid conflicts of interest for Directors and Officers concerning contracts arising under this Act (*Sections 4 - 6*)
- (d) Appointment of a Chairman, Treasurer and such other officers as the Guardians think necessary; 9 Guardians to be appointed as Directors; the annual procedure for appointing Directors; replacement of Directors on their death or removal (*Sections 7 – 8*)

⁶⁶ Now Gloucestershire.

- (e) Churchwardens and Overseers of the Poor required to call vestry meetings; penalty for failure to do so (*Section 9*)
- (f) Oath for Directors; procedure for accepting the position of Director; no Director to serve within a 5 year period after ceasing to hold office; Directors to appoint a treasurer, clerk and other officers for running the house of industry,⁶⁷ these officers to be paid an allowance for their troubles; the Directors to take security from the appointed officers for the faithful execution of their office (*Sections 10 –14*)
- (g) Provision for weekly meetings and special assemblies of the Directors; Directors empowered to purchase land or buildings within the parish of Tewkesbury for the purposes of this Act; conveyancing procedures; houses and lands purchased to be exempt from window duty; tenants to leave land sold to the Guardians with 6 months' notice (*Sections 15 –19*)
- (h) Directors to furnish the building with the goods necessary for receiving and setting the poor to work; Directors vested with the care and management of the poor of Tewkesbury and empowered to set the poor to work and to despatch the idle poor to the house of industry; power to apprehend vagrants and punish the misbehaving poor in the workhouse; poor children to be maintained in the workhouse until the age of 14 and may be apprenticed out for seven years or until the age of 21 (for a boy) or until the age of 21 or marriage (for a girl); poor children may be apprenticed to the Governor of the house of industry; poor children may be farmed out (*Sections 20 - 24*)
- (i) Authority for the Directors to borrow money, not exceeding £6000, to be repaid out of the parish rates; form of mortgage and mortgage transfer (*Sections 25 – 26*)
- (j) Money arising under the poor rates shall be collected by the Overseers of the Poor and paid to the Treasurer for the management of the Directors; punishment of Overseers for failing to collect the rates; rates equal to the sum needed for the relief of the poor and the interest on the money borrowed under this Act; £100 to be paid off the principal sum borrowed annually; mode of paying off mortgages; provision for Directors to collect the rates if the Overseers fail to do so (*Sections 27 – 32*)

⁶⁷ Or workhouse.

- (k) Charitable bequests for the poor to be applied by the Guardians according to the will of the donor; all parish officers to assist in the execution of this Act; one-off or occasional relief of the poor permitted (*Sections 33 – 35*)
- (l) Workhouse goods and chattels to be vested in the Directors; damaging or receiving workhouse property punishable offences (*Section 36*)
- (m) Actions of the Directors only valid if done at official meetings under this Act; Directors may grant certificates of settlement; documentation regarding certificates issued to be handed over to the Clerk (*Sections 37 - 40*)
- (n) Directors empowered to make bylaws regarding the governance of the Corporation and the better regulation and maintenance of the poor; the industrious poor to be rewarded; records to be kept of the proceedings of the Directors; and Directors' accounts to be made available annually (*Sections 41 –45*)
- (o) Illegitimate children born in the workhouse not to gain settlement rights; ratepayers competent to give evidence; Justices of the Peace to respond to complaints of the Directors as if they had been made by Overseers; charitable gifts to the Corporation to be disposed of by the Directors (*Sections 46 - 49*)
- (p) Directors empowered to make such drains, watercourses and sewers as necessary to serve the workhouse (*Section 50*)
- (q) The recovery and application of penalties made under this Act; provision for appeal against penalties under this Act; recovery of penalties not to be invalidated for want of form; form of conviction (*Section 51 – 54*)
- (r) The expenses of the obtaining this Act; civil procedure matters; status of this Act (*Section 55 – 57*).

5. A house of industry was built between 1792 and 1796 in Tewkesbury, south of Gloucester Road, pursuant to the 1792 Act. The workhouse was taken over by the Tewkesbury Poor Law Union in 1838 and went on to become Holm Hospital. In the 1990s the building was renovated into the Shepherd Mead Retirement Home.⁶⁸

6. The 1792 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief

⁶⁸ users.ox.ac.uk/~peter/workhouse/Tewkesbury/Tewkesbury.shtml.

was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1792 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Gloucestershire County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
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<i>Reference</i>	<i>Extent of repeal or revocation</i>
32 Geo.3 c.85 (1792) (Whitchurch (Salop) Poor Relief Act)	The whole Act.
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<i>32 Geo.3 c.85 (1792) (Whitchurch (Salop) Poor Relief Act)</i>	
1.	This note proposes the repeal of an obsolete 1792 Act passed to provide relief for the poor living in the parish of Whitchurch, in Salop. ⁶⁹
2.	According to its long title, the purpose of the 1792 Act was: <i>for the better Relief and Employment of the Poor of and within such Part of the Parish of Whitchurch as maintains its own Poor, and lies within the County of Salop.</i>
3.	The <i>preamble</i> to the 1792 Act recorded that the poor living in the parish of Whitchurch were “very numerous, and are supported and maintained and at a great and burthensome Expençe by the Inhabitants of ... the said Parish”. The preamble also recorded the desirability for “providing ... a convenient House or Houses for the general Reception of the Poor of such part of the said Parish as lies within the County of Salop, and granting proper Powers for the Government, Regulation, and Employment of such Poor”.
4.	The 1792 Act provided as follows: (a) establishment of corporation to be known as <i>The Guardians of the Poor of that Part of the Parish of Whitchurch which lies within the County of Salop</i> (“the Guardians”) comprising all local residents in possession of land rated at £20 and certain other persons; the Guardians empowered to buy and sell land or goods for the purposes of this Act (<i>Section 1</i>) (b) first meeting of the Guardians to be held on 22 September 1792; provision for quarterly meetings; women to vote by proxy; Guardians and Directors who are Justices of the Peace may act as Justices in the execution of this Act (<i>Sections 2 – 3</i>) (c) qualifications of the Directors; Guardians and Directors to cover their own expenses; provision to avoid conflicts of interest for Directors and Officers concerning contracts arising under this Act (<i>Sections 4 - 5</i>)

⁶⁹ Now Shropshire.

- (d) appointment of a Chairman, Treasurer and such other officers as the Guardians think necessary; 12 Guardians to be appointed as Directors; the annual procedure for appointing Directors; replacement of Directors on their death or removal (*Sections 6 – 7*)
- (e) Churchwardens and Overseers of the Poor required to call vestry meetings; penalty for failure to do so (*Section 8*)
- (f) procedure for accepting the position of Director; no Director to serve more than one term in a 5 year period after ceasing to hold office; Oath for Directors; Directors to appoint a treasurer, clerk and other officers for running the house of industry,⁷⁰ these officers to be paid an allowance for their troubles; the Directors to take security from the appointed officers for the faithful execution of their office (*Sections 9 – 13*)
- (g) provision for weekly meetings and special assemblies of the Directors; Directors empowered to purchase land or buildings with the parish of Whitchurch and erect buildings for the purposes of this Act; the Directors responsible for the maintenance of any building erected under this Act; land purchased and buildings made under this Act to be exempt from any new Parliamentary taxes imposed after the date of purchase (*Sections 14 – 16*)
- (h) Directors to furnish the building with the goods necessary for receiving and setting the poor to work; Directors vested with the care and management of the poor of Whitchurch and empowered to set the poor to work; until the workhouse was complete the poor of the parish were to be maintained by the Churchwardens and Overseers; power to apprehend vagrants and dispatch the drunken, idle or disorderly poor to the workhouse; power to return vagrants and poor persons to their place of settlement (*Sections 17 – 21*)
- (i) poor children to be maintained in the workhouse until the age of 14 and apprenticed out for seven years or until the age of 21 (for a boy) or until the age of 18 or marriage (for a girl); apprentices not to be assigned without the consent of the Directors; poor children might be farmed out; punishment of the poor for failure to return from work outside the house of industry; power to punish the misbehaving poor in the workhouse; Justices to settle disputes between the Directors and those hiring out the poor (*Sections 22 – 25*)

⁷⁰ Or workhouse.

- (j) the existing workhouse to be vested in the Guardians and sold; the money raised to be applied towards the purposes of this Act (*Section 26*)
- (k) charitable bequests for the poor to be applied by the Guardians; penalty on Churchwardens for refusing to receive donations or sacramental money; this Act not to extend to give the Guardians power over any existing almshouses, free schools or hospitals; Directors empowered to inspect the accounts maintained by the Churchwardens in respect of gifts received by them for poor relief (*Sections 27 - 29*)
- (l) lawful for the Directors to borrow money, not exceeding £4500, to be repaid out of the parish rates; power to use buildings belonging to the Guardians as security; form of mortgage; power to grant annuities to be paid out of the parish rates; form of grant; securities may be transferred; form of transfer (*Sections 30 - 33*)
- (m) power to raise funds for paying the interest on the money borrowed and to defray the costs of maintaining the poor through parish rates for the relief of the poor; all parish officers to assist in the execution of this Act; Directors empowered to hire Constables to assist in the better execution of this Act; one-off or occasional relief of the poor permitted (*Sections 34 - 37*)
- (n) money arising under the poor rates to be collected by the Overseers of the Poor and paid to the Treasurer for the management of the Directors; punishment of Overseers for failing to collect the rates (*Section 38*)
- (o) workhouse goods and chattels to be vested in the Directors; damaging or receiving workhouse property punishable offences (*Section 39*)
- (p) no business to be done at quarterly meetings unless 5 Directors are present; actions of the Directors only valid if done at official meetings under this Act; Directors may grant certificates of settlement; settlement certificates and bonds regarding illegitimate children previously granted to be delivered to the Clerk of the Guardians; Directors empowered to make byelaws regarding the governance of the Corporation and the better regulation and maintenance of the poor; the industrious poor to be rewarded; records to be kept of the proceedings of the Directors and made available to persons rated; certain appeals to require the consent of the Directors; provision for rates to cease when the profits of the inmates' labour became sufficient for their maintenance (*Sections 40 – 51*)
- (q) the recovery and application of penalties made under this Act; form of conviction; provision for appeal against penalties under this Act; rate

payers competent to give evidence; recovery of penalties not to be invalidated for want of form (*Sections 52 - 56*)

- (r) The expenses of the obtaining this Act; civil procedure matters; status of this Act (*Sections 57 – 59*).

5. A workhouse was built in 1794 on Claypit Street, Whitchurch.⁷¹ The workhouse was enlarged in the 1850s and continued to be used as a facility for the poor until it became Deermoss Hospital. The surviving buildings now form part of Whitchurch Hospital which provides geriatric care.

6. The 1792 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1792 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Shropshire County Council and the Local Government Association have been consulted about these repeal proposals.

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⁷¹ users.ox.ac.uk/~peter/workhouse/WhitchurchSalop/Whitchurch.shtml.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
32 Geo.3 c.95 (1792) (Salop Poor Relief Act)	The whole Act.
<i>32 Geo.3 c.95 (1792) (Salop Poor Relief Act)</i>	
1.	This note proposes the repeal of an obsolete 1792 Act passed to provide relief for the poor living in the various parishes in Salop. ⁷²
2.	According to its long title, the purpose of the 1792 Act was: <i>for the better Relief and Employment of the Poor of and within the several Parishes of Atcham, Wroxeter, Berrington, Cund, Eaton Constantine, Kenley, Leighton, Ussington, and Upton Magna, and the Chapelry of Cressage, in the County of Salop.</i>
3.	The <i>preamble</i> to the 1792 Act recorded that the poor living in the named parishes were “very numerous, and are maintained and supported at a great and burthensome Expence by the Inhabitants of such respective Parishes”. The preamble also recorded the desirability for “providing ... a convenient House or Houses for the general Reception of all the Poor of the said several Parishes ... and granting proper Powers for the Government, Regulation, and Employment of such Poor”.
4.	The 1792 Act provided as follows: <ul style="list-style-type: none"> (a) establishment of corporation to be known as <i>The Guardians of the Poor of the united Parishes of Atcham and others, in the County of Salop</i> (“the Guardians”) comprising all local residents in possession of land rated at £20 and certain other persons (<i>Section 1</i>) (b) first meeting of the Guardians to be held on the last Monday in June 1792; women authorised to vote by proxy; Guardians and Directors who are Justices of the Peace may act as Justices in the execution of this Act (<i>Sections 2 – 3</i>) (c) appointment of a Chairman; 15 Guardians to be appointed as Directors; the annual procedure for appointing Directors; replacement of Directors on their death or removal (<i>Sections 4 – 5</i>) (d) Churchwardens and Overseers of the Poor required to call vestry meetings; penalty for failure to do so (<i>Section 6</i>)

⁷² Now Shropshire.

- (e) procedure for electing Directors in case a list of Guardians is not provided by the parishes; procedure for accepting the position of Director; no Director to serve more than one term in a 3 year period after ceasing to hold office; oath for Directors; qualifications of the Guardians; Guardians and Directors to cover their own expenses (*Sections 7 -11*)
- (f) provisions for quarterly, weekly and special meetings; actions of the Directors only valid if done at official meetings under this Act; no business to be done at quarterly meetings unless 5 Directors are present; a Chairman to be elected at each meeting to have the deciding vote in case of equality of votes; penalty for failure to attend meetings (*Sections 12 - 14*)
- (g) Directors to appoint a treasurer, clerk and other officers for running the house of industry,⁷³ these officers to be paid an allowance for their troubles; the Directors to take security from the appointed officers for the faithful execution of their office; punishment of appointed officers for misbehaviour (*Sections 15 –17*)
- (h) Directors empowered to purchase land or buildings within the said parishes and erect buildings for the purposes of this Act; the buildings to be called “the Atcham House of Industry”; the Directors responsible for the maintenance of any building erected under this Act; conveyancing provisions; land purchased and buildings erected under this Act to be exempt from any new Parliamentary taxes imposed after the date of purchase; part of the ground to be set aside for a burial ground; such burial ground not to be used until consecrated; Directors to furnish the building with the goods necessary for receiving and setting the poor to work (*Sections 18 –23*)
- (i) provision to avoid conflicts of interest for Directors and Officers concerning contracts arising under this Act; until the house of industry is complete, the poor of the parish are to continue to be maintained by the Churchwardens and Overseers; Directors empowered to authorise temporary relief in cases of emergency (*Sections 24 -26*)
- (j) Directors vested with the care and management of the poor of the said parishes and are empowered to set the poor to work; Directors empowered to detain disorderly poor within a place of correction and put them to hard labour for 30 days; the power to apprehend vagrants and

⁷³ Or workhouse.

despatch the drunken, idle or disorderly poor to the house of industry; Clerk to keep a book of delinquents; power to return vagrants to their place of settlement (*Sections 27 – 29*)

- (k) poor children to be maintained in the workhouse until the age of 14 and may be apprenticed out for seven years or until the age of 18 (for a boy) or until the age of 18 or marriage (for a girl); such apprentices not to be assigned to anyone else without the consent of the Directors; poor children and adults may be farmed out; punishment of the poor for failure to return from work outside the house of industry; Justices to settle disputes between the Directors and those hiring the poor (*Sections 30 - 31*)
- (l) workhouse goods and chattels to be vested in the Directors; damaging or receiving workhouse property punishable offences (*Section 32*)
- (m) Directors to appoint Constables to facilitate the more effectual execution of this Act (*Section 33*)
- (n) lawful for the Directors to borrow money, not exceeding £5000, to be repaid out of the parish rates; form of mortgage; securities may be transferred; form of transfer; public notice of money borrowed to be given; provisions for how mortgages to be discharged (*Sections 34 - 36*)
- (o) power to raise funds for paying the interest on the money borrowed and to defray the costs of maintaining the poor through parish rates for the relief of the poor; Churchwardens and Overseers of the Poor to collect the rates; rates to be levied in the same manner as the poor relief had previously been collected; money arising under the poor rates shall be collected by the Overseers of the Poor and paid to the Treasurer; punishment of Overseers for failing to collect the rates or render accounts; provided that the rates do not exceed the average money rated for the previous 3 years (*Sections 37 -40*)
- (p) Treasurer to keep accounts; provision for this Act to cease if the annual expenditure exceeds £1099 (*Sections 41 – 42*)
- (q) provision for the previous year's rates to be continued if the Directors fail to make an assessment; all parish officers to assist in the execution of this Act; penalty for failure to do so; parish officers may raise money for purposes besides those set out in this Act provided an account of such sums raised is kept; penalty for failure to keep accounts; provision for one-off payments to provide relief for the poor (*Sections 45 – 47*)

- (r) existing buildings used for the relief of the poor to be vested in the Guardians with power to sell them; the money raised to be applied towards the purposes of this Act (*Section 48*)
- (s) Directors may grant certificates of settlement; settlement certificates and bonds regarding illegitimate children to be delivered to the Clerk of the Guardians; Directors empowered to make bye-laws regarding the governance of the Corporation and the better regulation and maintenance of the poor; the industrious poor to be rewarded; punishment for bringing alcohol into the workhouse (*Sections 49 –55*)
- (t) this Act not to extend to give the Guardians power over any existing almshouses, free schools or hospitals; gifts and donations made for the poor to be paid to the Treasurer and applied by the Guardians; penalty on Churchwardens for refusing to receive donations; those donating to the Corporation may be made Guardians; Directors empowered to inspect the accounts of parish officers concerning such donations (*Sections 56 -59*)
- (u) poor born in the workhouse not to gain settlement rights (*Section 60*)
- (v) procedure for giving notice under this Act; procedure for holding hearings under this Act; records to be kept of the proceedings of the Directors and made available to ratepayers (*Sections 61 - 64*)
- (w) illegitimate children and other poor persons to be returned to their place of settlement; appeals against return require the consent of the Directors; ratepayers to be competent witnesses at settlement hearings and other hearings under this Act (*Sections 65 – 69*)
- (x) provision for rates to cease when the profits of the workhouse inmates' labour is sufficient for their maintenance; the recovery and application of penalties made under this Act; form of conviction; appeals; actions under this Act not to be invalidated for want of form (*Sections 70 - 75*)
- (y) the expenses and status of this Act; civil procedure matters (*Sections 76 – 78*).

5. A workhouse was built at Cross Houses in Atcham pursuant to the 1792 Act.⁷⁴ The Atcham Poor Law Union, formed in November 1836, took over and adapted the workhouse. During the First World War the workhouse became the Berrington War Hospital, subsequently reverting to civilian use as the Poor Law Hospital for

⁷⁴ users.ox.ac.uk/~peter/workhouse/Atcham/Atcham.shtml.

Shropshire (later known as Cross Houses Hospital). In 2004 the site was redeveloped but with part of the original structure being preserved.

6. The 1792 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1792 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Shropshire County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
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<i>Reference</i>	<i>Extent of repeal or revocation</i>
35 Geo.3 c.61 (1795) (Bishopsgate Poor Relief Act)	The whole Act.
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<i>35 Geo.3 c.61 (1795) (Bishopsgate Poor Relief Act)</i>	
1.	This note proposes the repeal of an obsolete 1795 Act passed to provide relief for the poor living in the parish of Saint Botolph Bishopsgate, in the City of London.
2.	According to its long title, the purpose of the 1795 Act was: <i>for repealing an Act, passed in the Twelfth Year of the Reign of His present Majesty⁷⁵, intituled An Act for the more effectual assessing and collecting of the Rates for the Relief of the Poor in the Parish of Saint Botolph Bishopsgate, in the Liberties of the City of London; for providing a Workhouse for the Reception of the Poor of the said Parish; and for the Employment, Maintenance and Regulation, of the said Poor therein.</i>
3.	The <i>preamble</i> to the 1795 Act recorded that the powers of the earlier Act had been found “defective and insufficient”. Moreover the poor living in the parish of Saint Botolph Bishopsgate were “very numerous, and are maintained and supported at a very great Expence by the Parish”. The <i>preamble</i> also recorded the desirability for “granting of proper Powers for the better governing, maintaining, and regulating, of the said Poor, and for providing a Place for their general Reception”.
4.	The 1795 Act provided as follows: <ul style="list-style-type: none"> (a) repeal of the 1772 Act (<i>Section 1</i>) (b) appointment of trustees for putting this Act into execution; replacement of trustees on their death or removal; the first meeting of the trustees no later than 5 June 1795; no trustee to benefit or gain employment under this Act; trustees to defray their own expenses (<i>Sections 2 – 5</i>) (c) trustees empowered to raise money, not exceeding £10,000, by annuities; annuities to be for life or for a term of years; a record to be kept of annuitants; annuities to be charged on the poor rates; annuities not subject to taxation; annuities may be transferred; a record to be kept of such transfer; annuitants to receive a receipt and an order from the trustees (<i>Sections 6 - 11</i>)

⁷⁵ (1772) 12 Geo.2 c.79.

