



CHAPTER clxxvi.

An Act to confirm a Provisional Order of the Local Government Board relating to the Isles of Scilly. A.D. 1890.
[4th August 1890.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the schedule hereto, under the provisions of the Local Government Act, 1888 :

51 & 52 Vict.
c. 41.

And whereas it is requisite that the said Order should be confirmed by Parliament, and that the provision herein contained should be enacted with reference thereto :

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

1. The Order as altered and set out in the schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall have full validity and force.

Order in
schedule
confirmed.

2. Nothing contained in this Act, or in the Order hereby confirmed, shall extend to authorise the Council of the Isles of Scilly to take, use, enter upon, or interfere with any land, soil, or water, or any rights in respect thereof, belonging to Her Majesty, Her Heirs or Successors, in right of the Duchy of Cornwall, without the consent in writing of some two or more of such of the regular Officers of the said Duchy, or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act, 1863, section thirty-nine, to exercise all or any of the rights, powers, privileges, and authorities by the said Act made exercisable, or otherwise for the time being exercisable in relation to the said Duchy, or belonging to the Duke of Cornwall for the time being, without the consent of such Duke testified in writing under the Seal of the Duchy of Cornwall first had and obtained for that purpose, or to take away, diminish, alter, prejudice, or affect

Saving the
rights of the
Duchy of
Cornwall.

A.D. 1890. — any property, rights, profits, privileges, powers, or authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of Cornwall, or in or by the Duke of Cornwall for the time being.

Short title. **3.** This Act may be cited as the **Local Government Board's Provisional Order Confirmation (No. 6) Act, 1890.**

CHAPTER 2

As Act to confirm a Provisional Order of the Local Government Board relating to the Lake of Geneva.

THE HERIAGES OF THE LOCAL GOVERNMENT BOARD have made the Provisional Order which is in the Schedule to this Act.

And it is hereby declared that the said Order should be confirmed if Parliament will that the provision therein contained should be applied with reference to the Lake of Geneva.

And the Order is hereby confirmed, and all the provisions therein contained shall have effect as if they were enacted in and by the Queen's most Excellent Majesty.

And the Order is hereby confirmed, and all the provisions therein contained shall have effect as if they were enacted in and by the Queen's most Excellent Majesty.

SCHEDULE.

A.D. 1890.

*Isles of
Scilly
Order.*

ISLES OF SCILLY.

*Provisional Order made in pursuance of Section 49 of the
Local Government Act, 1888.*

To the Justices of the Peace for the County of Cornwall in Quarter Sessions assembled;—

To the County Council of Cornwall;—

To the Justices of the Peace acting in and for the Isles of Scilly;—

To Thomas Algernon Smith Dorrien Smith, of Tresco Abbey, in the Island of Tresco:—

And to all others whom it may concern.

WHEREAS by Section 49 of the Local Government Act, 1888 (which Act is herein-after referred to as "the Local Government Act"), it is enacted as follows:—

51 & 52 Vict.
c. 41.

"(1.) It shall be lawful for the Local Government Board to make a Provisional Order for regulating the application of this Act to the Scilly Islands, and for providing for the exercise and performance in those islands of the powers and duties both of county councils and also of authorities under the Acts relating to highways and the Public Health Act, 1875, and the Acts amending the same, and for the application to the islands of any provisions of any Act touching local government, and any such Order may provide for the establishment of councils and other local authorities separate from those in the county of Cornwall, and for the contribution by the Scilly Islands to the County Council of Cornwall in respect of costs incurred by the county council for matters specified in the said Order as benefiting the Scilly Islands, and such Order may also provide for all matters which appear to the Local Government Board necessary or proper for carrying the Order into full effect.

"(2.) Any such Order shall not be in force until it is confirmed by Parliament.

"(3.) Subject to the provisions of a Provisional Order under this Act, the county council of Cornwall shall have no greater powers or duties in the Scilly Islands than the quarter sessions of Cornwall have hitherto in fact exercised or performed therein, and the Scilly Islands shall not be included for the purposes of this Act in any electoral division of the county of Cornwall";

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And whereas the islands in the above-recited section and herein-after referred to as "the Isles of Scilly" are the islands situate within that part of the sea which is coloured brown, green, pink, yellow, and blue on the three maps, each marked "Map of the Isles of Scilly, 1890," and sealed with the official seal of the Local Government Board, which maps are herein-after referred to as "the maps";

And whereas by an indenture of lease dated the Seventeenth day of July, One thousand eight hundred and eighty-six, and made between His Royal Highness Albert Edward Prince of Wales, Duke of Cornwall, of the one part, and Thomas Algernon Smith Dorrien Smith, of Tresco Abbey, Isles of Scilly, of the other part, the Isles of Scilly (except as therein excepted), being part of the ancient possessions of the Duchy of Cornwall, together with the other hereditaments, rights, liberties, franchises, authorities, and jurisdictions therein mentioned, were demised and granted to the said Thomas Algernon Smith Dorrien Smith (who is herein-after referred to as "the lessee"), his executors, administrators, and assigns, for the term of thirty-one years from the Twenty-fifth day of March, One thousand eight hundred and eighty-three, at the yearly rent and other payments therein mentioned, and subject to the covenants and conditions therein contained;

And whereas the Isles of Scilly include five islands which at the date hereof are inhabited (herein-after referred to as "inhabited islands"), namely, Bryher, Saint Agnes, Saint Martin's, Saint Mary's, and Tresco, and certain other islands which at the date hereof are uninhabited;

And whereas the inhabitants of each of the inhabited islands have been accustomed to meet annually in March in open vestry, and at such other times as may be necessary, upon notice given by the Overseers appointed for such islands respectively;

And whereas at the meetings of the open vestries held in March two Overseers of the Poor have been annually appointed for each of the five inhabited islands, and Surveyors of the Highways have been annually appointed for each of the five inhabited islands;

And whereas a Select Vestry has been in existence in Saint Mary's Island for many years past:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 49 of the Local Government Act, and by any other enactments in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the date of the Confirming Act"), the following provisions shall take effect:—

Art. I. Any provision of this Order relating to the registration of electors or to the elections, or to any matter required to be done for the purpose of bringing this Order into full operation on the First day of April, One thousand eight hundred and ninety-one, shall take effect on the date of the Confirming Act; but, save as aforesaid, and save so far as may be otherwise expressly provided by this Order, and so far as there may be anything in the subject-matter or context inconsistent therewith, every provision of this Order shall come into operation on the First day of April, One thousand eight hundred and ninety-one.

Art. II. On and after the Twenty-fifth day of March, One thousand eight hundred and ninety-one, the Isles of Scilly shall, for all lay and civil purposes, be divided into and shall constitute five separate and distinct Parishes, for which Overseers shall be appointed, and those Parishes shall be called respectively—

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 —
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 Scilly
 Order.*
 Constitution of
 parishes.

- (1.) The Parish of Bryher, which shall comprise the Island of Bryher, and the other islands situate within that part of the sea which is coloured pink on the maps ;
- (2.) The Parish of Saint Agnes, which shall comprise the Island of Saint Agnes, and the other islands situate within that part of the sea which is coloured yellow on the maps ;
- (3.) The Parish of Saint Martin's, which shall comprise the Island of Saint Martin's, and the other islands situate within that part of the sea which is coloured brown on the maps ;
- (4.) The Parish of Saint Mary's, which shall comprise the Island of Saint Mary's, and the other islands situate within that part of the sea which is coloured blue on the maps ;
- (5.) The Parish of Tresco, which shall comprise the Island of Tresco, and the other islands situate within that part of the sea which is coloured green on the maps ;

and each of the said Parishes shall be a contributory place for the purposes of the Public Health Act, 1875, and the Acts amending the same.

33 & 39 Vict.
 c. 55.