- (d) recent purchase of land by the trustees confirmed⁷⁶; trustees empowered to build a workhouse on the said land; workhouse to be furnished for the maintenance and employment of the poor; expenses of the building and furnishing workhouse to be met out of monies raised under this Act (*Sections 12 – 13*)
- (e) 14 days' notice to be given in the local papers before any contract to build the workhouse could be entered into; a record to be kept of all contracts entered into by the trustees (*Sections 14 – 15*)
- (f) churchwardens and overseers of the poor to meet quarterly for the purposes of assessing the poor rate; such rate to meet the cost of the interest due on the annuities and the cost of providing relief for the poor of the parish; churchwardens and overseers to collect the rates once assessed; arrangements for paying the interest on annuities; arrangements for the rating of tenanted properties; goods of tenants to be sold if rates not paid; unpaid rates to be recoverable by action for debt; no tenant to acquire settlement rights in the parish by paying the poor rate (*Sections 16 – 22*)
- (g) recovery of the poor rates in accordance with existing law; recovery of costs of distraining upon goods (*Sections 23 - 24*)
- (h) appointment of a committee to assist the churchwardens and overseers in regulating the poor of the parish; churchwardens, overseers and the committee empowered to issue such orders as necessary for maintaining, regulating and employing the poor; penalty for theft from the workhouse; saving for former poor laws; penalty for buying or receiving clothes or other workhouse property bought for the use of the poor (*Sections 25 - 29*)
- (i) expenses and status of this Act; appeals; civil procedure matters (*Sections 30 - 33*).

5. It is not clear whether any new workhouse was built pursuant to the 1795 Act. However, a workhouse in Bishopsgate was opened in 1730 (in Rose Alley) and this closed in 1847 (the site being redeveloped in the 1870s with the construction of Liverpool Street Station).

⁷⁶ The land was situated "in or near Dunning's Alley and Peter Street, in the said Parish of Saint Botolph without Bishopsgate": the 1795 Act, s 12. The price paid was £1765.

6. The 1795 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1795 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, the Parish and Ward Church of St Botolph without Bishopsgate, the City of London Corporation, the City Remembrancer and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
36 Geo.3 c.102 (1796) (Lincoln Poor Relief Act)	The whole Act.
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36 Geo.3 c.102 (1796) (<i>Lincoln Poor Relief Act</i>)	
1. This note proposes the repeal of an obsolete 1796 Act passed to provide relief for the poor living in the City of Lincoln.	
2. According to its long title, the purpose of the 1796 Act was: <i>the better Relief and Employment of the Poor of the several Parishes within the City of Lincoln, and County of the same City, and of the Parish of Saint Margaret, Part whereof lies within the said City, and the other Part in the Close of Lincoln, in the County of Lincoln.</i>	
3. The <i>preamble</i> to the 1796 Act recorded that the poor of the several parishes within the City and County of Lincoln and within the parish of St Margaret were: <i>“very numerous and burthensome to their respective Parishes, and they might be better and more comfortably maintained and supported, and at less Expenxe than they are at present, if a convenient House or Houses were provided for their Reception ... and for employing such as are able to work, which would also tend to the more effectual Relief, Assistance, and Accommodation of such as by Age, Infirmities, or Disease, are rendered incapable of supporting themselves by their Labour ...”.</i>	
4. The 1796 Act provided as follows:	
(a) the part of the parish of St Margaret within the Close of Lincoln was deemed to be within the City of Lincoln; appointment of guardians of the poor and their incorporation under the name of “ <i>The Guardians of the Poor within the City of Lincoln and Liberties thereof</i> ” (“the Guardians”); first meeting of the Guardians to be held on 2 August 1796 (<i>sections 1 and 2</i>)	
(b) provision for appointment of Directors from the ranks of the Guardians; provision for City Aldermen to be elected as Directors; provision for appointment of new Directors; churchwardens and overseers required to hold vestry meetings; penalty for failing to accept office of Director within ten days; no Director to be re-elected as such within three years of ceasing to hold office; Director’s oath of office; provision for additional Directors; quarterly meetings of Directors; appointment of auditors; powers of auditors; weekly meetings of Directors; appointment of chairman to meetings; proof of qualification as Guardian; women able to	

vote by proxy at meetings of the Guardians; penalty for acting as Guardian if not qualified (*sections 3 to 22*)

- (c) appointment of treasurer, clerk and other officers, including staff to run the workhouse (e.g. governors and matron) and clergy to perform divine service; rewards for governor and matron; taking of security from treasurer; treasurer and other officers to produce accounts of money received by them; penalty for failure to produce accounts (*sections 23 to 26*)
- (d) Directors empowered to contract to buy land within the City of Lincoln and to construct a workhouse or other buildings for the purposes of this Act; the buildings to be called "The Lincoln House of Industry"⁷⁷; conveyancing provisions; such land and buildings to vest in the Corporation (i.e. the Guardians as an incorporated body); rating of such land and buildings; Directors required to set aside space for a burial ground, such ground to be consecrated (*sections 26 to 36*)
- (e) Directors authorised to furnish the workhouse; Directors to have the management and care of the poor; Directors empowered to set the poor to work; Directors empowered to send the idle or disorderly poor to the workhouse; the poor to continue to be under the care of the churchwardens and the overseers pending the completion of the workhouse (*sections 37 and 38*)
- (f) Directors empowered to arrange for the apprehension of vagrants for despatch to the workhouse or for their conveyance to any previous place of settlement; workhouse children at 14 to be apprenticed for a maximum of seven years or until they reach 21 (boys) or 18 (girls); apprenticeships not to be assigned without Directors' consent; apprenticeships within the workhouse; sanction for ill-treatment of apprentices; Directors empowered to hire children and adults out for employment in the area (including gathering in the harvest); settlement of disputes arising out of such hiring out; application of profits arising from work done by the poor (*sections 39 to 49*)
- (g) discharge of poor persons to relatives or friends willing to provide for them; provision of temporary relief; provision to encourage the employment in Lincoln of poor persons willing to work (*sections 50 to 52*)

⁷⁷ I.e. workhouse.

- (h) provision to ensure that no Director has a personal interest in any contract or transaction arising under this Act; the Directors authorised to borrow up to £6000, assigning the Corporation's assets and the poor rates as security; form of assignments; power to grant annuities; form of such grant; annuities to be secured by the poor rates; receipts; transfer and records of securities (*sections 53 to 59*)
- (i) Directors authorised to assess the money needed to meet the amounts required to cover their obligations under this Act to provide relief for the poor and to service borrowings, by means of levying rates on the inhabitants of the various parishes; rates to be collected by the churchwardens and overseers who must account for the same to the treasurer and provide written accounts; amount of rates for each parish to be fixed by reference to the average poor relief expenditure by that parish over the previous ten years; special provision for the parish of St Michael; provision for making further assessments (*sections 60 to 64*)
- (j) churchwardens and overseers required to produce books and accounts of poor law receipts and expenses over the ten years up to Easter 1789; persons who were churchwardens or overseers in that ten year period required to produce books and accounts; provision for assessment of rates in the absence of such books and accounts; all parish officers required to assist the Directors in the execution of this Act; penalty for defaulting parish officers (*sections 65 to 68*)
- (k) certain parish income (including charity money) to be included in the calculation of rates assessments; this Act not to affect the management of charitable funds in the hands of the Corporation of the City of Lincoln; application of future gifts made for the poor of Lincoln; parish officers' other powers to raise money to provide poor relief; parish officers allowed to retain money to provide poor relief for one-off purposes; provisions for repayment of debts; all goods and chattels used for the poor to vest in the Directors; penalty for stealing, damaging or receiving such property; form of conviction (*sections 69 to 84*)
- (l) parish officers to deliver residence certificates to the clerk; Directors empowered to make bye-laws for giving effect to the purposes of this Act; procedure for amending bye-laws; rewards for industrious workhouse inmates; all contracts and proceedings to be recorded in writing; inspection of books and papers; Guardians authorised to examine the management of the workhouse; Directors authorised to contract for the

maintenance of the poor of other parishes; such parishes entitled to appoint a Director; workhouse inmates not to acquire any settlement rights in the parish where the workhouse is situated; ascertaining the place of settlement of illegitimate children; certain appeals to require the consent of Directors; poor rates to cease if workhouse profits meet the cost of maintaining the poor in the workhouse (*sections 85 to 98*)

(m) recovery and application of penalties arising under this Act; ratepayers competent to give evidence in certain proceedings; this Act not to extend to certain parishes without the consent of householders in those parishes; this Act not to give the Corporation any powers in relation to the poor in any almshouses or hospitals; this Act not to extend to any district separately liable to maintain its own poor; justice of the peace authorised to proceed in cases not covered by this Act; Directors empowered to appoint special constables; Governor of workhouse authorised to execute warrants (*sections 99 to 106*)

(n) expenses of this Act; appeals; civil procedure issues; status of this Act (*sections 107 to 112*).

5. In the event, the 1796 Act was used not to build a new workhouse but rather to purchase an existing one. In March 1797 the Directors bought an existing workhouse for £730 for the use of the City of Lincoln's thirteen parishes. However, following the formation of the Lincoln Poor Law Union in November 1836, a new workhouse was built (in 1837-38) on the west side of Burton Road. The old workhouse site was sold for £400 and the buildings were demolished in 1839.

6. The 1796 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1796 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Lincoln City Council, Lincolnshire County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

39 Geo.3 c.xlii (1799) (Samford Poor Relief Act)	The whole Act.
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39 Geo.3 c.xlii (1799) (Samford Poor Relief Act)

1. This note proposes the repeal of an obsolete 1799 Act passed to provide relief for the poor living in the ancient hundred of Samford, Suffolk.⁷⁸ This was an area comprising 28 parishes between modern-day Ipswich and Manningtree.

2. According to its long title, the purpose of the 1799 Act was:

the better and more effectual Relief and Employment of the Poor in the Hundred of Samford, in the County of Suffolk.

3. The *preamble* to the 1799 Act recorded that, by an Act of 1764,⁷⁹ a house of industry⁸⁰ and other buildings had been established in the parish of Tattingstone within the hundred of Samford “for the Reception and Employment of the Poor” and that a great deal of money had been borrowed for the purpose against the security of the local poor rate, such loans being still outstanding. The preamble also recorded that the number of the poor living in the hundred of Samford had greatly increased in recent years so that the house of industry was now too small. Moreover the current level of poor rate was too low to support the poor.

4. The 1799 Act provided as follows:

(a) repeal of the 1764 Act; appointment of guardians of the poor and their incorporation under the name of “The Guardians of the Poor within the Hundred of Samford, in the County of Suffolk” (“the Guardians”); women to act only by proxy (*sections 1 to 3*)

(b) house of industry and other property to be vested in the Guardians (*section 4*)

(c) appointment of Directors with authority (together with Acting Guardians) to execute the powers of this Act; election and qualification of Directors; meetings of Directors and Acting Guardians; appointment of clerk and other officers (*sections 5 to 12*)

⁷⁸ The ‘hundred’ is an ancient description of groups of townships in English counties.

⁷⁹ 4 Geo.3 c.59.

⁸⁰ Workhouses were sometimes known as houses of industry. The Samford House of industry was originally built in 1766 for the accommodation of 500 paupers.

- (d) Directors and Acting Guardians empowered to contract to buy additional land for the use of the poor; to enlarge the existing house of industry; and to construct a house of correction; all such buildings to be free from local taxes; penalty for obstructing the repairing or erection of such buildings (*sections 13 to 19*)
- (e) Guardians empowered to set the poor people to work in any trade or occupation; Directors and Acting Guardians authorised to arrange apprenticeships for any poor children, and hire out poor persons for employment in the area (including harvest gathering) (*sections 20 to 27*)
- (f) all profits from the labour of the poor to be paid to the treasurer appointed by the Directors and Acting Guardians; poor persons to be delivered to any relative able and willing to provide for them; incentives to provide work to poor persons able and willing to work; punishment for idle and disorderly persons who refuse to maintain themselves and their families (*sections 28 to 33*)
- (g) bye-laws made under 1764 Act to continue; Directors and Acting Guardians authorised to make new bye-laws (*section 34*)
- (h) Directors and Acting Guardians authorised to grant leases of property given for the relief of the parish poor; and to distribute certain legacies amongst the parish poor (*sections 35 and 36*)
- (i) Directors and Acting Guardians authorised to assess a rate on the inhabitants of the parish to meet the costs of providing poor relief and to pay off outstanding loans and interest; the rate to be levied and collected by the churchwardens and overseers; rate not to exceed twice the sum charged in previous years (*sections 37 to 39*)
- (j) rates collected to be used as security for moneys already borrowed or to be borrowed in the future; interest on such future loans not to exceed 5%; transfer of mortgages; payment of expenses of this Act; repayment of mortgages (*sections 40 to 43*)
- (k) churchwardens, overseers and other parish officials required to assist the Directors and Acting Guardians in the execution of their duties under this Act and produce books and accounts; penalty for failure to collect or account for rate moneys; removal of poor persons between parishes; penalty for failure by churchwardens or overseers to provide information about certain new residents in the hundred; delivery of bonds given pursuant to the 1764 Act (*sections 44 to 48*)

- (l) churchwardens and overseers to execute court orders concerning poor persons; Directors and Acting Guardians authorised to appoint staff for the house of industry (including a matron and surgeon) and to appoint a constable (*sections 49 to 51*)
- (m) penalties for embezzling, swearing, theft of house of industry property or for taking alcohol into the house (*sections 52 to 56*)
- (n) justices of the peace empowered to act upon complaints by Directors or Acting Guardians; delivery to Directors and Acting Guardians of moneys collected under the 1764 Act (*sections 57 and 58*)
- (o) proceedings of meetings of Directors and Acting Guardians; penalties for non-attendance; collection of penalties imposed under this Act; appeals; civil procedure issues; status of Act (*sections 59 to 66*).

5. The Samford house of industry continued in use into the twentieth century by which time it had become known as the Samford Poor Law Institution. After 1930 the building became St Mary's Hospital, caring for the chronic sick, before becoming a rehabilitation centre for the elderly. In 2001 the site (Samford Court, Lemons Hill, Tattinstone) was redeveloped for residential use.

6. The 1799 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1799 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Babergh District Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
39 & 40 Geo.3 c.xlviii (1800) (Aldbourn Workhouse and Overseers Act)	The whole Act.
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<i>39 & 40 Geo.3 c.xlviii (1800) (Aldbourn Workhouse and Overseers Act)</i>	
1.	This note proposes the repeal of an obsolete 1800 Act passed to provide relief for the poor living in the parish of Aldbourn in Wiltshire.
2.	According to its long title, the purpose of the 1800 Act was: <i>for providing a Workhouse for the Use of the Parish of Aldbourn in the County of Wilts; and for appointing an additional Overseer for the better Government of the Poor of the said Parish.</i>
3.	The <i>preamble</i> to the 1800 Act recorded that the poor living in the parish of Aldbourn “are exceedingly numerous: And whereas if a Workhouse were to be provided for the said Parish, wherein the Poor thereof might be kept and employed, and Power given to compel them to work, the Rates for their Relief might be rendered much less burdensome ... than at present”. The preamble also recorded the need to appoint an additional overseer. ⁸¹
4.	The 1800 Act provided as follows: <ul style="list-style-type: none"> (a) appointment of trustees to provide and maintain a workhouse in the parish; election of replacement trustees; meetings of trustees; one trustee to be elected as President; disqualification as trustee; appointment of officers (<i>sections 1 to 6</i>) (b) trustees authorised to borrow money against the security of the rates raised under the 1800 Act; transfer of such loans (<i>sections 7 to 9</i>) (c) trustees authorised to purchase land on which to build the workhouse; powers to build, repair and maintain the workhouse, and enter into contracts for the construction; power to hire premises; contracts to be recorded; churchwardens and overseers required to provide trustees with all necessary funds (<i>sections 10 to 14</i>) (d) inhabitants of parish to appoint an additional overseer with an annual salary not exceeding £100; additional overseer’s oath of office and summary of his powers (<i>sections 15 to 18</i>)

- (e) trustees authorised to appoint a master or mistress of the workhouse; appointment of treasurer to pay poor-rate monies to the additional overseer (*sections 19 and 20*)
- (f) inspection of accounts of the additional overseer; penalty for any overseer failing to collect poor-rates; overseers to account to treasurer for rate monies received; penalties for defaulting overseers; protection for the additional overseer (*sections 21 to 25*)
- (g) records to be kept of all clothing and goods bought for the workhouse; no parish poor officer to be involved in supplying goods or services for the workhouse; additional overseer authorised to find employment for any workhouse inmate (*sections 26 to 28*)
- (h) penalties for taking, selling or buying clothing or other goods belonging to the workhouse; penalties for misbehaviour by workhouse inmates; rewards for industrious inmates and dutiful workhouse master or mistress; workhouse profits to be applied in support of the poor-rates (*sections 29 to 35*)
- (i) civil procedure issues; expenses of enactment; status of Act.

5. A workhouse was duly opened pursuant to the 1800 Act. The building was situated at the junction of Oxford Street and South Street. Its use, however, was short-lived for it burned down in 1819.

6. The 1800 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1800 Act is obsolete and may now be repealed on that basis.

⁸¹ An overseer was a parish official whose function was to collect poor-rates from the inhabitants of the parish. Outside London, overseers were abolished by the Rating and Valuation Act 1925, ss 1(2), 68(1).

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Kennet District Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

46 Geo.3 c.xliv (1806) (Norfolk Poor Relief Act)	The whole Act.
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46 Geo.3 c.xliv (1806) (Norfolk Poor Relief Act)

1. This note proposes the repeal of an obsolete Act of 1806 passed to provide relief for the poor living in several parishes in Norfolk.

2. According to its long title, the purpose of the 1806 Act was:

for the more effectual Relief and Employment of the Poor in the Parishes of Buxton, Hevingham, Marsham, Stratton Strawless, Swanton Abbott, Burgh next Aylsham, Skeyton, Brampton, and Oxmead in the County of Norfolk.

3. The *preamble* to the 1806 Act recorded that the poor living in the three parishes of Buxton, Hevingham and Marsham were provided for by a workhouse built in Buxton pursuant to a 1782 Act.⁸² In 1801 the three parishes formed a union pursuant to the 1782 Act and the workhouse was built shortly afterwards.⁸³ This workhouse proved to be much larger than was necessary for the poor of the three parishes. Accordingly it was proposed that the three parishes should form a union with several additional Norfolk parishes, so that the poor of all the parishes could have access to this large workhouse. These additional parishes were Stratton Strawless, Swanton Abbott, Burgh next Aylsham, Skeyton, Brampton and Oxmead.

4. The 1806 Act provided as follows:

(a) establishment of a Corporation to be known as *The Visitors⁸⁴ and Guardians of the Poor for the United Parishes of Buxton, Hevingham, Marsham, Stratton Strawless, Swanton Abbott, Burgh next Aylsham, Skeyton, Brampton and Oxmead, in the County of Norfolk* (“the Guardians”) (*Section 1*)

(b) first meeting of the Guardians; proceedings at weekly meetings; Chairman to be appointed to have the deciding vote in case of equality of votes; qualifications of the voters at such meetings (*Sections 2 - 4*)

⁸² 1782 (22 Geo. 3 c.83) “An Act for the better Relief and Employment of the poor”. This Act was promoted by Thomas Gilbert and it authorised parishes to combine into unions and provide workhouses for the old, the sick and infirm. It was repealed by the Statute Law Revision Act 1871.

⁸³ This workhouse may have been an enlargement of a workhouse built in Buxton before 1800.

⁸⁴ Visitors had the function of inspectors of the workings of the poor law in a particular area. They were often appointed by the local justices and would supervise the work of the Guardians of the Poor.