Art. III.—(1.) One of the maps shall be deposited in the office of the Local Government Board, another shall be deposited with the Secretary of the Council of His Royal Highness the Prince of Wales at the office of the Duchy of Cornwall, and the third shall be deposited by the vestry clerk of the Parish of Saint Mary's at his office, within ten days after the date of this Order, and the map so deposited as last aforesaid shall, at all reasonable times, be open to inspection by any person liable to any rate leviable within the Isles of Scilly, and such map shall continue in the custody of the vestry clerk until the appointment of a clerk to the Council of the Isles of Scilly as herein-after provided, when it shall be transferred to such last-mentioned clerk, who shall immediately deposit the same in his office. Copies of the map transferred to the clerk to the Council, and certified by him to be true, shall be sent, within one month after the transfer, to the clerk to the County Council of Cornwall, and to the Director-General of Her Majesty's Ordnance Survey at Southampton.

Deposit of
 maps.

(2.) Copies of or extracts from the map deposited with the clerk to the Council, certified by him to be true, shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the contents of such map so far as relates to the boundaries of the Parishes hereby constituted ; and such map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the Isles of Scilly, and any such person shall be entitled to a copy of or extract from such map, certified by the clerk to the Council, on payment of a reasonable fee for every such copy or extract. All sums received under this Article shall be carried to the credit of the General Fund of the Council.

Copies of maps.

Art. IV. This Order shall not affect the constitution and procedure of the vestries of the inhabited islands or of the Select Vestry of the Island of Saint

Continuation
 of vestries.

[Ch. clxxvi.] *Local Government Board's* [53 & 54 VICT.]
Provisional Order Confirmation (No. 6) Act, 1890.

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Isles of Scilly Order.

Appointment of overseers.

Art. V. On and after the Twenty-fifth day of March, One thousand eight hundred and ninety-one, two Overseers of the Poor shall be annually nominated and appointed in the manner accustomed prior to that date for each of the five Parishes hereby constituted; and such Overseers, if appointed in manner accustomed, shall be competent to act as Overseers of the Poor for the five Parishes constituted by this Order under the provisions of this Order or of any enactment by this Order made applicable, although not appointed in accordance with the general law in that behalf.

Formation of Council.

Art. VI. A Council shall be established in the Isles of Scilly, which shall be called the "Council of the Isles of Scilly" (herein-after referred to as "the Council"), and shall consist of a chairman, four aldermen, and twenty councillors.

Constitution and election of Council.

Art. VII. Section 2 of the Local Government Act, and Section 75 of the same Act, so far as it relates to the constitution and election of County Councils, and the members thereof, shall apply to the constitution and election of the Council and the members thereof, subject, nevertheless, to the provisions of this Order, and in particular to the following provisions; that is to say,—

(1.) As respects the Aldermen or Councillors—

The Aldermen shall be called "Aldermen," and the Councillors shall be called "Councillors";

(2.) As respects the number of the Councillors and the boundaries of the electoral divisions—

Electoral divisions.

For the purposes of the election of Councillors each of the said five Parishes shall be and shall continue an electoral division until altered in accordance with Section 54 of the Local Government Act, and, notwithstanding the provisions of the Local Government Act, the number of Councillors to be elected for the electoral divisions shall be as follows:—

For the Parish of Bryher	-	-	One Councillor.
For the Parish of Saint Agnes	-	-	Two Councillors.
For the Parish of Saint Martin's	-	-	Two Councillors.
For the Parish of Saint Mary's	-	-	Twelve Councillors.
For the Parish of Tresco	-	-	Three Councillors.

(3.) As respects the electors of the Councillors—

The persons entitled to vote at their election shall be the persons registered as electors under the County Electors Act, 1888, as modified by this Order.

Isles of Scilly Order.
Electors.