- (c) Justices to appoint a Guardian for each parish; procedure for the subsequent annual appointment of Guardians; Guardians to serve a term of 3 years; procedure for replacing Guardians on their death or removal (*Sections 5 – 8*)
- (d) fine of £20 for the refusal or failure to take up the post of Guardian; no person liable to serve as a Guardian within 3 years of their previous appointment, unless they consent to take on the office; penalty on parishioners for voting without being qualified; provided that this does not invalidate the outcome of the vote (*Sections 9 - 11*)
- (e) Guardians to have all the powers and duties of overseers of the poor, except with regard to collecting the rates; Guardians to have the care and management of the poor; poor rates to be collected by churchwardens and overseers of the poor and paid to the Treasurer for the united parishes (*Sections 12 – 13*)
- (f) Guardians to order the collectors of the poor rates to collect such money as might be necessary under this Act; in case of refusal the Justice of the Peace could levy the amount by distress against the goods of the collectors (*Section 14*)
- (g) Visitors of the Poor (“Visitors”) to appoint a Governor of the workhouse and pay him a salary; removal of the Governor for misbehaviour or neglect of office (*Section 15*)
- (h) Guardians to elect Visitors for each of the named parishes; procedure if the person elected refuses to act as Visitor; each Visitor to elect a deputy; Visitors to generally superintend the workhouse and review the accounts; Guardians and the Governor to obey directions given by the Visitors; procedure for the annual appointment of Visitors (*Sections 16 - 20*)
- (i) Treasurer of the workhouse to be appointed; Treasurer to give security to the Guardians for the money handled by him; Treasurer to keep the accounts of the Guardians for inspection at the Quarter Sessions; procedure for replacing officers on death or removal (*Sections 21 - 22*)
- (j) provision for substitute Justices of the Peace; Justice may appoint special sessions for executing the powers of this Act (*Sections 23 - 24*)
- (k) the Guardians authorised to make changes to the workhouse and provide appropriate furnishings; the cost of building and furnishing the workhouse as authorised under the 1782 Act to be payable by, and charged upon the poor rates of, all the parishes; Visitors and Guardians authorised to borrow money up to £1000 secured against the poor rates; money

borrowed to be used for furnishing the workhouse and other purposes of this Act (*Sections 25 - 27*)

- (l) poor persons sent to the workhouse to be maintained at the expense of their respective parishes; Guardians to meet once a month to inspect the accounts and set the poor rates for each parish; penalty on churchwardens and overseers for failure to collect and hand over the poor rates; penalty on overseers and Guardians who fail to attend the monthly meetings (*Sections 28 – 31*)
- (m) persons sent to the workhouse to present to the Governor an order signed by the Guardian for their parish; lawful to send to the workhouse all persons unable to support themselves; poor children could be placed outside the workhouse at a weekly allowance until the child became of sufficient age to be put into service or apprenticed out; Guardians to provide work for persons willing to work but unable to find employment; Guardians to provide suitable clothing for the persons they sent to the workhouse (*Sections 32 - 36*)
- (n) rules and orders contained in the schedule to this Act to be enforced and obeyed at the workhouse; procedure for enquiring into complaints that a Guardian has failed to give relief to a poor person; powers to punish idle or disorderly complainants; application of fines levied on Guardians following such complaints (*Sections 37 – 40*)
- (o) poor persons stranded outside their parish and afflicted with a sickness rendering them unable to support themselves to be provided with lodgings by the nearest Guardian until they could be safely removed to their place of settlement; casual poor not settled in any one parish to be jointly relieved by the united parishes; nothing in this Act to affect the settlement of any person (*Sections 41 – 43*)
- (p) penalty on poor persons for stealing goods from the workhouse; penalty on any Guardians who sold workhouse property (*Sections 44 – 45*)
- (q) lawful for the Guardians to sell or dispose of any buildings in the parishes that have been used for the relief of the poor, and apply the proceeds for the purposes of this Act (*Section 46*)
- (r) recovery and application of penalties levied under this Act; form of conviction; appeals; civil procedure issues; expenses and status of Act (*Sections 47 – 52*).

5. The workhouse in Buxton built in, or just after 1801, pursuant to the union in that year of the three parishes may well have been an enlargement of a workhouse built there before 1800. In 1836 the Buxton Union was subsumed by the formation of the Aylsham Poor Law Union. In 1849 the Aylsham Union replaced other workhouses in the area, including that at Buxton.

6. The 1806 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1806 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Norfolk County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

47 Geo.3 Sess.2 c.lxxiii (1807) (Cosford and Polstead Poor Relief Act)	The whole Act.
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47 Geo.3 Sess.2 c.lxxiii (1807) (Cosford and Polstead Poor Relief Act)

1. This note proposes the repeal of an obsolete 1807 Act passed to provide relief for the poor living in the Hundred of Cosford⁸⁵ and the parish of Polstead, in Suffolk.

2. According to its long title, the purpose of the 1807 Act was:

to alter, amend, and render more effectual, an Act passed in the Nineteenth Year of his present Majesty, for the better Relief and Employment of the Poor of the several Parishes within the Hundred of Cosford, (except the Parish of Hadleigh) and also of the Parish of Polstead, within the Hundred of Babergh, in the County of Suffolk.

3. The *preamble* to the 1807 Act refers to an Act of 1779⁸⁶ which incorporated *The Guardians of the Poor within the Hundred of Cosford and Parish of Polstead, in the County of Suffolk* (“the Guardians”). Under the 1779 Act the Guardians built a house for the reception of the poor⁸⁷ in the Hundred of Cosford. Some of the provisions of the 1779 Act were found to be insufficient for the effectual relief of the poor. It was therefore necessary to amend the provisions of the 1779 Act.

4. The 1807 Act provided as follows:

(a) repeal of 1779 Act provisions concerning discharge of poor children once they reached 15 (males) or 13 (females); poor children sent to the workhouse to be under the care and government of the Guardians; Guardians to employ a teacher to teach the workhouse children to read and write; poor children could be apprenticed out, provided the Guardians were satisfied as to the suitability of the persons taking on apprentices; provision for the expenses of clothing apprenticed poor children; application of penalties for refusing to take poor children on as apprentices; process for complaints of mistreatment of apprentices; penalty for such mistreatment (*Sections 1 – 8*)

⁸⁵ The “hundred” is an ancient description of groups of townships in English counties.

⁸⁶ 19 Geo. 3 c.30 (1779) “An Act for the better Relief and Employment of the Poor of the several Parishes within the Hundred of Cosford, (except the Parish of Hadleigh) and also of the Parish of Polstead, within the Hundred of Babergh, in the County of Suffolk”; now repealed by Statute Law Revision Act 1948.

⁸⁷ In other words, a workhouse.

- (b) Guardians empowered to punish workhouse inmates for misbehaviour; penalties for churchwardens and overseers of the poor who neglect their duties; churchwardens and overseers empowered to grant cash relief to the poor of their parishes in cases where the poor persons are living in their own homes; provision for cash relief even if the poor persons are from another parish; churchwardens and overseers empowered to raise and levy money for the support of the poor (*Sections 9 – 13*)
- (c) expenses of maintaining the poor in the workhouse to be defrayed by the parishes in proportion to the number of poor sent by each parish; expenses to be calculated weekly; Guardians to provide the poor in the workhouse with clothes and to charge the expense to the parish that sent the poor person to the workhouse; expenses of the continuing maintenance of the workhouse to be paid by the parishes in proportion to the number of poor each parish sent there; expenses of procuring this Act (*Sections 14 – 17*)
- (d) Churchwardens to deliver an annual list of the poor persons relieved by them outside of the workhouse; penalty for refusal to deliver such list; penalty for giving false evidence pursuant to this Act; inhabitants of Hadleigh not to have rights under this Act⁸⁸ (*Sections 18 to 20*)
- (e) this Act to be construed together with the 1779 Act; status of this Act (*Sections 21 and 22*).

5. Pursuant to the 1779 Act, a workhouse was built in 1780 at Semer. The Cosford incorporation provided for by that Act was dissolved and replaced by the Cosford Poor Law Union which was established in 1836. The new Union took over the Semer workhouse and further works were carried out to it. The building ceased to be used as a workhouse in 1930. A small portion of the original workhouse remains and has been incorporated in a private house.⁸⁹

6. The 1807 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either

⁸⁸ Hadleigh maintained a separate system of poor relief.

⁸⁹ users.ox.ac.uk/~peter/workhouse/Cosford/Cosford.shtml.

from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1807 Act is obsolete and may now be repealed on that basis.⁹⁰

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Suffolk County Council and the Local Government Association have been consulted about these repeal proposals.

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⁹⁰ A further basis of repeal is the fact that the 1807 Act was an amending Act, and the Act that it amended, the 1779 Act, was repealed by the Statute Law Revision Act 1948.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
52 Geo.3 c.xii (1812) (Wangford (Suffolk) Poor Relief Act)	The whole Act.
3 & 4 Will.4 c.xlviii (1833) (Wangford (Suffolk) Poor Relief Act)	The whole Act

1. This note proposes the repeal of two obsolete nineteenth century Acts passed to provide relief for the poor living in the hundred of Wangford, in Suffolk.⁹¹

52 Geo.3 c.xii (1812) (Wangford (Suffolk) Poor Relief Act)

2. According to its long title, the purpose of the 1812 Act was:

for altering and enlarging the Powers of an Act of His present Majesty, for the better Relief and Employment of the Poor in the Hundred of Wangford, in the County of Suffolk.

3. The *preamble* to the 1812 Act recorded that an Act of 1764⁹² did not authorise sufficient poor rates to cope with the great increase of the poor in the Hundred⁹³ and the high cost of providing for their maintenance and support. It was therefore necessary to amend the provisions of the 1764 Act.

4. The 1812 Act provided as follows:

(a) *The Guardians of the Poor within the Hundred of Wangford, in the County of Suffolk* (“the Guardians”) to have the care and management of all poor persons within the Hundred; the poor to continue to be kept in the house of Industry⁹⁴ established under the 1764 Act (*Section 1 – repealed by the 1833 Act – see below*)

(b) reducing the number of Guardians to 24, elected by the Directors out of the current body of Guardians (*Section 2*)

(c) six Guardians and six Directors to be appointed to act for each quarter; power to divide into committees; penalties for non-attendance at the committee meetings (*Section 3 – repealed by the 1833 Act – see below*)

⁹¹ There are two Wangfords in Suffolk. The one with which this note is concerned is the one in east Suffolk, near Beccles.

⁹² 4 Geo. 3 c.91 “An Act for the better Relief and Employment of the Poor in the Hundred of Wangford, in the County of Suffolk”. This Act was repealed by the Statute Law Revision Act 1948.

⁹³ The “hundred” is an ancient description of groups of townships in English counties.

⁹⁴ Workhouses were commonly described as “houses of industry”.

- (d) all byelaws made under the authority of the 1764 Act to continue in force; Guardians to have the power to make new byelaws for the better employing and supporting the poor; power to repeal byelaws (*Section 4*)
- (e) ratepayers competent to give evidence in matters concerning this Act (*Section 5*)
- (f) lawful for the Guardians to assess the poor rate to raise such sums as were necessary to provide for the poor and repay money borrowed under the 1764 Act; parishes to be charged in proportion to the average number of paupers sent to the House of Industry (*Section 6 - repealed by the 1833 Act – see below*)
- (g) Directors and Guardians authorised to alter the rates at their annual or quarterly meetings; Directors required to review the rates and the proportions in which they were charged every 7 years (*Section 7*)
- (h) if, in a period of 7 years, a parish had sent no poor to the House of Industry, that parish should be charged only for the general expense of maintaining the House of Industry; provisions to enable the Guardians to ascertain the place of settlement of the poor; Directors to be elected to attend committee meetings to audit accounts; penalty for failing to attend if so elected (*Sections 8 to 10*)
- (i) punishment of the poor in the House of Industry; Guardians to provide lodgings for women of loose morals; lawful for the Guardians to borrow money not exceeding £5000 for the maintenance of the House of Industry (*Sections 11 to 13*)
- (j) provisions of the 1764 Act not repealed or altered under this Act to be extended to this Act; expenses and status of this Act (*Sections 14 to 16*).

3 & 4 Will.4 c.xlviii (1833) (Wangford (Suffolk) Poor Relief Act)

5. According to its long title, the purpose of the 1833 Act was:

to alter and enlarge the Powers of several Acts passed for the better Relief and Employment of the Poor in the Hundred of Wangford in the County of Suffolk.

6. The preamble to the 1833 Act recorded that the purposes of the 1764 and 1812 Acts could “be attended with still greater Utility if the same were further extended and enlarged”.

7. The 1833 Act provided as follows:
- (a) repeal of the 1764 and 1812 Acts as regards the number and choosing of Guardians; 36 Guardians to be elected annually; Guardians to be elected in each parish; voters to be inhabitants of the parish rated at over £5; qualification of the Guardians; present Guardians to continue in office until the election was complete (*Sections 1 – 5*)
 - (b) replacement of Guardians on their death, removal, or bankruptcy; procedure for replacement of a Guardian elected but not qualified; the posts of Treasurer and Clerk to be held by different people; restrictions on the number of Directors to be elected for certain parishes; 15 Directors and Guardians to be appointed for each quarter (*Sections 6 to 10*)
 - (c) repeal of the provisions in the 1764 and 1812 Acts limiting the amount of assessment of poor rates; Guardians given new powers to assess the sum necessary for the maintenance of the poor in the House of Industry and for repaying the interest on any money borrowed; method for dividing this sum among the parishes; if the sum assessed was insufficient the Guardians could levy a rate to fund the deficiency (*Sections 11 - 15*)
 - (d) costs of litigation between the parishes to be borne by the parishes involved (*Section 16*)
 - (e) repeal of provisions in the previous Acts requiring that all poor persons in the Hundred be kept in the workhouse; all the poor to continue to be under the management of the Guardians; all existing byelaws to remain in force; Guardians authorised to make or repeal byelaws; Churchwardens and Overseers of the Poor authorised to raise money for the purposes of this Act; power for them to provide relief for individual poor persons; penalty for failure to do so or otherwise execute their duties under this Act; recovery and application of penalties (*Section 17 to 22*)
 - (f) repeal of provisions in the 1764 Act relating to the binding out of poor children as apprentices; Guardians empowered to bind out poor children as apprentices so long as the sum for binding out did not exceed £20; power for Guardians to take one-off settlement payments from the fathers of illegitimate children (*Sections 23 to 25*)
 - (g) provisions of the 1764 and 1812 Acts not repealed or altered by this Act to be extended to this Act; expenses and status of this Act (*Sections 26 – 28*).

8. A workhouse was built in 1767 in Shipmeadow, near Beccles under the 1764 Act. This workhouse, constructed for 350 residents, was taken over by the Wangford Poor Law Union when the latter was established in June 1835. The building, known as Shipmeadow House, continued to be used as a workhouse until the early 1900s. In the 1940s the building was used as a school for evacuees and later as a pig farm. The buildings have now been converted to residential accommodation.⁹⁵

9. Both the 1812 and 1833 Acts have long been obsolete. They date back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

10. Accordingly the 1812 and 1833 Acts are obsolete and may now be repealed on that basis.⁹⁶

Consultation

11. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Suffolk County Council and the Local Government Association have been consulted about these repeal proposals.

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⁹⁵ <http://users.ox.ac.uk/~peter/workhouse/Wangford/Wangford.shtml>.

⁹⁶ A further basis of repeal is the fact that both Acts were amending Acts, and the Act that they amended, the 1764 Act, was repealed by the Statute Law Revision Act 1948.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
52 Geo.3 c.xiii (1812) (Westfirle, Beddingham and Glynde Poor Relief Act)	The whole Act.
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<i>52 Geo.3 c.xiii (1812) (Westfirle, Beddingham and Glynde Poor Relief Act)</i>	
1. This note proposes the repeal of an obsolete 1812 Act passed to provide relief for the poor living in various parishes in East Sussex.	
2. According to its long title, the purpose of the 1812 Act was: <i>for the better Employment and Support of the Poor in the Parishes of Westfirle,⁹⁷ Beddingham, and Glynde, in the County of Sussex.</i>	
3. The <i>preamble</i> to the 1812 Act recorded that the poor living in the named parishes “have of late Years considerably increased, and might be much more comfortably and economically maintained, the Condition of the Aged and Infirm ameliorated, and the Instruction of the Young improved, if a House or Houses were provided for their Reception ...”.	
4. The 1812 Act provided as follows:	
(a) establishment of corporation to be known as <i>The Guardians of the House of Industry for the Parishes of Westfirle, Beddingham, and Glynde, in the County of Sussex</i> (“the Guardians”) comprising all local ratepayers and certain other persons (<i>section 1</i>)	
(b) first meeting of the Guardians to be held on 14 May 1812; six Guardians to be appointed as Directors; the procedure for appointing successor Directors; replacement of Directors on their death or removal; Directors’ oath of office; penalty for failing to accept office of Director; exemption from taking such office; at least one Director to be elected from each parish (<i>sections 2 to 10</i>)	
(c) provisions for monthly, quarterly and occasional meetings; quorum for such meetings; actions of the Directors only valid if done at official meetings under this Act; a Chairman to be elected at each meeting to have the deciding vote in case of equality of votes; Directors empowered to make and repeal bye-laws for the proper execution of this Act; proceedings of Directors to be recorded in writing; Directors to form	

⁹⁷ Today known as West Firle.

Committees; Directors to meet their own expenses; Directors permitted to hold office of justice of the peace (*sections 11 to 21*)

- (d) Directors to appoint a treasurer, clerk and other officers for running the workhouse; these officers to be paid an allowance for their troubles; the Directors to take security from the appointed officers for the faithful execution of their office; all Directors to be notified before appointment of officers; Directors to audit accounts quarterly; penalty for officers refusing to produce accounts (*sections 22 to 26*)
- (e) Directors empowered to purchase land or buildings within the parishes for the purposes of this Act; conveyancing provisions; Directors empowered to sell any land once purchased; Directors authorised to erect workhouse and other buildings and to furnish them as necessary; limit of rates to be charged on these buildings; Directors empowered to enter into contracts for building and repairs; public notice of all contracts; power to reach settlement in cases of breaches of contract; contracts to be open to public inspection (*sections 27 to 43*)
- (f) churchwardens and overseers of the poor authorised to send poor persons to the workhouse once it had been completed; quotas for how many poor people each parish could send to the workhouse; parishes able to share quotas; power to bar insane people or people with contagious diseases from the workhouse; requirement for people with contagious diseases to be provided with separate lodgings (*sections 44 to 47*)
- (g) Directors vested with the care and management of the poor of the parishes and empowered to set the poor to work; no strong liquor to be brought into the workhouse; rewards for industrious inmates; punishments for misbehaving inmates; poor children to be taught to read and write (*sections 48 to 52*)
- (h) penalty for embezzling workhouse inmates; penalty for receiving stolen property provided for the use of the poor; poor born or maintained in the workhouse not to gain settlement rights; settlement rights of illegitimate children (*sections 53 to 56*)
- (i) Directors authorised to meet to assess the sums needed by way of poor rates to cover the costs of maintaining the poor of the parishes and other expenditure; churchwardens and overseers required to raise and collect the poor rates; provision for further rates levy if insufficient money raised; amount of rates to be apportioned amongst the parishes; penalty for

churchwardens and overseers who fail to hand over the rates to the treasurer; churchwardens and overseers to produce books and accounts (*sections 57 to 60*)

(j) lawful for the Directors to borrow money, not exceeding £10,000, to be repaid out of the parish rates; form of mortgage; securities may be transferred; form of transfer; moneys borrowed to be paid to the treasurer; interest payments (*sections 61 to 64*)

(k) ratepayers to be competent witnesses; recovery and application of penalties; form of conviction; appeals; civil procedure matters; custody of common seal; expenses and status of this Act (*sections 65 to 73*).

5. In the event no workhouse was ever built pursuant to the 1812 Act. The Union formed by that Act was dissolved in 1835 and was replaced by a new West Firle Union. The latter Union did build a workhouse in West Firle, the building being completed in 1836. However this work was not executed pursuant to the 1812 Act.

6. The 1812 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1812 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, East Sussex County Council and the Local Government Association have been consulted about these repeal proposals.

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53 Geo.3 c.cxxvii (1813)
(Colneis and Carlford Poor Relief Act)

The whole Act.

53 Geo.3 c.cxxvii (1813) (Colneis and Carlford Poor Relief Act)

1. This note proposes the repeal of an obsolete 1813 Act passed to provide relief for the poor living in the hundreds⁹⁸ of Colneis and Carlford, near Ipswich in Suffolk.

2. According to its long title, the purpose of the 1813 Act was:

for amending an Act of His present Majesty, for the better Relief and Employment of the Poor within the Hundreds of Colneis and Carlford, in the County of Suffolk.

3. The *preamble* to the 1813 Act referred to an Act of 1790⁹⁹ for the relief of the poor and that it was necessary to amend this Act to render it more effectual. The 1790 Act established a corporation to be known as *the Guardians of the Poor of the Hundreds of Colneis and Carlford, in the County of Suffolk* (“the Guardians”) comprising local ratepayers.¹⁰⁰ The 1790 Act repealed two earlier enactments passed to provide relief for the poor in the Hundreds.¹⁰¹ The *preamble* to the 1790 Act recorded that a workhouse for the poor of the Hundreds had been erected pursuant to those two enactments, at Nacton (near Ipswich).