(4.) As respects the chairman and vice-chairman of the Council—

(a.) The chairman, until the expiration or sooner determination of the above-recited indenture of lease, shall be Thomas Algernon Smith Dorrien Smith, or if from any cause he shall be unable or unwilling to act, such person resident in the Isles of Scilly, and for the time being entitled to be elected a Councillor under the provisions of this Order, as the trustees of the Dorrien Smith Estate Act, 1884, shall, subject to the approval of the Duke of Cornwall, (as defined by Section 37 of the Duchy of Cornwall Management Act, 1863,) to be signified in writing under the hand of the proper officer of the Duchy of Cornwall, nominate, and, on the expiration or sooner determination of the above-recited indenture of lease, such person, qualified as aforesaid, as the Duke of Cornwall shall nominate.

Chairman.

(b.) Any vice-chairman appointed by the Council shall hold office until the Seventh day of November next following his appointment.

Vice-chairman.

(5.) The lessee, or, in the event of his being from any cause unable or unwilling to act, such other person as the Council shall appoint, shall be the returning officer for the election of the Council, and a reference in the said provisions to the returning officer shall be deemed to refer to the lessee or such other person, as the case may be.

Returning officer.

(6.) The expressions "County Council," "County Councillors," and "County Aldermen" shall respectively mean the Council, Councillors, and Aldermen elected in pursuance of this Order.

(7.) In sub-section (17) of Section 75 the expression "the county fund as general expenses" shall mean "the general fund of the Council."

Art. VIII. The proceedings of the Council and of the members thereof shall be regulated by Section 22 and the Second Schedule of the Municipal Corporations Act, 1882, subject to the following modifications, viz., "the mayor" shall mean "the chairman of the Council"; "the deputy mayor" shall mean "the vice-chairman of the Council"; and "the town clerk" shall mean "the clerk of the Council," and in paragraph 2 of the said Schedule the words "Seventh of November" shall be substituted for the words "Ninth of November."

Proceedings of Council.
45 & 46 Vict.
c. 50.

Art. IX.—(1.) The County Electors Act, 1888, as amended by the Local Government Act, and the several enactments applied by the first-mentioned Act, so far as they relate to the lists and register of county electors, shall apply to the Isles of Scilly, subject to such modifications as are necessary to make the said Act applicable to the election of the Council and to the other provisions of this Order, and in particular to the following modifications; that is to say,—

Application of County Electors Act, 1888.
51 Vict. c. 10.

(a.) The expression "county" shall mean "the Isles of Scilly"; the expression "county electors" shall mean "Isles of Scilly Electors";

(b.) The expression "clerk of the peace" shall mean, (i.) until the appointment of a clerk by the Council, such person as the Local Government Board may by Order appoint, and (ii.) after the appointment of a clerk by

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the Council, such clerk, or, in the case of his inability to act, such person as the Council may appoint ;

- (c.) In sub-section (2) of Section 7 and in Section 8 the expression " county fund " shall mean " the general fund of the Council " ;
- (d.) The provisions of Section 9, as to the payment by the county authority of a proportion of the cost incurred for the payment of revising barristers, shall not apply to the Isles of Scilly, but in lieu thereof the following provision shall have effect ; that is to say,

There shall be annually paid by the Council out of their general fund into Her Majesty's Exchequer such sum as the Treasury certify to be a reasonable remuneration for the services of the revising barrister in revising the lists of Isles of Scilly electors, and a reasonable compensation for his travelling and other expenses in connexion with such revision ;

- (e.) The Council may require the revising barrister to hold a court for revising the lists of Isles of Scilly electors at such place within the Isles of Scilly as the Council may in their requisition specify ;
- (f.) If at any time a court for the revision of the lists of parliamentary electors within the Isles of Scilly or of the lists of Isles of Scilly electors, is not held at some place within the Isles of Scilly, the Overseers of the Poor of the Parish of Saint Mary's, or one of them, may, at the instance of the Vestries of the Parishes of Bryher, Saint Agnes, Saint Martin's, and Tresco, or any of them, represent all or any of those Parishes at such revision.

Registration of
electors.