4. The 1813 Act provided as follows:

(a) repeal of the 1790 Act provisions relating to the placing out of poor children maintained in the workhouse for the Hundreds of Colneis and Carlford; lawful for the Guardians to place poor children out for one year; poor children could be apprenticed for between 3 and 7 years or until the ages of 18 for boys or 15 for girls; children apprenticed by virtue of the 1790 Act to be deemed apprenticed under this Act; Guardians to provide apprenticed children with clothing; application of penalties for refusal to take on an apprentice (*Sections 1 - 4*)

(b) repeal of the 1790 Act provisions about penalties for churchwardens and overseers of the poor who neglect their duty; new penalties for such neglect (*Sections 5 – 6*)

⁹⁸ The “hundred” is an ancient description of groups of townships in English counties.

⁹⁹ 30 Geo.3 c.22 (1790) An Act for the better Relief and Employment of the Poor, within the Hundreds of Colneis and Carlford, in the County of Suffolk; repealed by Statute Law Revision Act 1948.

¹⁰⁰ The 1790 Act, s 2.

- (c) churchwardens and overseers authorised to grant cash relief to the poor of their own parishes in cases where the poor persons are living in their own homes; Directors to investigate complaints of the poor who fail to get relief from their parish officers; provision for cash relief even if the poor persons are from another parish; lawful for the Guardians to ascertain the parish of settlement of the poor; churchwardens and overseers to deliver an annual list to the Guardians of the poor relieved by them outside of the workhouse; penalty for failure to do so (*Sections 7 - 10*)
- (d) procedure for parish creditors to sue for repayment of loans (*Section 11*)
- (e) annual payments charged on each of the parishes to be divided into 2 classes, class 1 to cover the day-to-day costs of supporting the poor, class 2 to cover the maintenance of the workhouse and the repayment of money borrowed; Guardians to assess the parishes for their class 1 and class 2 payments in proportion to the number of poor each parish sends to the workhouse; Guardians may alter the rates and reassess the proportions every 4 years; (*Sections 10 – 15*)
- (f) persons giving false evidence in any hearing under this Act to be punished for perjury (*Section 16*)
- (g) this Act and the 1790 Act to be construed together; appeals; status of this Act (*Sections 17 – 19*).

5. The Colneis and Carlford workhouse was built in 1758 at Nacton, near Ipswich. It was taken over in 1836 by the Woodbridge Poor Law Union. The workhouse closed in 1900 and its inmates were transferred to the Ipswich Union workhouse.¹⁰² Amberfield School was subsequently erected on the site.

6. The 1813 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

¹⁰¹ 29 Geo.2 c.79 (1756); 4 Geo.3 c.58 (1764).

¹⁰² users.ox.ac.uk/~peter/workhouse/Woodbridge/Woodbridge.shtml

7. Accordingly the 1813 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Suffolk County Council and the Local Government Association have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
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56 Geo.3 c.v (1816) (Mitcham Parish Rates Act)	The whole Act.
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56 Geo.3 c.v (1816) (Mitcham Parish Rates Act)

1. This note proposes the repeal of an obsolete nineteenth century enactment relating to the raising of money in the parish of Mitcham¹⁰³ for the relief of the poor.

2. According to the long title, the purpose of the 1816 Act was:

for the better assessing and collecting the Poor and other Parochial Rates, in the parish of Mitcham, in the County of Surrey.

3. The *preamble* to the 1816 Act recorded that “the Poor within the Parish of Mitcham, in the County of Surrey, are very numerous, and are maintained and supported at a great Expense, and by means of very heavy Rates”. The preamble also recorded that the existing laws for collecting the poor rates were ineffectual. Accordingly the main purpose of the 1816 Act was to tighten up the existing machinery for collecting the rates.

4. The 1816 Act provided as follows:

(a) churchwardens and overseers of the poor authorised to reach agreement with the owners of property let out on weekly or monthly lettings whereby the owners (rather than the occupiers) would be liable to pay the poor rates (and other parochial rates) on such property; penalty for owners who failed to enter such agreements or who failed to pay the rates; any receiver of rents was deemed to be the property owner (*sections 1 and 2*)

(b) churchwardens and overseers authorised to appoint surveyors to value land in the parish and collectors to collect the rates; security to be taken from the collectors; removal of collectors from office; penalty for collectors who failed to hand over the rates collected or produce their account books (*sections 3 to 7*)

(c) persons failing to pay rates to be summoned to appear before a justice of the peace; goods and chattels of such persons to be seized whether in Mitcham or in any other place; form of distress warrant (*sections 8 to 10*)

¹⁰³ Mitcham in 1816 was in the County of Surrey. Today it forms part of the London Borough of Merton.

- (d) power to rectify errors in any rate or assessment; only parish inhabitants who paid rates could vote at parish vestries; ratepayers competent to give evidence; legal protection for persons seizing goods; appeals; form of conviction; civil procedure issues (*sections 11 to 19*)
- (e) costs and status of this Act (*sections 20 and 21*).

5. The 1816 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

6. Accordingly the 1816 Act has long been obsolete and may now be repealed on that basis.

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, the London Borough of Merton and the Local Government Association have been consulted about these repeal proposals.

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56 Geo.3 c.lxvi (1816)
(Shardlow and Wilne
Poor Relief Act)

The whole Act.

56 Geo.3 c.lxvi (1816) (Shardlow and Wilne Poor Relief Act)

1. This note proposes the repeal of an obsolete 1816 Act passed to provide relief for the poor living in the township of Shardlow and Wilne, in Derbyshire, and in other townships and parishes in Derbyshire, Leicestershire and Nottinghamshire.

2. According to its long title, the purpose of the 1816 Act was:

for the better Relief and more effectually employing the Poor of the Township of Shardlow and Wilne, in the County of Derby, and the several Parishes and Places therein mentioned, in the said County, and in the Counties of Leicester and Nottingham.

3. The *preamble* to the 1816 Act refers to an Act of 1782¹⁰⁴ pursuant to which several townships or parishes in Derbyshire¹⁰⁵ and Leicestershire¹⁰⁶ were united in 1812 and built a House of Industry¹⁰⁷ at Shardlow to hold the poor of those townships or parishes. The preamble further recorded that, in 1814, further parishes and townships joined this union.¹⁰⁸ Thereafter the poor of every parish and township in the enlarged union were housed at the Shardlow House of Industry. However, as also recorded in the preamble, not only had problems arisen with the present arrangements, but the House of Industry was larger than was needed to accommodate the needs of poor persons within the enlarged union. The purpose of the 1816 Act was therefore to address these problems and to make the House of Industry available to persons outside the enlarged union.

4. The 1816 Act provided as follows:

- (a) confirmation of the union of the townships and parishes made in 1812 and 1814 (*Section 1*)

¹⁰⁴ 22 Geo. 3 c.83 An Act for the better Relief and Employment of the Poor; repealed by the Statute Law Revision Act 1871. This Act was promoted by Thomas Gilbert and it authorised parishes to combine into unions and provide workhouses for the old, sick and infirm.

¹⁰⁵ These townships or parishes were Shardlow and Wilne; Draycott and Wilne, Sawley; and Weston upon Trent.

¹⁰⁶ The one township or parish in Leicestershire was Worthington.

¹⁰⁷ Workhouses were commonly described as houses of industry.

¹⁰⁸ These further parishes or townships were Alvaston, Bolton, Hopwell, Little Eaton, Littleover, Ockbrook, Osmaston, Risley and Stanton by Dale (in Derbyshire); Breedon, Coleorton, Hemington, Osgathorpe, Sheepshead and Thringstone (in Leicestershire); and Bramcote, Stapleford and Toton (in Nottinghamshire).

- (b) establishment of a corporation to be known as *The Visitor, Deputy Visitor, Directors, and Guardians of the Poor of the Parishes, Townships, and Places, united for the Relief and Employment of the Poor at the House of Industry at Shardlow in the County of Derby* (“the Guardians”) with power to hold land for the purposes of this Act (*Section 2*)
- (c) ratepayers to meet in August 1816 to appoint a Guardian of the Poor for each parish and township; procedure for the annual appointment of 10 Directors of the House of Industry, that number to be reduced if the number of parishes in the corporation falls below 10 (*Sections 3 – 7*)
- (d) eligibility for voting at meetings and to hold office as Guardians or Director; women authorised to vote by proxy; Guardians authorised to act as Justices of the Peace; oath for Guardians and Directors; penalty for voting or taking office when not qualified; penalty for not accepting the post if appointed; subsequent appointment of Guardians; appointments in case of death or removal; appointment of Guardians by Directors if voters refuse to appoint; no person liable to be appointed Guardian again until it comes to his turn by rotation without his consent; remuneration and allowances for Guardians; penalty on parishes for refusing to elect Guardians; no person to act as Guardian and Director at the same time (*Sections 8 – 20*)
- (e) provision for monthly and quarterly meetings of the Guardians; Guardians and Directors to appoint a President and a Chairman; 3 Directors or 5 Guardians may summon a special meeting at 4 days notice; penalty for failure to attend meetings (*Sections 21 - 25*)
- (f) powers of this Act may be executed by a majority of Guardians and Directors present at meetings; Guardians to have the powers and authorities granted to overseers of the poor, except with regard to the collecting of rates; Directors to examine the quarterly accounts of the House of Industry (*Sections 26 – 28*)
- (g) Guardians to nominate, for appointment by the justices of the peace, three Visitors to the House of Industry¹⁰⁹; Visitors to appoint deputies; Visitors to inspect the House of Industry and attend to its general conduct and management; replacement of Visitors on their death or removal (*Sections 29 – 31*)

¹⁰⁹ Visitors had the function of inspectors of the workings of the poor law in a particular area. They were often appointed by the local justices and would supervise the work of the Guardians of the Poor.

- (h) Guardians to appoint a Secretary, Treasurer and other officers; all officers appointed by the Guardians could be removed by the Guardians upon a just and reasonable cause (*Sections 32 - 33*)
- (i) purchase of all materials necessary for the maintenance and employment of the poor and to maintain the House of Industry; Guardians authorised to erect and fit out buildings, and borrow for the purpose against the security of the poor rates (*Sections 34 – 35*)
- (j) authority to add additional parishes or townships to the existing union provided they are no more than 20 miles from the House of Industry; Guardians of the existing union to draw up agreements with the Guardians of the places wishing to join the union; newly united parishes to contribute poor rates to the expenses of the corporation in proportion to the number of poor it expected to send to the House of Industry; churchwardens of the joining parishes to provide the Guardians with records of the poor rates charged in the Parish; Guardians empowered to dismiss any of the newly-joined parishes from the union; notice of admission of parishes (*Sections 36 – 41*)
- (k) Guardians empowered to make byelaws for the better execution of their functions; penalties for breach of byelaws; power to alter and amend byelaws; byelaws to be made only at monthly meetings; records to be kept of the byelaws made (*Sections 42 – 44*)
- (l) churchwardens of the incorporated parishes to collect the poor rates; the Guardians not required to accommodate the insane in the House of Industry or persons afflicted with contagious disorders, such persons to be removed from the House of Industry and provided for separately (*Sections 45 – 47*)
- (m) Guardians empowered to set the poor to work; prohibition on strong liquor in the workhouse; penalty for bringing liquor into the workhouse; Guardians empowered to punish the misbehaving poor in the House of Industry; power to reward the industrious poor; punishing officers of the House of Industry for theft from the Guardians (*Sections 48 – 52*)
- (n) arrangements for rating low value tenanted properties (*Section 53*)
- (o) the House of Industry and all its goods and chattels to be vested in the Guardians; punishment for damaging the property of the Guardians; all goods belonging to the Guardians to be marked as such; penalty for obliterating or defacing the mark; united parishes to have an interest in

the House of Industry in the same proportions as their liability for poor rates (*Sections 54 – 56*)

- (p) poor children to be cared for by the Guardians until they reach a suitable age to be put into service; provision for the prosecution of idle persons who refuse to care for their families; Guardians to find employment for poor persons willing to work but unable to find employment; Guardians of each parish may send those unable to support themselves to the House of Industry with an order of admission; Guardians to provide suitable clothing for persons they send to the House (*Sections 57 – 62*)
- (q) Justices of the Peace to enquire into any complaints against a Guardian for failure to provide relief to the poor, and order the Guardian to send the complainant to the House of Industry; penalty for failure to adhere to the Justice's order; if the complainant is found to be an idle person he may be sent to the house of correction for 3 months; Justices not to hear complaints until the complainant has applied to both the Guardian and the Visitor (*Sections 63 – 64*)
- (r) nothing in this Act to alter the settlement rights of any person; penalty for moving poor children, pregnant women or sick persons from one parish to another without an order from 2 Justices of the Peace; penalty for neglectful churchwardens and overseers; recovery and application of penalties (*Section 65 - 68*)
- (s) provision for neighbouring Justices to have jurisdiction; appeals; ratepayers competent to give evidence; civil procedure matters (*Sections 69 – 73*)
- (t) this Act to be construed together with the 1782 Act; expenses and status of this Act (*Sections 74 – 76*).

5. A house of industry or workhouse was built around 1813 in Shardlow.¹¹⁰ It continued to be used as such after March 1837 when the Shardlow Poor Law Union came into existence. The building was subsequently used as an NHS hospital for the elderly (Grove Hospital) before being redeveloped for modern housing in 2007.

6. The 1816 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief

¹¹⁰ <http://homepages.which.net/~shardlow.heritage/vwalk.htm>.

was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1816 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Derbyshire County Council, Leicestershire County Council and Nottinghamshire County Council, and the Local Government Association have been consulted about these repeal proposals.

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1 Geo.4 c.vi (1820)
(Blything Poor Relief Act)

The whole Act.

1 Geo.4 c.vi (1820) (Blything Poor Relief Act)

1. This note proposes the repeal of an obsolete 1820 Act passed to provide relief for the poor living in the Hundred of Blything¹¹¹ near Southwold in Suffolk.

2. According to its long title, the purpose of the 1820 Act was:

for altering and enlarging the Powers of Two Acts of His late Majesty, for the better Relief and Employment of the Poor in the Hundred of Blything, in the County of Suffolk.

3. The *preamble* to the 1820 Act referred to an Act of 1764¹¹² and an Act of 1793¹¹³ which were both passed to make provision for the “better relief and employment of the poor in the Hundred of Blything”.¹¹⁴ The preamble noted the need for some amendments to these two Acts.

4. The 1820 Act provided as follows:

(a) All poor persons in the parish to continue to be under the government and management of *the Guardians of the Poor within the Hundred of Blything in the County of Suffolk* (“the Guardians”)¹¹⁵; no child in the workhouse (established under the Act of 1764) to be apprenticed for less than five years or beyond the age of 18 (*sections 1 and 2*)

(b) Guardians authorised to borrow such sum (not exceeding £5000) as was necessary to repair or rebuild the workhouse; officers of the workhouse prohibited from benefiting from the proceeds of the work carried out at the workhouse; the Guardians’ quarterly accounts to be approved by any two justices of the peace for Surrey (*sections 3 to 5*)

(c) In mid-summer 1820, the Guardians were to assess the average expense of maintaining the poor (whether or not in the workhouse) incurred by each parish over the past three years, and to levy that sum on each parish; provision for this average figure to be recalculated at subsequent

¹¹¹ The “hundred” is an ancient description of groups of townships in English counties.

¹¹² 4 Geo.3 c.56.

¹¹³ 33 Geo.3 c.126.

¹¹⁴ Both Acts were repealed by the Statute Law Revision Act 1948.

¹¹⁵ The Guardians were incorporated by the Act of 1764.

mid-summer meetings of the Guardians; appeals against such assessments (*sections 6 to 8*)

(d) Guardians authorised to grant relief to poor or sick persons living outside the workhouse; Guardians required to attend additional quarterly meetings known as “Previous Meetings” (*sections 9 and 10*)

(e) this Act to be construed together with the earlier Acts; expenses and status of this Act (*sections 11 to 13*).

5. The Blything workhouse opened in 1765 at Bulcamp near Blythburg. In 1836 the newly-formed Blything Poor Law Union took over the workhouse. The site was re-named Red House in the 1930s and became Blythburg and District Hospital in 1948. The hospital closed in 1994 and in 2001 the site was redeveloped for residential use.

6. The 1820 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1820 Act is obsolete and may now be repealed on that basis.¹¹⁶

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Suffolk County Council and the Local Government Association have been consulted about these repeal proposals.

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¹¹⁶ A further basis of repeal is the fact that the 1820 Act was an amending Act, and the Acts that it amended, the 1764 Act and the 1793 Act, were repealed by the Statute Law Revision Act 1948.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
5 Geo.4 c.xiii (1824) (Hull Poor Relief Act)	The whole Act.

5 Geo.4 c.xiii (1824) (Hull Poor Relief Act)

1. This note proposes the repeal of an obsolete 1824 Act passed to provide relief for the poor living in the town of Kingston-upon-Hull.

2. According to its long title, the purpose of the 1824 Act was:

for the better Maintenance, Employment, and Regulation of the Poor of the Town of Kingston-upon-Hull, and for repairing or rebuilding the Workhouse there.

3. The *preamble* to the 1824 Act refers to four earlier enactments providing for poor relief in Kingston-upon-Hull.¹¹⁷ They authorised the building of a workhouse and the establishment of a corporation to levy rates to fund it. However, the preamble recorded that the arrangements authorised by these enactments were proving unsatisfactory. Moreover the existing workhouse was too small to house the growing number of poor persons in the town. The purpose of the 1824 Act was therefore to address these issues.

4. The 1824 Act provided as follows:

- (a) repeal of the earlier enactments¹¹⁸ (*section 1*)
- (b) from 30 September 1824, the ward known as Trinity Ward to be a single ward only¹¹⁹; from the same date, the area known as the Lordship or Precinct of Myton to be divided into two separate wards: North Myton ward and South Myton ward (giving Kingston a total of eight wards)¹²⁰ (*sections 2 and 3*)
- (c) justices of the peace to appoint overseers of the poor; penalty for refusing to accept office of overseer; no overseer eligible to hold that office again

¹¹⁷ 9 Will.3 c.47 (1697); 8 Ann.c.24 (but described in the 1824 as c.11) (1709); 15 Geo.2 c.10 (1741); 28 Geo.2 c.27 (1755).

¹¹⁸ In fact the repeal left one of the four enactments still partly in force. That remaining enactment (the 1755 Act) was finally repealed by the Kingston-upon-Hull Improvement Act 1854 (17 & 18 Vict. c.ci), s 8.

¹¹⁹ Previously Trinity Ward had been subdivided into "First Part Trinity Ward" and "Second Part Trinity Ward".

¹²⁰ Today Kingston upon Hull has 23 wards, with Myton being a single ward again, and Trinity no longer existing as a separate ward: City of Kingston upon Hull (Electoral Changes) Order 2001, SI 2001 No 3360, art 2, Sch 1.

- for 20 years; provision for 40 guardians of the poor (“the Guardians”), 24 to be appointed and 16 elected (*sections 4 to 7*)
- (d) establishment of a Corporation to be known as *The Governor, Deputy Governor, Assistants, and Guardians of the Poor in the Town of Kingston-upon-Hull* comprising the 40 Guardians (five for each of the eight wards) with power to hold land for the purposes of this Act; election of a Governor, Deputy Governor and eight Assistants to govern the Corporation (*section 8*)
 - (e) existing 24 Guardians to hold office for life; remaining 16 Guardians to be elected for a term of three years by ratepayers at a meeting to be held no later than October 1824; procedure for replacing Guardians; disqualification for holding office of Guardian (*sections 9 to 13*)
 - (f) provision for holding of courts or assemblies of the Corporation; quorum for such courts or assemblies; Guardians present to appoint a Chairman; adjournment of courts or assemblies; court or assembly authorised to make bye-laws for the better running of the Corporation; appointment of Committees of the Corporation (*sections 14 to 19*)
 - (g) Guardians each year to appoint a Governor, Deputy Governor and eight Assistant Governors of the Corporation; appointment of treasurer and other officers; offices of treasurer and clerk to be held by different people; persons having served as Governor, Deputy Governor or Assistant Governor to be exempt from re-election as such for 20 years; penalty for failure to take on such office; resignation from such office (*sections 20 to 27*)
 - (h) existing workhouse and other property to vest in the Corporation; all charitable and other gifts given to the town to be paid to the Corporation for the benefit of the poor; production of money and books held pursuant to the earlier enactments; Corporation to take on existing liabilities; proceedings of the Guardians to be recorded in writing and open for inspection (*sections 28 to 32*)
 - (i) Corporation vested with the care and maintenance of the poor of Kingston-upon-Hull; Corporation authorised to find employment for poor persons resident in the workhouse; Corporation authorised to establish schools in the workhouse for the children residents; Corporation to have the powers and authorities granted to overseers of the poor; justices of the peace authorised to act upon complaints from the Corporation’s

- officers as if they were overseers; power for Corporation to be indemnified against the cost of illegitimate children (*sections 33 to 38*)
- (j) Corporation authorised to assess the sums needed to provide poor relief and meet their other obligations; quorum of Guardians needed to make such assessment; churchwardens and overseers to apportion the sums due between the wards and levy rates on the inhabitants accordingly; Guardians authorised to employ surveyors to survey and value property in the town for the purposes of calculating the rates; such surveys and valuations to be done no more than once every seven years; surveys and valuations to be lodged in the workhouse; maps of the town to be drawn up (*sections 39 to 49*)
- (k) Guardians authorised to appoint assistant overseers to collect the rates; removal of assistant overseers; Corporation to take security from treasurer and assistant overseers; collection of rates by overseers and assistant overseers; handing over of rate money to the Corporation; Mayor and aldermen to execute warrants for the collection of rates, failing which this would be done by the Corporation; Corporation to execute any functions that the churchwardens or overseers fail to execute (*sections 50 to 58*)
- (l) appointment of auditors to audit the Corporation's accounts annually; publication of accounts; ratepayers authorised to inspect account on payment of one shilling; provisions for rating landlords instead of occupiers of premises; chattels of tenants could be seized and sold; tenants allowed to deduct this from rent; power to agree reduced rates with landlords; unpaid rates to be a charge on the premises; enforcement of arrears; form of warrant of distress; recovery of rates in special cases; treatment of arrears arising under the earlier enactments (*sections 59 to 70*)
- (m) how moneys arising under this Act (or the earlier Acts) were to be applied; procedures for enlarging the existing workhouse or building a new one; Guardians empowered to contract for the necessary works; publicity about contracts; power to settle breaches of contract; Corporation authorised to buy land for a new workhouse; conveyancing provisions; authority to sell the existing workhouse; sale proceeds to be used to build a new workhouse (*sections 71 to 86*)
- (n) Corporation authorised to borrow against the security of the poor rates to finance the repairing or rebuilding of the workhouse; form of security;

authority to raise money by granting annuities; form of such grant; assignment of annuities; recovery of interest due on annuities; restrictions on grant of annuities; payment of creditors by ballot; power to borrow money at a lower rate of interest (*sections 87 to 95*)

(o) provision for certain existing enactments to apply to the town; prohibition on strong liquor being introduced into the workhouse; treasurer and other officers to account for moneys received by them; penalties for default; executors of any deceased officer to deliver up books of account; sureties to remain liable despite dismissal of officer; ratepayers competent to give evidence (*sections 96 to 101*)

(p) civil and criminal procedure matters; recovery of fines and penalties; appeals; this Act not to lessen the rights of the Corporation, give the Corporation any rights over any almshouse or hospital or alter the provisions of an Act of 1775¹²¹ relating to the paving, cleaning and lighting of the streets; status of this Act (*sections 102 to 114*).

5. A workhouse (known as Charity Hall) was erected pursuant to an Act of 1697¹²² in Whitefriargate. It remained in use as a workhouse until 1852 when it was sold and a new workhouse was opened in Anlaby Road at its junction with Argyle Street.

6. The 1824 Act has long been obsolete. Indeed, parts of it have already been repealed.¹²³ It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1824 Act is obsolete and may now be repealed on that basis.

¹²¹ This 1755 Act was finally repealed by the Kingston-upon-Hull Improvement Act 1854 (17 & 18 Vict.c.ci), s 8.

¹²² 9 Will.3 c.47.

¹²³ See the Ministry of Health Provisional Orders Confirmation (No 6) Act 1924 (14 & 15 Geo.5 c.lxxii). This 1924 Act gives effect to the Kingston-upon-Hull (Poor Law) Order 1924. Article 1 of that order provides in effect that poor rates in Kingston-upon-Hull were no longer to be made under the 1824 Act.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Hull City Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
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5 Geo.4 c.xviii (1824)
(Stow Poor Relief Act) The whole Act.

5 Geo.4 c.xviii (1824) (Stow Poor Relief Act)

1. This note proposes the repeal of an obsolete 1824 Act passed to provide relief for the poor living in the hundred¹²⁴ of Stow (today known as Stowmarket) in Suffolk.

2. According to its long title, the purpose of the 1824 Act was:

for altering and enlarging the Powers of Two Acts of His Late Majesty for the better Relief and Employment of the Poor within the Hundred of Stow in the County of Suffolk.

3. The *preamble* to the 1824 Act refers to an Act of 1778¹²⁵ and an Act of 1780¹²⁶ both passed to provide relief and employment for the poor living in the hundred of Stow. The preamble records that amendments were needed to these enactments so as to alter the powers contained within them.

4. The 1824 Act provided as follows:

(a) all poor people within the hundred of Stow were placed under the management of the body of guardians (“the Guardians”) that had been incorporated (“the Corporation”) by the 1778 Act under the name of *The Guardians of the Poor within the Hundred of Stow in the County of Suffolk (section 1)*

(b) repeal of the 1778 Act provisions relating to selection of Guardians and Directors at their quarterly meetings; new substitute arrangements for the business at such quarterly meetings; reserve powers to select Guardians in particular circumstances; power to alter timing of meetings; no business to be conducted without quorum of six Directors and three Guardians; power to adjourn meetings (*sections 2 to 9*)

(c) repeal of the 1778 Act provisions concerning the binding of poor children into apprenticeships; new substitute provisions for binding such children to apprenticeships for terms not exceeding seven years and not beyond the age of 21 for boys or 18 for girls; poor children of 13 or over could be

¹²⁴ The “hundred” is an ancient description of groups of townships in English counties.

¹²⁵ 18 Geo.3 c.35. This Act was wholly repealed by the Statute Law Revision Act 1948, s 1, Sch 1.

¹²⁶ 21 Geo.3 c.13. This Act was wholly repealed by the Statute Law Revision Act 1948, s 1, Sch 1.

- let out for employment as servants for one year or more; power to hire out poor persons to do harvesting or hop-picking work (*sections 10 to 13*)
- (d) repeal of the 1778 Act provisions concerning the assessment of rates to raise money to service and repay debts; new substitute provisions whereby the Guardians were authorised to make a fresh assessment to cover the cost of providing poor relief in the hundred of Stow (including running the workhouse) and of servicing and paying debts; assessment to be calculated by reference to the average such costs incurred over the previous seven years (*sections 14 and 15*)
 - (e) as from March 1824 the expenses of the Corporation to be divided into two separate classes: First Class to cover the cost of maintaining the poor (whether or not in the workhouse), Second Class to cover the cost of the workhouse including salaries, repayment of debts and repairs; Guardians to assess the parishes for their contributions in respect of both Classes; Guardians required to re-assess every seven years (*sections 16 to 21*)
 - (f) assessments to be approved by justices of the peace; churchwardens and overseers of the poor required to collect the rates from each inhabitant and hand them to the treasurer; appeals against, and objections to, any assessment (*sections 22 to 28*)
 - (g) provision of relief to the poor in cases where the poor persons are living in their own homes; removal and remuneration of Corporation officers; officers required to account for rate money received; penalties for failure to account; clerk and treasurer to be separate persons; repeal of the 1778 Act provisions about the duties of churchwardens and overseers; new substitute provisions concerning their duties, and new penalties for failure to comply (*sections 29 to 33*)
 - (h) power for Guardians to acquire additional land to help maintain and employ the poor; power to sell surplus land; this Act and the Acts of 1778 and 1780 to be construed together; expenses and status of this Act (*sections 34 to 38*).

5. A workhouse was built in 1781 at Onehouse (near Stowmarket) under the authority of the Act of 1778. Following the establishment of the Stow Poor Law Union in 1835, the workhouse was taken over by that union. In later years the workhouse closed and became used as the Stow Lodge Hospital which, in turn, shut in 1991. The site has since been converted to residential use.

6. The 1824 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1824 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Suffolk County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
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<i>Reference</i>	<i>Extent of repeal or revocation</i>
5 Geo.4 c.xli (1824) (South Lynn Poor Relief Act)	The whole Act.
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<i>5 Geo.4 c.xli (1824) (South Lynn Poor Relief Act)</i>	
<p>1. This note proposes the repeal of an obsolete 1824 Act passed to improve the system for raising the moneys needed to provide relief for the poor living in the parish of South Lynn, near King’s Lynn in Norfolk.</p>	
<p>2. According to its long title, the purpose of the 1824 Act was:</p> <p style="padding-left: 40px;"><i>for the better levying and collecting the Rates for the Relief and Maintenance of the Poor of the Parish of South Lynn, otherwise All Saints, in the Borough of King’s Lynn in the County of Norfolk, by assessing the Owners of certain Messuages and other Property in the said Parish, instead of the Occupiers thereof; and also for erecting a Workhouse in the same Parish.</i></p>	
<p>3. The <i>preamble</i> to the 1824 Act referred to the fact that the payment of rates for the relief of the poor in the Parish of South Lynn had been “greatly evaded, by reason that many of the Houses within the said Parish are let out in Lodgings, or in separate Apartments, and many others are of an inferior Description, and let at small annual or other Rents ... and the Occupiers thereof having of late Years very commonly refused to pay any Rates whatever without legal Process”.</p>	
<p>4. The 1824 Act provided as follows:</p> <p>(a) landlord or owner of property let to separate tenants or let at less than £8 per annum to be liable to pay the poor rates assessed on that property instead of the occupier; in cases of lettings as ready-furnished lodgings, the landlord would be deemed to be the occupier (<i>sections 1 and 2</i>)</p> <p>(b) goods and chattels of every person occupying any property in respect of which the landlord or owner was to be liable for the poor rates could be seized and sold to pay the rates; occupiers of lodgings entitled to deduct from their rent any rates paid by them (<i>sections 3 and 4</i>)</p> <p>(c) churchwardens and overseers of the poor empowered to sue any person made liable under this Act to pay poor rates (<i>section 5</i>)</p> <p>(d) parishioners of South Lynn to appoint a Committee of not less than 15 householders to value all property in the parish; appeals against valuation and rating (<i>sections 6 to 8</i>)</p>	

- (e) churchwardens and overseers authorised to build a workhouse in the parish and to acquire the necessary land; churchwardens and overseers authorised to raise money for the purposes of this Act by borrowing no more than £3000 and using the rates as security; form and transfer of mortgages; written record of mortgages; use of moneys raised; power to re-mortgage at a lower interest rate; power to repay loans (*sections 9 to 14*)
- (f) status of this Act (*section 15*).

5. In the event, no workhouse appears to have been built pursuant to the 1824 Act. However the overseers of South Lynn/All Saints parish purchased an existing workhouse in the late 1820s. This workhouse, in Friar Street, was sold off in 1837 after the newly-formed King's Lynn Poor Law Union enlarged the St James' workhouse in the parish of St Margaret.

6. The 1824 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1824 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Norfolk County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
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6 Geo.4 c.cxxiii (1825) (Montgomery and Pool Poor Relief Act)	The whole Act.
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6 Geo.4 c.cxxiii (1825) (Montgomery and Pool Poor Relief Act)

1. This note proposes the repeal of an obsolete 1825 Act passed to provide relief for the poor living in the Montgomery and Pool¹²⁷ united district, in the counties of Montgomery¹²⁸ and Salop.¹²⁹

2. According to its long title, the purpose of the 1825 Act was:

to repeal two Acts, respectively of the Thirty-second and Thirty-sixth Years of His late Majesty King George the Third, for the better Relief and Employment of the Poor of the Montgomery and Pool United District, and to provide new Powers and Regulations in lieu thereof.

3. The *preamble* to the 1825 Act referred to an Act of 1792¹³⁰ which incorporated *The Guardians of the Poor of the Parishes Montgomery and Pool, and the Parishes, Chapelries, and Townships united therewith, in the Counties of Montgomery and Salop*. The preamble also referred to an Act of 1796¹³¹ under which the Guardians built the Montgomery and Pool House of Industry.¹³² Finally the preamble recorded the need to make changes to the arrangements established by the two Acts.

4. The 1825 Act provided as follows:

(a) repeal of the 1792 and 1796 Acts; the incorporated parishes to be known as *The Montgomery and Pool United District*; all inhabitants of the United District assessed for the relief of the poor to be a corporate body known as *The Guardians of the Poor of the Montgomery and Pool United District* (“The Guardians”); the house of industry to be vested in the Guardians; mortgages granted and acts done by the previous Guardians to remain good and valid (*Sections 1 - 3*)

¹²⁷ Now Welshpool.

¹²⁸ Now Powys.

¹²⁹ Now Shropshire. The only areas of Shropshire covered by this Act appear to be Worthen and Chirbury.

¹³⁰ 32 Geo. 3 c.96 (1792) “An Act for the better Relief and Employment of the Poor belonging to the Parishes of Montgomery and Pool and certain other Parishes and Places therein mentioned, in the Counties of Montgomery and Salop”.

¹³¹ 36 Geo. 3 c.38 (1796) “An Act for rendering effectual an Act of the Thirty-second Year of His present Majesty, for the better Relief and Employment of the Poor of the Parishes of Montgomery and Pool, and the Places united therewith, in the Counties of Montgomery and Salop”.

¹³² Workhouses were commonly described as “Houses of Industry”.

- (b) accounts of the previous Guardians to be valid as evidence in disputes; all persons holding money or other goods belonging to the previous Guardians to account for the same to the Directors appointed under this Act; all certificates of settlement and other documentation relating to the poor to remain at the house of industry; Overseers authorised to sue on certain securities (*Sections 4 - 7*)
- (c) Guardians to swear to their qualifications; female Guardians may vote by proxy; present Directors of the poor in the United District and their Clerk and other officers to continue in post until succeeded by others at the scheduled election; annual meetings for nominating Directors; no Churchwarden or Overseer of the Poor to be deemed ineligible for nomination; Overseers to keep lists of the persons nominated (*Sections 8 - 12*)
- (d) Guardians to elect 24 Directors from the nominations list, a certain number from each parish of the United District; provisions for the replacement of Directors; election of Directors; Justices to be honorary Directors (*Sections 13 - 18*)
- (e) Directors' oath of office; penalty for refusing to take office by taking the oath; penalty for acting as a Guardian or Director without being qualified; Guardians empowered to alter number of Directors to be elected from each parish, provided the total number of Guardians remains at 24; Guardians may remove any of the 24 Directors from office (*Sections 19 – 21*)
- (f) provision for annual and quarterly meetings of the Guardians; weekly meetings of the Directors; provision for the calling of special meetings; no acts by the Guardians or Directors to be valid unless done at a meeting held in pursuance of this Act with sufficient numbers present; a chairman to be elected at every meeting to have the casting vote in case of equality of votes; adjournment and resumption of meetings (*Sections 22 – 27*)
- (g) Directors may form committees of not less than 5 for making rules and orders for the better regulation of the house of industry; penalty on Directors for not attending meetings; Guardians and Directors to cover their own expenses (*Section 28 – 30*)
- (h) Directors to appoint a Clerk and a Treasurer and other officers to work in the house of industry, including a Chaplain, a Governor and a Matron; officers to be paid a salary; the Treasurer and the Clerk to be different people; appointment of special constables for the execution of this Act;

Justices of the Peace to act on the complaints of Directors or their officers as if they were Overseers of the Poor (*Sections 31 – 35*)

- (i) lawful for Directors to make alterations to the house of industry and keep it in good repair; lawful for Directors to purchase goods and chattels as necessary for the purposes of this Act, such goods to be vested in the Guardians; Guardians empowered to prosecute for damaging or stealing their goods (*Sections 35 – 37*)
- (j) Directors to ascertain the place of settlement of all the poor currently maintained in the house of industry; disputes over settlement to be resolved by the Justices; each parish to defray the whole expense of caring for their poor either in the house of industry or outside (*Sections 38 – 40*)
- (k) officers of the house of industry not to be compelled to have the care of the insane or the contagious without the express instructions of the Guardians; the poor with contagious diseases may be sent out of the house of industry and provided for elsewhere (*Sections 41 - 42*)
- (l) Directors to have the care and management of the poor in the house of industry and may set them to work; those admitted to the house of industry must work and obey the rules; Directors empowered to punish the misbehaving poor; the poor may be rewarded for good conduct (*Sections 43 - 46*)
- (m) the poor in the house of industry to be maintained by the previous incorporation until 1 October 1825 when the new Guardians take over when the expenses of each poor person will be met by their parish of origin; expenses of maintaining the poor to be charged by the week; general expenses of maintaining the house of industry and paying all other expenses to be met by the parishes paying into a fund, each parish's contributions to be in accordance with its previous contribution (*Sections 47 - 48*)
- (n) Directors to issue warrants to the Overseers to collect the poor rates; seven Commissioners to be appointed to raise a fund to repay the existing debt of £12,385; annual sum of £700 to be raised from the United District to provide this fund; Overseers to levy the £700 by a separate assessment; Commissioners to invest the money pending discharge of the debt; Commissioners may pay off part of the debt as they think fit; Commissioners to give 6 months' notice of their intention to pay off the debt in instalments (*Sections 49 – 55*)

- (o) Overseers of the Poor to execute the warrants and orders of the Directors and Commissioners; on failure of the Overseers to pay the money collected the inhabitants of the parish to be responsible for paying on reassessment (*Sections 56 - 57*)
- (p) accounts to be made up and balanced by 1 October 1825; accounts to be kept by officers of the Guardians; Guardians may appoint any three of their number to be auditors or accountants; auditors to be remunerated; Directors to submit an extract of the accounts and reports to the Quarter Sessions; all officers in receipt of money raised under this Act shall render an account of the money received and to what uses it was paid; penalty on officers for failure to do so (*Sections 58 - 63*)
- (q) lawful for the Guardians to compound debts; all the lawful rules and orders of the previous corporation to remain in force until they are repealed or amended; record of all mortgages and transfers to be kept; minutes to be kept of all proceedings of the Directors and Guardians (*Sections 64 - 67*)
- (r) recovery of penalties levied under this Act; summoning of witnesses to give evidence on any matter touching this Act; penalty for failure to attend summons; offenders to be prosecuted; civil procedure issues; provision for appeals; inhabitants of the United District to be competent witnesses (*Sections 68 – 74*)
- (s) expenses and status of this Act (*Sections 75 – 76*).

5. A workhouse/house of industry was opened in March 1795 near Forden.¹³³ In 1870 the Guardians were replaced by the Forden Poor Law Union who continued to use the Forden workhouse. The workhouse later became Brynhyfryd Hospital providing care for the elderly. The site is now used as a yoga and meditation centre.

6. The 1825 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either

¹³³ Forden is near Welshpool.

from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1825 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, the Welsh Assembly Government, Shropshire County Council, Powys County Council, the Local Government Association and the Welsh Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
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7 Geo.4 c.i (1826)
(Loes and Wilford
Poor Relief Act)

The whole Act.

7 Geo.4 c.i (1826) (Loes and Wilford Poor Relief Act)

1. This note proposes the repeal of an obsolete 1826 Act passed to provide relief for the poor living in the Hundreds¹³⁴ of Loes and Wilford in the county of Suffolk. Loes and Wilford do not today exist as distinct areas. The workhouse or house of industry to which the 1826 Act related was situated at Melton, near Woodbridge in Suffolk.

2. According to its long title, the purpose of the 1826 Act was:

to repeal Two Acts relating to the Employment of the Poor within the Hundreds of Loes and Wilford, in the county of Suffolk, and to disincorporate the said Hundreds.

3. The *preamble* to the 1826 Act refers to an Act of 1791¹³⁵ which repealed an Act of 1765¹³⁶ which established *the Guardians of the Poor within the Hundreds of Loes and Wilford, in the County of Suffolk* (“the Guardians”). A house of industry¹³⁷ was built in the late 1760s pursuant to that 1765 Act. The 1791 Act vested the workhouse and powers provided in the 1765 Act in a newly incorporated body of Guardians. The preamble also refers to an Act of 1810¹³⁸ which altered the powers and duties of the Guardians. The preamble states that these Acts have resulted in “Inconvenience and Increase of Expencc in the Management of the Poor...without any adequate beneficial Result, either to the Poor themselves or to the greater Number of the Parishes composing the Incorporation”. The purpose of the 1826 Act was therefore to repeal the earlier enactments and to abolish the incorporation.

4. The 1826 Act provided as follows:

- (a) the repeal of the 1791 and 1810 Acts; the abolition of the Corporation of the Guardians and the divesting of all the Corporation’s assets (*Section 1*)

¹³⁴ The “hundred” is an ancient description of groups of townships in English counties.

¹³⁵ 31 Geo. 3 c.72 : “An Act for the better Relief and Employment of the Poor within the Hundreds of Loes and Wilfordm in the County of Suffolk”.