(2.) The person for the time being acting in substitution for the clerk of the peace, in pursuance of paragraph (b) of subdivision (1) of this Article, shall send to the overseers of the poor of the several Parishes in the Isles of Scilly the instructions, precepts, notices, and forms under the Registration of Electors Acts, modified so as to relate only to Isles of Scilly electors ; and the clerk of the County Council of Cornwall shall, in any instructions, precepts, notices, and forms which he may send to such Overseers after the date of the Confirming Act, make such modifications therein as may be necessary to exclude all reference to county electors. For the purposes of the first election of the Council, the person appointed by the Local Government Board, in pursuance of paragraph (b) of subdivision (1) of this Article, shall, as soon as possible after the date of the Confirming Act, send to the Overseers of the Poor of the inhabited islands such instructions, precepts, notices, and forms as may be necessary, and those Overseers shall for that election act as if they were Overseers of the Poor for the Parishes constituted by this Order.

(3.) If any difficulty arises in making out, revising, and otherwise dealing with the lists, and in making up and otherwise dealing with the register, of Isles of Scilly electors, the Local Government Board may by order give effect to the provisions of this Order, and may vary, so far as shall be necessary, the provisions in force in regard to such lists and register.

Application of
Local Govern-
ment Act as

Art. X. For the purposes of the first election of the Council, Sections 103, 104, and 107 of the Local Government Act shall apply, subject to the

following modifications and such other modifications as may be necessary for carrying into effect the application ; that is to say,—

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(1.) Section 103—

(a.) In sub-section (1) "March" shall be substituted for "January" and "February" for "December," and the expression "after the passing of this Act" shall mean "after the date of the Confirming Act."

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regards first election of Council.

(b.) In lieu of sub-section (2) the following provision shall apply: "the lessee, or, in the event of his being from any cause unable or unwilling to act, some person to be appointed by the Local Government Board, shall be the returning officer for the first election of the Council."

(c.) Sub-section (3) shall not apply.

(d.) In sub-section (4) the expression "the clerk of the peace who will by virtue of this Act become the clerk of the County Council when elected" shall mean the person appointed by the Local Government Board in accordance with paragraph (b) of subdivision (1) of Article IX. of this Order.

(e.) In sub-section (5) the words "shall send to the clerk of the peace, who will by virtue of this Act become the clerk of the County Council, the names of the persons so elected and", and the words "fixed by this Act" shall be omitted, and in sub-sections (5) and (6) the expression "the Provisional Council" shall mean "the Council."

(2.) Section 104—

The expression "after the passing of this Act" shall mean "after the date of the Confirming Act," and the expression "Provisional Councillors" in sub-section (2) shall mean "Councillors elected in pursuance of this Order."

(3.) Section 107—

(a.) The expression "Provisional Council" in sub-section (1) shall mean the "Council."

(b.) Sub-sections (2), (3), and (4) shall not apply.

(c.) In sub-section (5) the expression "the chairman of the Provisional County Council" shall mean "the returning officer at the first election."

Art. XI.—(1.) The members of the Council first elected under this Order shall enter on their duties and become the Council on the First day of April, One thousand eight hundred and ninety-one.

Date of constitution of Council.

(2.) The Council shall at their first meeting, or at some adjournment thereof, proceed to elect the aldermen, and such aldermen shall be summoned to attend at the second meeting of the Council.

(3.) The Council shall at their second meeting, or at some adjournment thereof, proceed to elect a vice-chairman, whose term of office shall expire on the Seventh day of November, One thousand eight hundred and ninety-one.

Art. XII.—(1.) The provisions of sub-section xiii of Section 3 of the Local Government Act shall apply to the Isles of Scilly and to the Council as if the powers therein mentioned had been exercised by the quarter sessions or justices prior to the passing of the Local Government Act.

Local Government Act.

[Ch. clxxvi.] *Local Government Board's* [53 & 54 VICT.]
Provisional Order Confirmation (No. 6) Act, 1890.

A.D. 1890. (2.) The following sections and sub-sections of the Local Government Act shall also apply to the Isles of Scilly and to the Council; viz,—

—
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Sections 15 and 16.

Section 54, so far as it relates to the alteration of the boundary of any electoral division or of the number of councillors and electoral divisions.