¹³⁶ 5 Geo. 3 c.97 : “An Act for the better Relief and Employment of the Poor in the Hundreds of Loes and Wilford, in the County of Suffolk”.

¹³⁷ Workhouses were commonly described as “houses of industry”.

- (b) the poor in the house of industry to be removed from there and returned to their original home parishes (*Section 2*)
- (c) nomination of Trustees for the execution of this Act; all property of the Guardians to be vested in the Trustees; all persons holding documents or money of the Guardians to account for and deliver the same to the Trustees; Trustees empowered to demand the repayment of all money owing to the Guardians; Trustees to be liable for the debts of the Guardians (*Sections 3 - 7*)
- (d) lawful for the Trustees to pull down the workhouse and to sell the materials; lawful for the Trustees to sell the workhouse and land either by public auction or private contract; purchase money to be paid to the Trustees; purchaser to have full rights of possession on payment of the purchase money and completion of the conveyance (*Sections 8 – 11*)
- (e) purchase money to be applied to discharging the costs of obtaining and executing this Act, to reimbursing the Trustees for any expenses incurred, paying the salaries of any staff employed by the Guardians and paying other debts of the Guardians, any surplus to be paid to the Overseers and Churchwardens to be applied for the relief of the poor (*Sections 12 - 13*)
- (f) legal actions by or against the Trustees; Trustees to be answerable for misapplication of the money raised; Trustees to appoint a clerk to keep the accounts of the Trustees; limited liability of Trustees under this Act (*Sections 14 – 18*)
- (g) procedure for the replacement of Trustees on their death or removal; vesting of property in new Trustees; Trustees to be indemnified for acts done in the execution of this Act; Trustees to be reimbursed for their expenses (*Sections 19 – 22*)
- (h) meetings to be held by Trustees; Trustees failing to attend three successive meetings to be deemed to have declined to act as a Trustee; process for determining disagreements amongst Trustees; accounts to be published in two local newspapers (*Sections 23 – 26*)
- (i) criminal and civil procedure issues; appeals; commencement and status of this Act (*Section 27 – 31*).

¹³⁸ 50 Geo. 3 c.119 : “An Act for amending an Act passed in the Thirty-first Year of the Reign of His Majesty, for the better Relief and Employment of the Poor within the Hundreds of Loes and Wilford, in the County of Suffolk”.

5. The house of industry built at Melton under the 1764 Act was closed in 1826 and its contents auctioned off. In 1829 the building became the Suffolk County Asylum for Pauper Lunatics. In 1916 the asylum became St Audrey's Hospital. Today the buildings have been converted to residential accommodation.

6. The 1826 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1826 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Suffolk County Council and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
October 2012

<i>Reference</i>	<i>Extent of repeal or revocation</i>
7 Geo.4 c.cxli (1826) (Shrewsbury Poor Relief Act)	The whole Act.
<i>7 Geo.4 c.cxli (1826) (Shrewsbury Poor Relief Act)</i>	
1.	This note proposes the repeal of an obsolete 1826 Act passed to provide relief for the poor living in Shrewsbury.
2.	According to its long title, the purpose of the 1826 Act was: <i>To repeal an Act of the Twenty-fourth Year of His late Majesty King George the Third, for the better Relief and Employment of the Poor belonging to several Parishes within the Town of Shrewsbury, and the Liberties thereof, in the County of Salop; and to make other Provisions in lieu thereof.</i>
3.	The <i>preamble</i> to the 1826 Act refers to an Act of 1784 ¹³⁹ which united into one district several parishes ¹⁴⁰ around Shrewsbury and incorporated <i>The Guardians of the Poor of several Parishes within the Town of Shrewsbury, and the Liberties thereof, in the County of Salop</i> . Under the 1784 Act the Shrewsbury House of Industry ¹⁴¹ was built in the parish of Meole Brace and the poor of the district were maintained and provided for there. However, the provisions of the 1784 Act were found to be insufficient for the purposes for which it was intended and it was thought expedient to abolish the corporation and create a new body with the responsibility for maintaining the poor.
4.	The 1826 Act provided as follows: (a) repeal of the 1784 Act; the united district to continue and to be known as the Shrewsbury Poor United District; all rate-paying inhabitants of the District to continue as a corporation to be known as <i>The Guardians of the Shrewsbury Poor United District</i> (“The Guardians”) (<i>Section 1</i>) (b) the house of industry and all lands belonging to the previous corporation to be vested in the Guardians; the Guardians to take on all the debts and liabilities of the previous corporation; acts and grants of the previous corporation to remain valid; books and papers of the previous corporation could be used in evidence (<i>Sections 2 – 4</i>)

¹³⁹ 24 Geo.3 Sess.2 c.15 “An Act for the better Relief and Employment of the Poor belonging to several Parishes within the Town of Shrewsbury and the Liberties thereof, in the County of Salop”.

¹⁴⁰ These parishes were St Chad, St Mary, St Alkmond, St Julian, Holy Cross and St Giles, and Meole Brace.

¹⁴¹ Workhouses were commonly described as “Houses of Industry”.

- (c) any money or accounts belonging to the previous corporation to be delivered to the Guardians; penalty for failure to do so; certificates of settlement and bonds of security to remain at the house of industry (*Sections 5 – 7*)
- (d) Guardians to confirm their qualifications upon oath before acting as such; female Guardians may vote by proxy; present Directors of the Poor and officers of the previous corporation to remain in post until successors were appointed; 12 of the Guardians to be elected as Directors; a Treasurer and Clerk to be appointed along with officers for the daily running of the house of industry (*Sections 8 - 10*)
- (e) provision for the Guardians to hold quarterly meetings; vestries to be held annually in each parish to elect a Director from that parish; replacement of Directors on their death or removal from office; exemption from the office of Director; Overseers to deliver lists of persons nominated as Directors; provision for retirement/election of Directors by rotation; procedure for election of replacements if a person elected refused or neglected to take office; alternative procedure for election of Directors should the Overseers fail to submit a list of Guardians; Directors' oath of office; penalty for refusing to act as a Director; penalty for acting as a Director without being qualified; no act of the Directors to be invalidated due to unqualified Directors; Justices may act as such under this Act even if they are also Guardians (*Sections 11 - 21*)
- (f) provisions for weekly and special meetings of the Directors; all business of the Directors to be carried out at meetings held in pursuance of this Act with the requisite quorum; a chairman to be chosen at each meeting to have the casting vote; provision for adjourning meetings; Directors to form committees to make or repeal rules for the better regulation of the Guardians and the poor in the house of industry; penalty on Directors for failure to attend meetings and committees (*Sections 22 - 29*)
- (g) Guardians and Directors to pay their own expenses; Directors to appoint a Chaplain, a Treasurer and a Clerk and other officers for the daily running of the house of industry; such officers to be paid a salary; office of Clerk and Treasurer not to be held by the same person; Directors may appoint special constables (*Sections 30 - 34*)
- (h) Justices to act on complaints of the Directors as if made by Overseers; lawful for the Directors to make alterations or additions to the house of

industry, to furnish it and to keep it in good repair; all goods and chattels to be vested in the Guardians (*Sections 35 – 37*)

- (i) Directors to ascertain the place of settlement of the poor residing within the house of industry on 1 October 1826; if the place of settlement of a poor person cannot be determined it will be allocated to one of the parishes in the district by lottery; poor to be maintained in the house of industry at the expense of their respective parishes; such charges to be paid weekly; Overseers of the parishes may direct the poor to be sent to the house of industry; Guardians not to be compelled to receive the insane into the house of industry (*Sections 38 – 41*)
- (j) Directors vested with the care and management of the poor in the house of industry and may set the poor to work; the poor in the house to perform all work set by the Directors and obey the house rules; Directors may reward the poor for good conduct (*Sections 42 – 44*)
- (k) interest on the debts of the Guardians and any other capital costs of running the house of industry to be borne by the parishes in set proportions; salaries deemed part of the capital costs of running the house of industry (*Sections 45 – 46*)
- (l) Directors to issue warrants to Overseers to raise the sums charged to their parish; Overseers to obey the warrants and orders of the Directors; penalty on Overseers for refusal or neglect to follow the orders of the Directors; in case the Overseers fail to pay the sum required the parish was to be liable for raising the money (*Sections 47 – 49*)
- (m) accounts of the previous corporation to be made up to 1 October 1826; the balance of the general accounts to be transferred to the Guardians; future accounts to be kept by officers of the Guardians; Guardians to appoint auditors to examine the accounts of the officers; auditors to be remunerated; accounts to be passed to the Justices of the Peace for inspection; an abstract of the accounts to be lodged with the Quarter Sessions; officers in receipt of money raised under this Act to render accounts; penalty for failure to render accounts (*Sections 50 – 56*)
- (n) lawful for Guardians or Directors to compound debts; rules of the previous corporation to remain in force until repealed or altered; mortgages created by the previous corporation to be recorded; proceedings of the Directors and Guardians to be recorded (*Sections 57 – 60*)
- (o) recovery of penalties charged under this Act; civil procedure matters; appeals; ratepayers to be competent witnesses; lawful for the Guardians

to mortgage property to pay off debts; this Act not to extend to any place maintaining its own poor or to any almshouse or hospital (*Sections 61 – 71*)

(p) expenses and status of this Act (*Sections 72 – 73*).

5. The workhouse was built under the 1784 Act in the west of Shrewsbury later that year. The workhouse closed in 1871 and the building was purchased by Shrewsbury School, opening there in 1882.¹⁴² The school occupies the site to this day.

6. The 1826 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1826 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Shropshire County Council, Shrewsbury School and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
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¹⁴² <http://www.shrewsbury.org.uk/index.cfm?fuseaction=features.content&cmid=124>.

1 Will. 4 c.iv (1831) (Bristol Poor Relief Act)	The whole Act.
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1 Will. 4 c.iv (1831) (Bristol Poor Relief Act)

1. This note proposes the repeal of an obsolete 1831 Act passed to amend the powers of a previous Act to provide relief for the poor living in Bristol.

2. According to its long title, the purpose of the 1831 Act was:

to alter, amend, and enlarge the Powers of an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, for regulating the Poor of the City of Bristol, and for other Purposes connected therewith.

3. The *preamble* to the 1831 Act refers to an Act of 1822¹⁴³ which incorporated *The Governor, Deputy Governor, Assistants, and Guardians of the Poor of the City of Bristol* (“the Guardians”). The Guardians put the 1822 Act into execution. The preamble records the fact the building in Bristol used as a poor house, being old and decayed, was unsuitable for use to house either poor persons generally or “pauper lunatics” in particular. By contrast there was a building in the parish of St Philip and Jacob in the county of Gloucester¹⁴⁴ known as the Armoury which could be converted to use for housing poor persons from Bristol including pauper lunatics. Finally the preamble records that amendment to some of the powers in the 1822 Act had proved necessary.

4. The 1831 Act provided as follows:

- (a) the powers of the 1822 Act to extend to this Act (*Section 1*)
- (b) lawful for the Guardians to purchase the Armoury and adjacent land and to convert it to use as a lunatic asylum for paupers and as a workhouse; conveyancing provisions (*Sections 2 – 9*)
- (c) lands purchased by the Guardians deemed to be within the City of Bristol; reservation of rights despite this Act (*Sections 10 – 11*)

¹⁴³ 3 Geo. 4 c.xxiv “An Act for the Employment, Maintenance, and Regulation of the Poor of the City of Bristol; and for altering the Mode of assessing the Rates for the relief of the Poor, and certain Rates authorized to be raised and levied within the said City by certain Acts, for improving the Harbour there, and for paving, pitching, cleansing, and lighting the same City; and for the Relief of the Churchwardens and Overseers from the collecting of such Rates; and for amending the act for paving, pitching, cleansing, and lighting the said City” (repealed by Bristol Rates Act 1837 c.lxxxvi s 2; Bristol Corporation Act 1897 c.ccxxx s 55).

¹⁴⁴ In 1835 the City of Bristol’s boundaries were extended so as to include additional parishes including the parish of St Philip and Jacob.

- (d) no person to gain settlement rights in the parish of Saint Philip and Jacob through the use of the lands to be purchased; the lands purchased to be rated and taxed at the same rate as they were prior to the purchase (*Sections 12 – 13*)
- (e) the senior Overseer of the precinct of the Castle in Bristol to be appointed as one of the Guardians (*Section 14*)
- (f) Guardians may dispose of any land not required for the purposes of the 1822 Act (including the existing poor house in Bristol) and apply the proceeds towards the expenses of purchasing, constructing and furnishing the workhouse (*Sections 15 – 16*)
- (g) penalty for persons refusing to act as a Guardian or officer of the Guardians; Treasurer and Clerk not to be the same person; recovery of penalties under this Act (*Sections 17 – 19*)
- (h) expenses and status of this Act (*Sections 20 – 21*).

5. In 1833 the Guardians used the powers in the 1831 Act to acquire the Stapleton workhouse at Blackberry Hill. In 1930 the building ceased to be used as a workhouse. It was later renamed the Stapleton Hospital, the Manor Park Hospital and, in 1992, the Blackberry Hill Hospital.

6. The 1831 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1831 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Bristol City Council, North Bristol NHS Trust and the Local Government Association have been consulted about these repeal proposals.

(32-195-455) LAW/005/018/06
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<i>Reference</i>	<i>Extent of repeal or revocation</i>
2 & 3 Will.4 c.x (1832) (Leicester Rates and Poor Relief Act)	The whole Act.

2 & 3 Will.4 c.x (1832) (Leicester Rates and Poor Relief Act)

1. This note proposes the repeal of an obsolete 1832 Act passed to provide relief for the poor living in the parish of Saint Margaret in the County of Leicester.

2. According to its long title, the purpose of the 1832 Act was:

for better assessing and collecting the Poor and other Parochial Rates, and for the better Maintenance and Employment of the Poor, of the Parish of Saint Margaret in the Borough and County of Leicester.

3. The *preamble* to the 1832 Act records that the “poor belonging [to the parish of Saint Margaret] are very numerous, and are supported at a great Expence” and it would be desirable to enhance the powers for collecting the poor rates so that “more effectual Provision should be made for the Relief, Maintenance, and Employment of the Poor of the said Parish”.

4. The 1832 Act provided as follows:

(a) arrears of all rates levied prior to the passing of this Act to be enforceable by the Select Vestry¹⁴⁵ appointed pursuant to this Act; all parish officers having in their possession accounts relating to the Select Vestry acting under an Act of 1819¹⁴⁶ to hand over all accounts and moneys in their possession; all persons owing money to the Select Vestry to hand it over (*Section 1*)

(b) rates raised under this Act to be used to pay any debts of the Select Vestry established under the 1819 Act; officers appointed under the 1819 Act to continue in office until removed by the Select Vestry executing this Act (*Sections 2 – 3*)

(c) election of 30 persons to be Select Vestrymen of the parish; an annual meeting to be held for this purpose; Vestrymen may be re-elected; procedure for election by majority vote if more than 30 people are nominated as Vestrymen; Vestrymen must be ratepayers; penalty for

¹⁴⁵ A select vestry was a chosen body of persons selected in large and populous English parishes to represent and manage the concerns of the parish for a period of one year.

¹⁴⁶ 59 Geo. 3 c. 12 “An Act to Amend the Laws for the Relief of the Poor”, repealed by the Statute Law Revision Act 1958, s 1, Sch 1.

- acting if not duly qualified; Justices of the Peace may act as Vestrymen; persons exempt from parochial office to continue to be exempt; manner of voting at Vestry meetings; only inhabitants rated at a value of £6 for a minimum of 6 months entitled to vote (*Sections 4 – 12*)
- (d) proceedings of the Select Vestry; meetings of the Select Vestry to be held in the parish workhouse; emergency meetings; Vestrymen to pay their own expenses; minutes of the Vestry meeting to be kept and made available for ratepayers to inspect (*Sections 13 – 17*)
- (e) Vestrymen to appoint a Treasurer, Clerk and other officers; officers to keep accounts of monies received and expended under this Act and to pay the money due to the Treasurer; penalty for failure to do so; in case of the death or bankruptcy of officers, their personal representatives must account to the Select Vestry (*Sections 18 – 20*)
- (f) accounts to be kept by the Vestrymen and made available for inspection by ratepayers; accounts to be audited at a Vestry meeting held for that purpose twice a year; audited accounts to be open for inspection; an abstract of the accounts to be published (*Sections 21 – 24*)
- (g) offices of Clerk and Treasurer to be held by different people; neither to be the attorney or solicitor of the parish (*Sections 25 – 26*)
- (h) collectors of the poor rate to deliver the money to the Treasurer weekly; Treasurer to make payments as directed by the Vestrymen; legal proceedings by the Select Vestry; officers not to demand any fee for doing anything under the authority of this Act (*Sections 27 - 30*)
- (i) appointment of overseers of the poor; survey to value the land in the parish; the rates to be based upon the survey valuation; no alterations to be made to the survey or valuation unless agreed upon at a Vestry meeting with 5 days notice; surveys not to be made oftener than every 7 years (*Sections 31 – 35*)
- (j) all property and goods provided by the parish for the use of the poor to be vested in the Select Vestry; Select Vestry to have all the powers of overseers of the poor; poor laws to continue in force unless altered by this Act (*Sections 36 – 38*)
- (k) Select Vestry to assess the rates for the poor,¹⁴⁷ the church¹⁴⁸ and the highways¹⁴⁹; notice to be given of all Select Vestry meetings held for the

¹⁴⁷ The parish-run poor law system was abolished by the Local Government Act 1929: see accompanying *background note*.

¹⁴⁸ Compulsory church rates were abolished in 1868: Compulsory Church Rates Abolition Act 1868.

purpose of assessing the rates; nothing in this Act to render any lands liable for church rates unless previously so liable; no poor rate, church rate or highway rate to be made or raised within the parish except pursuant to this Act; notice of the rates to be given in church (*Sections 39 - 43*)

- (l) Select Vestry empowered to alter or enlarge the present workhouse or build a new one; Vestrymen may contract for the work to enlarge the workhouse; notice to be given of such contracts; Vestrymen authorised to reach compromise in cases of breach of contract (*Sections 44 - 47*)
- (m) all lands now vested in the churchwardens or overseers of the poor to be vested in the Select Vestry (*Section 48*)
- (n) Select Vestry empowered to raise money, not exceeding £5000, on the security of the rates for the purposes of this Act; form of mortgage; mortgages transferable; form of transfer; recovery of moneys lent; money may be borrowed at a lower rate of interest in order to pay off debts with a higher interest rate (*Sections 49 – 52*)
- (o) Select Vestry to have care of the poor; Select Vestry may set the poor in the workhouse to work; poor persons from outside the parish applying for relief may be compelled to enter the workhouse; clergy to visit sick persons in the workhouse (*Sections 53 – 56*)
- (p) no vestryman to have an interest in any contracts entered into by the Select Vestry; bonds of indemnity concerning the support of illegitimate children may be paid to the Select Vestry (*Section 57- 58*)
- (q) any summons by any court concerned with a failure to provide relief to a poor person may be answered by the attendance of a Vestryman; Justices to proceed on complaint of Select Vestry as if made by an overseer (*Sections 59 – 60*)
- (r) lawful for the Select Vestry to make rules and regulations for the better governing and employment of the poor; Select Vestry to appoint the sexton of the parish; money collected for the church rates to be paid over to churchwardens; Select Vestry to appoint surveyors of the highways (*Sections 61 – 64*)

¹⁴⁹ The parish remained the body responsible for highways until 1894, when section 25 of the Local Government Act 1894 transferred all the powers of the highway authority to the district council. The cost of maintaining public highways is today governed by Part 4 of the Highways Act 1980.

- (s) churchwardens and overseers and surveyors of the highways to be compensated for any expenses incurred by them in the execution of their office (*Sections 65 – 66*)
- (t) parish rates not to be levied other than by the Select Vestry; recovery of rates from persons refusing to pay by seizing their goods or committing them to prison; recovery of rates from persons quitting a property without paying; provisions for recovering arrears from new occupiers or landlords; the person collecting rents to be deemed the landlord or owner; occupiers may be rated if they consent; goods and chattels of occupiers may be seized in cases of non-payment (*Sections 67 – 76*)
- (u) Select Vestry may correct errors in the rates and exempt any rate-payer from payment in cases of poverty; form of warrant of distress; actions for debt (*Sections 77 – 80*)
- (v) rate books to be used in evidence; penalty for obstructing the execution of this Act; Select Vestry may settle actions brought against them without going to trial; public inspection of rate books and accounts (*Sections 81 – 84*)
- (w) power to compel attendance of witnesses; recovery and application of penalties levied under this Act; damages and charges disputes; civil procedure issues; ratepayers to be competent witnesses; appeals; administration of oaths; service of notices; vestry meetings of parish inhabitants (*Sections 85 to 102*)
- (x) saving for ecclesiastical law; expenses and status of this Act (*Sections 103 – 105*).