Section 57, so far as it relates to the alteration or definition of the boundary of a Parish, or to the division of a Parish, or the union thereof with any other Parish or Parishes, or to the transfer of part of a Parish to another Parish.

Section 59, sub-sections (1), (3), (4), and (6).

Section 62, except sub-section (6).

Sections 63 and 65.

Section 79, sub-section (1).

Sections 84 and 85.

Section 87, sub-sections (1), (2), (4), and (5).

Provided that the said sections shall be read and construed as if (a) the "Isles of Scilly" were substituted for "Administrative County," "County," or "any County"; (b) the "Council of the Isles of Scilly" for "Council" or "County Council"; (c) the "Isles of Scilly Electors" for "County Electors"; (d) "General Fund of the Council" for "County Fund" and "County Rate"; and as if such other modifications had been made therein as are necessary to make those sections applicable to the purposes of this Order.

(3.) The following sections and sub-sections of the Local Government Act shall not apply to the Isles of Scilly; that is to say,—

Sub-section xi. of Section 3.

Sections 5, 11, 12, 13, 17, 19 to 27, 31 to 48, 50 to 53, 55, 58, 61, 68, 70 to 74, 77, 86, 88 to 91, 106, 109, 114 to 117; all inclusive.

Sub-sections (1) to (12) and (14) to (16), all inclusive, of Section 118.

Section 121.

(4.) Any of the other provisions of the Local Government Act, not hereby expressly made applicable to the Isles of Scilly, in so far as the same are not inconsistent with the provisions of this Order, may, by the Local Government Board, by Order to be published in such manner as they shall direct, be declared to be in force in the Isles of Scilly from such date, and subject to such modifications and alterations as the said Board may direct.

(5.) For the purposes of the Sea Fisheries Regulation Act, 1888, the Council shall be deemed to be a County Council established under the Local Government Act.

51 & 52 Vict.
c. 54.

Rural
Sanitary
Authority.
38 & 39 Vict.
c. 55.

Art. XIII.—(1.) Subject to the provisions of this Order, the Isles of Scilly shall be, for the purposes of the Public Health Act, 1875, and the Acts amending the same, a Rural Sanitary District, and the Council shall have and be subject to all the powers, duties, and liabilities of a Rural Sanitary Authority under those Acts, and all the provisions of those Acts relating to Rural Sanitary Authorities shall (except so far as they may be inconsistent with the provisions of this Order) apply to the Council and to the Isles of Scilly.

Urban powers.

(2.) Until the Local Government Board by order otherwise direct, the provisions of so much of Section 42 of the Public Health Act, 1875, as will not be in

force in pursuance of subdivision (1) of this Article, and the provisions of Sections 161, 163, and 172 of that Act, shall be in force in the contributory place of Saint Mary's, and the Council, as such Rural Sanitary Authority as aforesaid, shall have and be subject to all the powers, duties, and liabilities of an Urban Sanitary Authority under those provisions within that contributory place :

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Provided that the expenses incurred or payable by the Council, as such Rural Sanitary Authority, in the execution of the powers conferred upon them by this subdivision, except so far as such expenses may relate to the establishment and officers of the said Rural Sanitary Authority, and, except so far as such expenses may be recovered from the owners and occupiers, shall be deemed to be "special expenses" within the meaning of the Public Health Act, 1875, and shall be charged as such upon the said contributory place.

(3.) The Council, as such Rural Sanitary Authority as aforesaid, may form, for any contributory place within the Rural Sanitary District, a parochial committee in manner provided by Section 202 of the Public Health Act, 1875, and the provisions of that section shall apply to any parochial committee so formed.

Parochial
Committees.

Art. XIV. For the purposes of Section 110 of the Public Health Act, 1875, as amended by Section 2 of the Public Health (Ships, &c.) Act, 1885, any ship, vessel, or boat lying in any river, harbour, or other water within the customs port of Scilly for the time being shall be deemed to be within the district of the Council, as such Rural Sanitary Authority as aforesaid.

Port Sanitary
Authority.
38 & 39 Vict.
c. 55.
48 & 49 Vict.
c. 35.

Art. XV.—(1.) Subject to the provisions of this Order, the Council shall have and be subject to all the powers, duties, and liabilities of a Highway Board under the Highway Acts; and all the property and liabilities which, immediately before the First day of April, One thousand eight hundred and ninety-one, are vested in or attached to the Surveyors of Highways appointed for each of the inhabited islands shall be transferred to and vested in the Council, as Highway Authority, and shall be held in trust for, and be charged upon, the Parish constituted by this Order comprising the island for or upon which it was then held in trust or charged, and the said Surveyors of Highways shall on that date go out of office, and all arrears of highway rates which at that date are due or owing to the said Surveyors of Highways may be collected and recovered by the Council, and shall be carried to the credit of such Parish.

Highway
Authority.

(2.) The several Parishes in the Isles of Scilly shall be highway parishes.

(3.) The expenses of maintaining and keeping in repair the highways of each highway parish, and all other expenses legally payable by the Council, as such Highway Authority, in relation to such Parish (except such as are by this Order charged on the general fund) shall be a separate charge on each Parish.

(4.) The Council may from time to time delegate to any parochial committee formed in accordance with subdivision (3) of Article XIII. of this Order, with or without any restrictions or conditions as they may think fit, any of their powers and duties as a Highway Authority : Provided that the Council shall not under this subdivision delegate any power of raising money by rate or loan : Provided also, that such delegation shall not lessen or diminish the liabilities of the Council, acting as a Highway Authority, with respect to the non-repair or want of repair of the highways.

[Ch. clxxvi.] *Local Government Board's* [53 & 54 VICT.]
Provisional Order Confirmation (No. 6) Act, 1890.

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Order.*

5 & 6 Will. IV.
c. 50.

(5.) For the purposes of the application to the Isles of Scilly of the Highway Act, 1835,—

(a.) The notice in Section 35 referred to may be given to the clerk to the Council in the year one thousand eight hundred and ninety-one within six days next after the First day of June, and in every subsequent year within six days next after the Twenty-fifth day of March, and the meeting in that section referred to shall be convened by the clerk to the Council.

(b.) Subject to paragraph (a) of this subdivision the expression "Surveyor" in Section 35 shall mean the "Council."

Assessment
Committee.

Art. XVI.—(1.) The Council shall, at their second meeting in the year one thousand eight hundred and ninety-one, and in every subsequent third year at the meeting held next after the election of Councillors, appoint from among the members of the Council any number (being not less than six nor more than twelve) to be the Assessment Committee of the Isles of Scilly (herein-after referred to as the "Assessment Committee").

25 & 26 Vict.
c. 103.

(2.) The provisions of the Union Assessment Committee Act, 1862, and of the Acts amending the same, shall, so far as is consistent with and subject to the provisions of this Order, be in force in the Isles of Scilly and apply to the Assessment Committee, and to the powers, functions, and duties of such committee and of any other authority or person therein mentioned as if the Isles of Scilly were a union within the meaning of those Acts, and any reference in those Acts to the Guardians shall be deemed to refer to the Council.

School
Attendance
Committee.
33 & 34 Vict.
c. 75.

Art. XVII.—(1.) The Council shall appoint a School Attendance Committee in like manner as if the Parishes in the Isles of Scilly were Parishes in a union, and the Council were the Guardians of that union, within the meaning of Section 7 of the Elementary Education Act, 1876.

(2.) All the provisions of the Elementary Education Acts, 1870 to 1880, with regard to a school attendance committee, and the powers, duties, and functions thereof, and to the attendance at school and employment of children, shall, so far as is consistent with and subject to the provisions of this Order, apply to the Isles of Scilly.

Poor rates.