5. A workhouse was built at Humberstone Gate in Saint Margaret's parish in Leicester in 1723, amalgamating several parish houses that had been in operation. In 1838 the newly established Leicester Poor Law Union built a new workhouse (on Sparkenhoe Street, near Conduit Street), rendering Saint Margaret's workhouse obsolete. The building was sold in 1839 and demolished in 1867.

6. The 1832 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either

from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1832 Act is obsolete and may now be repealed on that basis.¹⁵⁰

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Leicestershire County Council and the Local Government Association have been consulted about these repeal proposals.

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¹⁵⁰ Provisions in the 1832 Act relating to the appointment of surveyors of the highways for the parish of St Margaret (and for such surveyors to be Select Vestrymen of that parish) have already been repealed: Leicester Sewerage Act 1851 (14 & 15 Vict. c.ii), s 36.

3 & 4 Will. 4 c.ii (1833) (Bosmere and Claydon Poor Relief Act)	The whole Act.
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3 & 4 Will. 4 c.ii (1833) (Bosmere and Claydon Poor Relief Act)

1. This note proposes the repeal of an obsolete 1833 Act passed to grant alternative powers to provide relief for the poor living in the Hundred of Bosmere and Claydon in the County of Suffolk.¹⁵¹

2. According to its long title, the purpose of the 1833 Act was:

for repealing an Act passed in the Fourth Year of the Reign of His Majesty King George the Third, for the better Relief and Employment of the Poor in the Hundred of Bosmere and Claydon in the County of Suffolk, and for granting more effectual Powers instead thereof.

3. The *preamble* to the 1833 Act referred to an Act of 1764¹⁵² under which lands were purchased and a house of industry¹⁵³ established in the parish of Barham where a large number of poor were being housed. The poor rates authorised by the 1764 Act had proved insufficient to repay the moneys borrowed under that Act. Moreover, according to the preamble, “the Number of the Poor within the said Hundred has of late Years greatly increased, and the said Act is found in many respects ineffectual for the Purposes thereby intended”.

4. The 1833 Act provided as follows:

- (a) the repeal of the 1764 Act (*Section 1*)
- (b) the incorporation of all the ratepayers in the Hundred as *The Guardians of the Poor within the Hundred of Bosmere and Claydon in the County of Suffolk* (“The Guardians”) (*Section 2*)
- (c) women able to act as Guardians by proxy; the Guardians not to hold lands for a term longer than five years; the workhouse and all other buildings, lands purchased or goods provided for the poor under the 1764 Act to be vested in the Guardians; the poor in the Hundred to be provided for by the Guardians; boys to be under the care of the Guardians until they reach 18, girls until they reach 16 (*Sections 3 - 5*)

¹⁵¹ The “hundred” is an ancient description of groups of townships in English counties.

¹⁵² 4 Geo. 3 c.57 Bosmere and Claydon, Suffolk (poor relief) Act; *An Act for the better Relief and Employment of the Poor in the Hundred of Bosmere and Claydon in the County of Suffolk*.

¹⁵³ Workhouses were commonly described as “houses of industry”.

- (d) the Guardians incorporated under this Act to be liable for the obligations of the corporation formed under the 1764 Act; persons appointed under the 1764 Act to remain in post until others are appointed as directed under this Act; money in the hands of persons under the 1764 Act to be applied by them in pursuance of this Act (*Sections 6 - 8*)
- (e) provision for quarterly meetings of the Guardians; the procedure for annually electing Directors; replacement of Guardians on their death or removal; Guardians to settle their accounts at the quarterly meetings (*Sections 9 - 11*)
- (f) bye-laws made by the previous corporation to continue in force; Guardians empowered to make and repeal bye-laws (*Section 12*)
- (g) Guardians to appoint a Treasurer and a Clerk; offices of the Treasurer and Clerk not to be held by the same person; penalty for holding both offices; Guardians empowered to appoint a special constable, a Governor and Matrons for the running of the workhouse; Guardians empowered to appoint a clergyman, schoolmaster and doctor for the workhouse; officers appointed to be paid their expenses; officers to pay a security for the discharge of duties relating to their office; rewards to the Governor and Matron for the performance of their duties; Guardians may remove officers; penalty on officers for stealing from the workhouse (*Sections 13 – 22*)
- (h) Guardians to assemble committees for each quarter; smaller committees to be established for each month; quorum for meetings; Guardians to defray their own expenses for attending meetings; penalty for neglecting or refusing to hold meetings (*Sections 23 - 27*)
- (i) lawful for the Guardians to apprentice poor children for a period of up to seven years or until 21 (for a male) or 18 (for a female); a master quitting a parish while in charge of an apprentice had to sign the apprentice over to the new owner of the business; arrangements for apprentices made under the 1764 Act to remain valid; binding out of children to be recorded; apprentices ill-treated to be discharged by the Guardians and the master to be fined; apprenticeship of a child within the workhouse not to affect the settlement rights of that child (*Sections 28 – 33*)
- (j) Guardians authorised to hire out poor persons to carry out such work as bringing in the harvest; the profits from the labour of the poor to be applied in relieving the poor rates; rewards may be given to the industrious poor (*Sections 34 - 37*)

- (k) penalty for stealing or receiving the clothing or apparel provided for the poor; prohibition on bringing strong liquor into the workhouse (*Sections 38- 40*)
- (l) Churchwardens and Overseers of the Poor to find and procure work for the able poor; Justices of the Peace authorised to proceed on the complaint of the Guardians; procedure for warrants issued by Justices of the Peace in pursuance of this Act (*Sections 41 - 43*)
- (m) lawful for the Guardians to give orders for the altering or enlarging of the workhouse; the same to be kept in repair; Directors and Guardians to furnish the workhouse and provide materials for employing the poor (*Sections 44 - 45*)
- (n) rates levied under this Act to be security for money borrowed; lawful for the Guardians to borrow money not exceeding £10,000; form of mortgage; form of mortgage transfer; principal of the loan to be paid off with the agreement of the majority of the Guardians with 6 months' notice; additional rate of interest payable in special circumstances (*Sections 46 - 49*)
- (o) Guardians to assess a sum of money necessary for maintaining the poor each quarter and for repaying the interest on the money borrowed under the 1764 Act; Churchwardens required to pay the sum assessed on their parish; Churchwardens to raise the money by rating the inhabitants of the parish; penalty on the Churchwardens for failure to levy or pay the rates; until March 25 1834 the sum assessed to be levied in proportion to the average sum in force before the passing of this Act (*Sections 50 - 52*)
- (p) the Clerk to divide the costs of maintaining the poor into two classes; the first class being the daily costs of maintaining the poor; the second class the capital costs of running the workhouse; the amount of the first class to be the amount levied on each parish for their quarterly contributions; the amount of the second class to be levied on the parish in proportion to their average rates existing at the time of the passing of this Act; provision for parishes to appeal against the assessment; appeals not to halt the collection of the rates (*Sections 53 - 56*)
- (q) nothing in this Act to prevent the Churchwardens from assessing and raising sums of money for other purposes; parts of the parishes not strictly within the Hundred of Bosmere and Claydon but previously charged and rated for the poor were to be deemed part of the Hundred for the purposes of this Act; expenses of procuring this Act to be paid out of the

rates; Churchwardens and Overseers to obey the warrants of the Guardians; penalty for refusal or neglect to levy the rates; provision for appeal against such penalty (*Sections 57 - 60*)

- (r) certificates of settlement given to parish officers to be delivered to the Clerk of the Guardians; paupers may be removed within the Hundred to their parish of settlement; expenses of removal to be borne by the parish removing the pauper; Guardians' books to serve as evidence of the settlement status of the poor in the workhouse; bonds indemnifying parishes from the costs of raising illegitimate children to remain valid and to continue to be issued (*Sections 61 - 65*)
- (s) fines and penalties levied under this Act to be paid to the Treasurer; legacies, donations and voluntary contributions to be received by the Treasurer (*Sections 66 - 67*)
- (t) determination of contentious issues at the meetings of the Guardians; recovery and application of penalties under this Act; Guardians and Directors not prohibited from acting as Justices of the Peace (*Sections 68-70*)
- (u) appeals; civil procedure matters; parishes of Bramford and Westerfield deemed part of the Hundred for the purposes of this Act; appointment of Overseers for those parishes; form of appointment of Overseers; all apprenticeships made under the 1764 Act to remain valid; status of this Act (*Sections 71- 79*).

5. A workhouse was built in 1766 at Barham. This workhouse was taken over by the Bosmere and Claydon Poor Law Union in 1835. The building ceased to be used as a workhouse in 1920 and accommodated Italian prisoners of war during the Second World War. In 1963 the building was demolished.

6. The 1833 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1833 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Suffolk County Council and the Local Government Association have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
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Manchester Overseers Act 1858 (21 & 22 Vict. c.lxii)	The whole Act.
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Manchester Overseers Act 1858 (21 & 22 Vict. c.lxii)

1. This note proposes the repeal of an obsolete 1858 Act passed to make provision for the collection of poor and other rates in and around Manchester.

2. According to its long title, the purpose of the 1858 Act was to provide:

for the separate Incorporation of the Overseers of the several Townships of Manchester, Ardwick, Chorlton-upon-Medlock, and Hulme for specific Purposes; for the levying and Collection of Rates; for the extinguishing the Exemption of Gasworks from Rates.

3. The *preamble* to the 1858 Act recorded that the Townships of Manchester, Ardwick, Chorlton-upon-Medlock and Hulme contained a very large population and that, because of the large population, *“it is expedient that further Powers should be given to the Overseers of each of the said Townships in respect of the Rates levied by them”*.

4. The 1858 Act provided as follows:
 - (a) Short title and application of this Act; “rate” defined to include any rate leviable by the overseers of the four townships; saving for other Acts (*sections 1 to 4*)
 - (b) Appointment of overseers of the poor for the four townships; incorporation of the overseers of each township; overseers authorised to appoint clerks and other servants with salaries payable out of the poor rates (*sections 5 and 6*)
 - (c) provision as to rating unoccupied premises; power for overseers to reach agreement with owners of low value properties for reduced rate payments; cases where owner rather than occupier might be rated; penalties on such owners; definition of “owner”; occupier’s right to be rated instead of owner; occupier to be liable for rates in certain cases of default by owner (*sections 7 to 15*)
 - (d) power of overseers to amend rates; appeals against such amendment; this Act not to affect existing tenancy agreements (*sections 16 to 18*)

- (e) provisions about summonses and notices; rate books to be balanced each year; penalty for disobeying summons; appointment of assessors and penalty for any assessor failing to carry out duties; relief from rates; recovery of penalties (*sections 19 to 29*)
- (f) repeal of provision in the *Manchester General Improvement Act 1851*¹⁵⁴ excepting gasworks from rates (*section 30*)
- (g) the expenses of obtaining this Act (*section 31*).

5. The 1858 Act has long been obsolete.¹⁵⁵ It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

6. Accordingly the 1858 Act is obsolete and may now be repealed on that basis.

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Manchester City Council and the Local Government Association have been consulted about these repeal proposals.

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¹⁵⁴ 14 & 15 Vict. c.cxix, s 138.

¹⁵⁵ The provisions of the 1858 Act were subsequently amended or applied as they related to the overseers: Manchester Corporation Waterworks and Improvement Act 1875 (38 & 39 Vict. c.clxi), s 55; Local Government Board Provisional Order Confirmation (Poor Law) Act 1886 (49 & 50 Vict. c.xix), art 1 of Manchester and Hulme Order; Manchester Corporation (General Powers) Act 1904 (4 Edw.7 c.ccxxv), s 95(5); Local Government Board Provisional Orders Confirmation (No.13) Act 1913 (3 & 4 Geo.5 c.cxxxvii) art 16 of Manchester Extension Order.

GROUP 2 – PROVISIONAL ORDERS CONFIRMATION ACTS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Salisbury Poor Relief Act 1868 (31 & 32 Vict. c.cl)	The whole Act.

Salisbury Poor Relief Act 1868 (31 & 32 Vict. c.cl)

1. This note proposes the repeal of an obsolete 1868 Act passed to make changes to the system of providing relief for the poor in the City of Salisbury.
2. According to its long title, the purpose of the 1868 Act was to:
confirm a Provisional Order made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the City of Salisbury.
3. Section 2 of the Poor Law Amendment Act 1867 (“the 1867 Act”)¹⁵⁶ provided a means whereby a union of parishes (otherwise known as a “poor law union”) or an individual parish could apply to the Poor Law Board¹⁵⁷ (“the Board”) to repeal or amend any local Act that controlled or regulated the arrangements for poor relief or levying the poor rate in the area of that union or parish.¹⁵⁸ The Guardians of any such union or parish would apply to the Board for an order repealing or amending the local Act. The Board, if it supported the application, would issue a Provisional Order for the repeal or amendment. Such Provisional Order would have effect only once it had been confirmed by Act of Parliament.
4. The purpose of the 1868 Act was therefore to confirm a Provisional Order made by the Board pursuant to the 1867 Act. This Order, dated 10 July 1868, provided for the repeal of two Acts¹⁵⁹ providing for the relief of the poor (and for the levy of poor rates) in the parishes of St Thomas, St Edmund and St Martin in the City of New Sarum (i.e. Salisbury), the repeals to take effect on 25 March 1869. Thereupon the churchwardens and overseers of the three parishes were declared to have “the same Rights, Privileges, and Powers, and be subject to the same Liabilities

¹⁵⁶ 30 & 31 Vict. c.106. This Act was finally repealed by the Statute Law Revision Act 1950.

¹⁵⁷ The Poor Law Board was established by the Poor Law Board Act 1847 (10 & 11 Vict. c.109). The Board inherited the role of the Poor Law Commissioners in being responsible for the general management of the poor. The 1847 Act was repealed by the Poor Law Act 1927, s 245, Sch 11.

¹⁵⁸ Section 2 did not apply to parishes within London.

¹⁵⁹ 10 Geo.3 c.81 (1770); 11 Geo.4 & 1 Will.4 c.lxxvi (1830).

and Responsibilities, as the Churchwardens and Overseers of any Parish which is not governed by any Local Act”.

5. *Section 1* of the 1868 Act set out the terms of the Order and confirmed it. *Section 2* provided for the short title of the 1868 Act.

6. The 1868 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

7. Accordingly the 1868 Act is obsolete and may now be repealed on that basis.

Consultation

8. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Wiltshire County Council and the Local Government Association have been consulted about these repeal proposals.

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Poor Law Board's Provisional Orders Confirmation Act 1869 (32 & 33 Vict. c.cxxiii)	The whole Act.
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Poor Law Board's Provisional Orders Confirmation Act 1869 (32 & 33 Vict. c.cxxiii)

1. This note proposes the repeal of an obsolete 1869 Act passed to confirm several provisional orders made to change the system of providing relief for the poor in parts of Norfolk and Sussex.

2. According to its long title, the purpose of the 1869 Act was to:

confirm three Provisional Orders made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the city of Chester, the incorporated hundreds of Tunstead and Happing in the county of Norfolk, and the parish of Woolavington in the county of Sussex.

3. *Section 2* of the *Poor Law Amendment Act 1867* (“the 1867 Act”)¹⁶⁰ provided a means whereby a union of parishes (otherwise known as a “poor law union”) or an individual parish could apply to the Poor Law Board (“the Board”) for an order to repeal or amend any local Act that controlled or regulated the arrangements for poor relief or for levying the poor rate in the area of that union or parish.¹⁶¹ *Section 3* of the 1867 Act provided a means whereby an analogous application could be made to the Board for an order to adjust the extent of (or to divide) a parish. The Guardians of any union or parish would apply to the Board for an order repealing or amending the local Act (or adjusting or dividing a parish). The Board, if it supported the application, would issue the necessary Provisional Order. Such Provisional Order would have effect only once it had been confirmed by Act of Parliament.

4. The purpose of the 1869 Act was therefore to confirm Provisional Orders made by the Board pursuant to the 1867 Act. The 1869 Act confirmed three Orders.

Chester Incorporation Order

5. This Order has already been repealed.¹⁶²

¹⁶⁰ 30 & 31 Vict. c.106. The Act was finally repealed by the Statute Law Revision Act 1950.

¹⁶¹ Section 2 did not apply to parishes within London.

¹⁶² Chester Corporation Act 1932 (22 & 23 Geo.5 c.lxxxiv), s 18(1)(b); Cheshire County Council Act 1980 (c.xiii), s 112(1), Sch 3, Pt 1.

Tunstead and Happing Incorporated Hundreds Order

6. This Order, dated 21 April 1869, provided for the repeal of two Acts¹⁶³ providing for the relief of the poor within the hundreds¹⁶⁴ of Tunstead and Happing in the county of Norfolk. The repeals were to take effect on 29 September 1869. Thereupon the churchwardens and overseers of the respective parishes were declared to have the same rights and duties as the churchwardens and overseers of any parish that was not governed by any local Act. The Order became spent once the repeals had taken effect or within a short period thereafter.

Midhurst Union (Parish of Woolavington) Order

7. This Order, dated 14 June 1869, provided for parts of the divided parish of Woolavington in Sussex to be annexed to the adjoining parishes of Fernhurst and Terwick, and for the remainder to be divided into two district parishes (to be called East Lavington and West Lavington). The Order was to take effect on 29 September 1869.

Effect of the repeal

8. The purpose of the 1869 Act was to confirm the validity of the three Orders with effect from the passing of the Act on 26 July 1869. The 1869 Act thereupon became spent except to the extent that any of the Orders continued to serve any useful purpose. The Act is proposed for repeal on that basis, subject to an appropriate saving provision to preserve the validity of the individual Orders in so far as they have any continuing utility.¹⁶⁵

Consultation

9. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Norfolk County Council, West Sussex County Council and the Local Government Association have been consulted about these repeal proposals.

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¹⁶³ 25 Geo.3 c.27 (1785); 5 Geo.4 c.i (1824).

¹⁶⁴ The "hundred" is an ancient description of groups of townships in English counties.

¹⁶⁵ This savings provision appears in Schedule 2 to the draft Bill (paragraph 2).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Local Government Board's Poor Law Provisional Orders Confirmation (Oxford etc) Act 1875 (38 & 39 Vict. c.clxviii)	The whole Act.

Local Government Board's Poor Law Provisional Orders Confirmation (Oxford etc) Act 1875 (38 & 39 Vict.c.clxviii)

1. This note proposes the repeal of an obsolete 1875 Act passed to make changes to the system of providing relief for the poor in Oxford, Stoke-on-Trent and Herefordshire.

2. According to its long title, the purpose of the 1875 Act was to:

confirm certain Provisional Orders made by the Local Government Board under the Poor Law Amendment Act, 1867, with reference to the City of Oxford, the Parish of Stoke-upon-Trent, and the Parishes of Sutton Saint Michael and Sutton Saint Nicholas in the County of Hereford.

3. *Section 2* of the Poor Law Amendment Act 1867 (“the 1867 Act”)¹⁶⁶ provided a means whereby a union of parishes (otherwise known as a “poor law union”) or an individual parish could apply to the Poor Law Board for an order to repeal or amend any local Act that controlled or regulated the arrangements for poor relief or for levying the poor rate in the area of that union or parish.¹⁶⁷ *Section 3* of the 1867 Act provided a means whereby an analogous application could be made to the Poor Law Board for an order to adjust the extent of (or to divide) a parish. In 1871 the functions of the Poor Law Board were taken over by the Local Government Board (“the Board”).¹⁶⁸ The Guardians of any union or parish would apply to the Board for an order repealing or amending the local Act (or adjusting or dividing a parish). The Board, if it supported the application, would issue the necessary Provisional Order. Such Provisional Order would have effect only once it had been confirmed by Act of Parliament.

4. The purpose of the 1875 Act was therefore to confirm Provisional Orders made by the Board pursuant to the 1867 Act. The 1875 Act confirmed three Orders, all of

¹⁶⁶ 30 & 31 Vict. c.106. The Act was finally repealed by the Statute Law Revision Act 1950.

¹⁶⁷ Section 2 did not apply to parishes within London.

¹⁶⁸ Local Government Board Act 1871 (34 & 35 Vict. c.70), s 2. The Act was repealed by the Statute Law (Repeals) Act 1986, s 1(1), Sch 1, Part 7.

which have already been repealed. It only remains for the formal repeal of the 1875 Act itself.