Art. XVIII. Subject to the provisions of this Order, the law in force for the time being relating to the making, assessing, levying, and collecting of poor rates shall apply to the poor rates to be made after the First day of April, One thousand eight hundred and ninety-one, in the several Parishes constituted by this Order:

Provided that until a valuation list for the Parish has been approved by the Assessment Committee and a fair copy thereof has been delivered to the Overseers in accordance with the provisions of the Union Assessment Committee Act, 1862, and the Acts amending the same, the rateable value for the purposes of assessing any poor rate, or any rate made under the provisions of this Order, shall be the rateable value as shown by the then last preceding poor rate:

25 & 26 Vict.
c. 103.

Provided also, that, for the purposes of this Order, where any money has been collected in any Parish by an assessment under the name of and as and for a poor rate, the same shall be deemed to be a poor rate.

[53 & 54 VICT.] *Local Government Board's* [Ch. clxxvi.]
Provisional Order Confirmation (No. 6) Act, 1890.

Art. XIX.—(1.) The expenses incurred or payable by the Council in the execution of this Order, or under the Acts by this Order made applicable to the Isles of Scilly, shall be divided into general expenses, special expenses, and parochial expenses.

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Expenses of
Council.

(2.) General expenses shall be—

- (a) expenses of the establishment and officers of the Council (in whatever capacity acting);
- (b) expenses which are general expenses within the meaning of Section 229 of the Public Health Act, 1875;
- (c) costs of petty sessions;
- (d) expenses in relation to inquests (whether on the bodies of persons dying in the Isles of Scilly or thrown in or cast on shore by the sea), and in relation to the burial of the bodies of persons thrown in or cast on shore by the sea;
- (e) expenses in relation to the disposal of the carcasses of animals washed on shore;
- (f) expenses in relation to the examination, conveyance, and maintenance of pauper lunatics; and
- (g) all other expenses which are not defined by this Order to be special or parochial expenses.

(3.) General expenses shall be payable out of a general fund, to be called the General Fund of the Council, and to be raised out of the poor rate of the several Parishes in the Isles of Scilly, in accordance with the rateable value of each Parish.

(4.) Special expenses shall be expenses which are, or may be determined to be, special expenses under Section 229 of the Public Health Act, 1875, and shall be a separate charge on each Parish.

(5.) Parochial expenses shall be all expenses incurred or payable by the Council which are by this Order, or by any of the Acts by this Order made applicable to the Isles of Scilly, separately chargeable to each Parish, but are not or are not determined to be special expenses.

Art. XX.—(1.) For the purpose of obtaining payment from the Parishes in the Isles of Scilly of the sums to be contributed by them, the Council shall issue their precept to the Overseers of each Parish requiring such Overseers, within a time limited by the precept, to pay to the Council, or to some person appointed by them, the amount specified in the precept, but separate precepts shall be issued in respect of contributions for general expenses, parochial expenses, and special expenses, or such expenses shall be made separate items in any precept including more than one class of expenses.

Payment of
contributions.

(2.) The Overseers shall comply with the requisitions of every precept in respect of general and parochial expenses by paying the contributions required out of the poor rate of their respective Parishes, and in respect of special expenses by raising and paying the contribution required, in like manner as Overseers are required to raise and pay contributions for special expenses, under Section 230 of the Public Health Act, 1875.

(3.) If the amount required by any precept of the Council to be paid by the Overseers of any Parish is not paid in manner directed by such precept, and

Recovery of
contributions.

[Ch. clxxvi.] *Local Government Board's* [53 & 54 VICT.]
Provisional Order Confirmation (No. 6) Act, 1890.

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within the time therein specified for that purpose, the Council shall have the like remedies for recovery from the Overseers of such amount as is not paid, as Guardians have for the time being for recovery from Overseers of contributions of Parishes; and for that purpose the precept of the Council requiring the payment shall be conclusive evidence of the amount thereof.

Probate duty
grant.

Art. XXI.—(1.) Whereas the Local Government Board have, in accordance with the provisions of sub-section (1) of Section 22 of the Local Government Act, certified that the share received by the Administrative County of Cornwall during the financial year ended the Thirty-first day of March, One thousand eight hundred and eighty-eight, out of the grants theretofore made out of the