City of Oxford Order

5. This Order, dated 14 June 1875, provided for the amendment of a local Act¹⁶⁹ of 1854 providing for the relief of the poor in the City of Oxford (including within the University of Oxford). Following earlier partial repeals, the Order was wholly repealed in 1933.¹⁷⁰

Parish of Stoke-on-Trent Order

6. This Order, dated 26 February 1875, provided for adjustments to the parishes of Stoke-on-Trent and Newcastle-under-Lyme. The Order was repealed in 1983.¹⁷¹

Parish of Sutton Order

7. This Order, dated 21 April 1875, provided for adjustments to the parishes of Sutton St Michael and Sutton St Nicholas in Herefordshire. The Order was repealed in 1998.¹⁷²

Remainder of the 1875 Act

8. *Section 1* of the 1875 Act confirmed the three Orders as set out in the Schedule to the Act. *Section 2* contains provisions about the Oxford Order that are either now repealed already or obsolete. *Subsection (1)* deemed Christ Church College to be one of the colleges of the University for all the purposes of the Order and this Act. The repeal of the Order in 1933 and the absence of any remaining substantive provision in this Act means that this provision is now obsolete. *Subsections (2) and (3)* were repealed in 1933.¹⁷³ *Subsection (4)* was an obsolete reference to the rating of buildings within the University for the purpose of poor relief. *Subsection (5)* provided that the 1854 Act, the Order and this Act were to be construed as if the name of Hertford College had been inserted in the preamble of the 1854 Act instead of the name of the Hall of St Mary Magdalene. The subsequent repeal of the 1854 Act has made this provision spent. The only remaining unrepealed provision of the 1875 Act is *section 3* which provides the short title.

¹⁶⁹ Oxford Poor Rate Act 1854 (17 & 18 Vict. c.ccxix).

¹⁷⁰ Oxford Corporation Act 1933 (23 & 24 Geo.5 c.xxi), s 134, Sch 5. The earlier repeals were by the Oxford Corporation Act 1925 (15 & 16 Geo.5) (c.xxviii), s 131 and the Oxford Extension Act 1928 (18 & 19 Geo.5) (c.lxxxiv), s 84(1).

¹⁷¹ Staffordshire Act 1983 (c.xviii), s 78, Sch 5, Part 2.

¹⁷² Statute Law (Repeals) Act 1998, s 1(1), Sch 1, Part 5.

¹⁷³ Oxford Corporation Act 1933, s 134, Sch 5.

9. It is clear that the 1875 Act has long been obsolete. It dates back to an age when relief for the poor, and the money to pay for this, was organised on a parish basis. As indicated in the accompanying *background note*, the system of parish-run poor relief was abolished by the Local Government Act 1929. The poor law system was itself finally abolished by the National Assistance Act 1948. The finance for providing the income and other support previously provided by the parish is today drawn either from funds provided by central government or raised by local government from local taxation.

10. Accordingly the 1875 Act is proposed for repeal on the basis that it is obsolete.

Consultation

11. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, the University of Oxford, Oxford City Council and the Local Government Association have been consulted about these repeal proposals.

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Local Government Board's (Poor Law) Provisional Orders Confirmation (Birmingham, etc) Act 1878 (41 & 42 Vict. c.civ)	The whole Act.
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Local Government Board's (Poor Law) Provisional Orders Confirmation (Birmingham, etc) Act 1878 (41 & 42 Vict. c.civ)

1. This note proposes the repeal of an obsolete 1878 Act passed to confirm several provisional orders made to change the system of providing relief for the poor in parts of Birmingham, Southampton, Lancashire, Bedfordshire, Kent and Cambridgeshire.

2. According to its long title, the purpose of the 1878 Act was to:

confirm certain Provisional Orders of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, relating to the Parishes of Birmingham and Boldre, and to the Townships of Old Accrington and New Accrington, and certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, relating to the Parishes of Bolnhurst, Keysoe, Little Staughton, Minster, Pertenhall, and Saint Lawrence.

3. Section 2 of the *Poor Law Amendment Act 1867* (“the 1867 Act”)¹⁷⁴ provided a means whereby a union of parishes (otherwise known as a “poor law union”) or an individual parish could apply to the Poor Law Board for an order to repeal or amend any local Act that controlled or regulated the arrangements for poor relief or for levying the poor rate in the area of that union or parish.¹⁷⁵ The functions of the Poor Law Board were taken over by the Local Government Board (“the Board”) in 1871.¹⁷⁶ Section 3 of the 1867 Act provided a means whereby an analogous application could be made to the Board for an order to adjust the extent of (or to divide) a parish. The Guardians of any union or parish would apply to the Board for an order repealing or amending the local Act (or adjusting or dividing a parish). The Board, if it supported the application, would issue the necessary Provisional Order. Such Provisional Order would have effect only once it had been confirmed by Act of Parliament.

¹⁷⁴ 30 & 31 Vict. c.106. The Act was finally repealed by the Statute Law Revision Act 1950.

¹⁷⁵ Section 2 did not apply to parishes within London.

¹⁷⁶ Local Government Board Act 1871 (34 & 35 Vict. c.70), s 2. The Act was repealed by the Statute Law (Repeals) Act 1986, s 1(1), Sch 1, Part 7.

4. The *Divided Parishes and Poor Law Amendment Act 1876* (“the 1876 Act”)¹⁷⁷ was passed to deal with problems that had arisen through individual parishes in England being geographically divided.

5. *Section 1* of the 1876 Act applied in any case where a parish was divided so that part of it was isolated in some other parish or parishes (or otherwise detached). In such a case the Board was empowered, after making local inquiries, to make an *order* either to constitute separate parishes out of the divided parish or to amalgamate parts of the divided parish with the parish or parishes in which those parts were included. The order would take effect after not less than three months from the day that a copy of the order was sent to the overseers.

6. *Section 2* of the 1876 Act provided that if 10% of the ratepayers liable to pay the poor rate in any parish affected by a section 1 order objected to the order within the three month period specified in section 1, the order would be deemed to be a *provisional* order only. It would come into force only if confirmed by Act of Parliament.

7. *Section 3* of the 1876 Act provided that from the 25th March after-

- (a) the day that the order (if not objected to) took effect; or
- (b) (in the case of an objection) the date of Royal Assent of the Act of Parliament confirming the order,

every parish to which the order applied “shall be and continue to be constituted in the manner directed by the said order”.

8. The purpose of the 1878 Act was therefore to confirm a number of Provisional Orders made by the Board pursuant to the 1867 and 1876 Acts. The 1878 Act confirmed the following Orders.

Parish of Birmingham Order

9. This Order, dated 17 April 1878, was made pursuant to section 2 of the 1867 Act. It provided for the repeal of part of an Act of 1831 for “better regulating the Poor

¹⁷⁷ 39 & 40 Vict. c.61. The 1876 Act was finally repealed in full by the Distress for Rates Act 1960, s 15(1), Sch 2.

within the Parish of Birmingham".¹⁷⁸ The repeal took effect on 4 July 1878. The Order thereupon became spent.

Parish of Boldre Order

10. This Order, dated 6 May 1878, was made pursuant to section 3 of the 1867 Act. It provided for the parish of Boldre in the county of Southampton in Hampshire to be divided by the removal from it of the area of Sway and the creation of a separate parish of Sway. The Order was to take effect on 29 September 1878.

Townships of Old Accrington and New Accrington Order

11. This Order has already been repealed.¹⁷⁹

Parishes of Keysoe and Pertenhall Order

12. This Order, dated 9 October 1877, was made pursuant to sections 1 to 3 of the 1876 Act. It provided for the part of the parish of Pertenhall in Bedfordshire that was included within or adjoining the parish of Keysoe to be amalgamated with the parish of Keysoe. The Order was to take effect on 31 January 1878.

Parishes of Bolnhurst and Pertenhall Order

13. This Order, dated 9 October 1877, was made pursuant to sections 1 to 3 of the 1876 Act. It provided for the part of the parish of Pertenhall in Bedfordshire that was included within or adjoining the parish of Bolnhurst to be amalgamated with the parish of Bolnhurst. The Order was to take effect on 31 January 1878.

Parishes of Minster and Saint Lawrence Order

14. This Order, dated 25 January 1878, was made pursuant to sections 1 to 3 of the 1876 Act. It provided for the part of the parish of Minster in Kent that was locally included within the parish of St Lawrence to be amalgamated with the parish of St Lawrence. The Order was to take effect on 1 May 1878.

Parishes of Little Staughton and Pertenhall Order

15. This Order, dated 9 October 1877, was made pursuant to sections 1 to 3 of the 1876 Act. It provided for the parts of the parish of Pertenhall in Bedfordshire which were locally included within or adjoined the parish of Little Staughton to be

¹⁷⁸ 1 & 2 Will.4 c.lxvii. The Order provided for the repeal of part of section 32 of that Act.

¹⁷⁹ County of Lancashire Act 1984 (c.xxi), s 146(2)(b), Sch 8, Pt 1.

amalgamated with the parish of Little Staughton. The Order was to take effect on 31 January 1878.

Effect of the repeal

16. The purpose of the 1878 Act was to confirm the validity of the various Orders with effect from the passing of the Act on 4 July 1878. The 1878 Act thereupon became spent except to the extent that any of the Orders continued to serve any useful purpose. The Act is proposed for repeal on that basis, subject to an appropriate saving provision to preserve the validity of the individual Orders in so far as they have any continuing utility.¹⁸⁰

Consultation

17. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Birmingham City Council, Southampton City Council and Lancashire, Bedfordshire, Kent and Cambridgeshire County Councils and the Local Government Association have been consulted about these repeal proposals.

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¹⁸⁰ This savings provision appears in Schedule 2 to the draft Bill (paragraph 2).

Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1879 (42 & 43 Vict. c.cvi)

The whole Act.

Local Government Board's Provisional Orders Confirmation (Poor Law) Act 1879 (42 & 43 Vict.c.cvi)

1. This note proposes the repeal of an obsolete 1879 Act passed to confirm several provisional orders made to change the system of providing relief for the poor in parts of Derbyshire, Greater Manchester and Plymouth.

2. According to its long title, the purpose of the 1879 Act was to:

confirm certain Provisional Orders made by the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, relating to the Townships of Great Barlow and Little Barlow, the Townships of Cheadle Bulkeley and Cheadle Moseley, and the Town of Plymouth.

3. *Section 2* of the Poor Law Amendment Act 1867 (“the 1867 Act”)¹⁸¹ provided a means whereby a union of parishes (otherwise known as a “poor law union”) or an individual parish could apply to the Poor Law Board for an order to repeal or amend any local Act that controlled or regulated the arrangements for poor relief or for levying the poor rate in the area of that union or parish.¹⁸² *Section 3* of the 1867 Act provided a means whereby an analogous application could be made to the Poor Law Board for an order to adjust the extent of (or to divide) a parish. In 1871 the functions of the Poor Law Board were taken over by the Local Government Board (“the Board”).¹⁸³ The Guardians of any union or parish would apply to the Board for an order repealing or amending the local Act (or adjusting or dividing a parish). The Board, if it supported the application, would issue the necessary Provisional Order. Such Provisional Order would have effect only once it had been confirmed by Act of Parliament.

4. The purpose of the 1879 Act was therefore to confirm Provisional Orders made by the Board pursuant to the 1867 Act. The 1879 Act confirmed three Orders.

¹⁸¹ 30 & 31 Vict. c.106. The Act was finally repealed by the Statute Law Revision Act 1950.

¹⁸² Section 2 did not apply to parishes within London.

¹⁸³ Local Government Board Act 1871 (34 & 35 Vict. c.70), s 2. The Act was repealed by the Statute Law (Repeals) Act 1986, s 1(1), Sch 1, Part 7.

Townships of Great Barlow and Little Barlow Order

5. This Order, dated 2 May 1879, was made pursuant to section 3 of the 1867 Act. It provided for the townships of Great Barlow and Little Barlow to be consolidated under the name of the Township of Barlow.¹⁸⁴ The Order was to take effect on 29 September 1879.

Townships of Cheadle Bulkeley and Cheadle Moseley Order

6. This Order, dated 3 May 1879, was made pursuant to section 3 of the 1867 Act. It provided for the townships of Cheadle Bulkeley and Cheadle Moseley to be consolidated under the name of the Township of Cheadle.¹⁸⁵ The Order was to take effect on 29 September 1879.

Town of Plymouth Order

7. This Order, dated 5 May 1879, was made pursuant to section 2 of the 1867 Act. It provided for the repeal of part of an Act of 1707 for “erecting a Workhouse in the Town and Borough of Plymouth ... and for setting the Poor on work, and maintaining them there.”¹⁸⁶ The repeal took effect on 3 July 1879 (when the 1879 Act came into force). The Order thereupon became spent.

Effect of the repeal

8. The purpose of the 1879 Act was to confirm the validity of the three Orders with effect from the passing of the Act on 3 July 1879. The 1879 Act thereupon became spent except to the extent that any of the Orders continued to serve any useful purpose. The Act is proposed for repeal on that basis, subject to an appropriate saving provision to preserve the validity of the individual Orders in so far as they have any continuing utility.¹⁸⁷

¹⁸⁴ Barlow is near Chesterfield, Derbyshire.

¹⁸⁵ At the time Cheadle formed part of the county of Chester. Today Cheadle is in Greater Manchester.

¹⁸⁶ 6 Ann c.46. This 1707 Act was finally repealed in full by the Statute Law (Repeals) Act 2008, s 1(1), Sch 1, Pt 7.

¹⁸⁷ This savings provision appears in Schedule 2 to the draft Bill (paragraph 2).

Consultation

9. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Derbyshire County Council, Stockport Metropolitan Borough Council, Plymouth City Council and the Local Government Association have been consulted about these repeal proposals.

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Local Government Board's Provisional Order Confirmation (Poor Law) (No.7) Act 1888 (51 & 52 Vict. c.xciv)

The whole Act.

Local Government Board's Provisional Order Confirmation (Poor Law) (No.7) Act 1888 (51 & 52 Vict.c.xciv)

1. This note proposes the repeal of an obsolete 1888 Act passed to confirm a provisional order made to change the system of providing relief for the poor in the parish of St Mary Abbots, Kensington.¹⁸⁸

2. According to its long title, the purpose of the 1888 Act was to:

confirm a Provisional Order of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, as amended by the Poor Law Amendment Act 1868, and extended by the Poor Law Act 1879, relating to the Parish of St Mary Abbots, Kensington.

3. *Section 2* of the Poor Law Amendment Act 1867 (“the 1867 Act”)¹⁸⁹ provided a means whereby a union of parishes (otherwise known as a “poor law union”) or an individual parish could apply to the Poor Law Board for an order to repeal or amend any local Act that controlled or regulated the arrangements for poor relief or for levying the poor rate in the area of that union or parish.¹⁹⁰ *Section 2* was amended by the Poor Law Amendment Act 1868¹⁹¹ (so as to extend the scope of that section to parishes within London) and by the Poor Law Act 1879.¹⁹² In 1871 the functions of the Poor Law Board were taken over by the Local Government Board (“the Board”).¹⁹³ The Guardians or churchwardens of any union or parish would apply to the Board for an order repealing or amending the local Act. The Board, if it supported the application, would issue the necessary Provisional Order. Such Provisional Order would have effect only once it had been confirmed by Act of Parliament.

4. The purpose of the 1888 Act was therefore to confirm a Provisional Order made by the Board pursuant to the 1867 Act.

¹⁸⁸ Now known as St Mary Abbots, Kensington.

¹⁸⁹ 30 & 31 Vict. c.106. The Act was finally repealed by the Statute Law Revision Act 1950.

¹⁹⁰ Section 2 did not apply to parishes within London.

¹⁹¹ 31 & 32 Vict. c.122, s 3. The 1868 Act was repealed by the Local Government Act 1966, ss 38, 43(2), Sch 4 para 29(1), Sch 6 Part 3.

¹⁹² 42 & 43 Vict. c.54, s 9. The 1879 Act was also repealed by the Local Government Act 1966 (see previous footnote as to its repeal).

¹⁹³ Local Government Board Act 1871 (34 & 35 Vict. c.70), s 2. The Act was repealed by the Statute Law (Repeals) Act 1986, s 1(1), Sch 1, Part 7.

Parish of St Mary Abbots, Kensington Order

5. This Order, dated 17 May 1888, was made pursuant to section 2 of the 1867 Act (as amended). It provided for the repeal of a poor relief Act of 1756¹⁹⁴ and the partial repeal of poor relief Acts of 1777¹⁹⁵ and 1826.¹⁹⁶ The repeals took effect on 24 July 1888 (when the 1888 Act came into force). The Order thereupon became spent except in so far as it amended the unrepealed provisions of the 1777 and 1826 Acts. The repeal of the remaining provisions of those Acts by an Order in 1901¹⁹⁷ resulted in the Order becoming fully spent.

Effect of the repeal

6. The purpose of the 1888 Act was to confirm the validity of the Order with effect from the passing of the Act on 24 July 1888. The 1888 Act became spent in 1901 when the Order became fully spent. It is proposed for repeal on that basis.

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, the Royal Borough of Kensington and Chelsea and the Local Government Association have been consulted about these repeal proposals.

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¹⁹⁴ 29 Geo.2 c 63.

¹⁹⁵ 17 Geo.3 c.64.

¹⁹⁶ 7 Geo.4 c.cxiii.

¹⁹⁷ SR & O 1901/271(L), art 6, Sch to Borough of Kensington Scheme.

Local Government Board's Provisional
Order Confirmation (Poor Law)
Act 1889 (52 & 53 Vict. c.cxviii)

The whole Act.

Local Government Board's Provisional Order Confirmation (Poor Law) Act 1889 (52 & 53 Vict.c.cxviii)

1. This note proposes the repeal of an obsolete 1889 Act passed to confirm a provisional order made to change the system of providing relief for the poor in the parish of St James, Westminster.

2. According to its long title, the purpose of the 1889 Act was to:

confirm a Provisional Order of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, as amended by the Poor Law Amendment Act, 1868, and extended by the Poor Law Act 1879, relating to the Parish of St James Westminster.

3. *Section 2* of the Poor Law Amendment Act 1867 (“the 1867 Act”)¹⁹⁸ provided a means whereby a union of parishes (otherwise known as a “poor law union”) or an individual parish could apply to the Poor Law Board for an order to repeal or amend any local Act that controlled or regulated the arrangements for poor relief or for levying the poor rate in the area of that union or parish.¹⁹⁹ *Section 2* was amended by the Poor Law Amendment Act 1868²⁰⁰ (so as to extend the scope of that section to parishes within London) and by the Poor Law Act 1879.²⁰¹ In 1871 the functions of the Poor Law Board were taken over by the Local Government Board (“the Board”).²⁰² The Guardians or churchwardens of any union or parish would apply to the Board for an order repealing or amending the local Act. The Board, if it supported the application, would issue the necessary Provisional Order. Such Provisional Order would have effect only once it had been confirmed by Act of Parliament.

4. The purpose of the 1889 Act was therefore to confirm a Provisional Order made by the Board pursuant to the 1867 Act.

¹⁹⁸ 30 & 31 Vict. c.106. The Act was finally repealed by the Statute Law Revision Act 1950.

¹⁹⁹ Section 2 did not apply to parishes within London.

²⁰⁰ 31 & 32 Vict. c.122, s 3. The 1868 Act was repealed by the Local Government Act 1966, ss 38, 43(2), Sch 4 para 29(1), Sch 6 Part 3.

²⁰¹ 42 & 43 Vict. c.54, s 9. The 1879 Act was also repealed by the Local Government Act 1966 (see previous footnote as to its repeal).

Parish of St James, Westminster Order

5. This Order, dated 4 June 1889, was made pursuant to section 2 of the 1867 Act (as amended). It provided for the partial repeal of a poor relief Act of 1762²⁰³ and the partial repeal of a poor relief Act of 1816.²⁰⁴ The repeals took effect on 26 July 1889 (when the 1889 Act came into force). The Order thereupon became spent except in so far as it amended the unrepealed provisions of the 1762 and 1816 Acts. The repeal of the remaining provisions of those Acts by the City of Westminster (St James) Scheme 1901²⁰⁵ resulted in the Order becoming fully spent.

Effect of the repeal

6. The purpose of the 1889 Act was to confirm the validity of the Order with effect from the passing of the Act on 26 July 1889. The 1889 Act became spent in 1901 when the Order became fully spent. It is proposed for repeal on that basis.

Consultation

7. HM Treasury, the Department for Communities and Local Government, the Department for Work and Pensions, Westminster City Council and the Local Government Association have been consulted about these repeal proposals.

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²⁰² Local Government Board Act 1871 (34 & 35 Vict. c.70), s 2. The Act was repealed by the Statute Law (Repeals) Act 1986, s 1(1), Sch 1, Part 7.

²⁰³ 2 Geo.3 c 58.

²⁰⁴ 56 Geo.3 c.liv.

²⁰⁵ SR & O 1901/278(L), art 5, Sch 1 to City of Westminster (St James) Scheme 1901.

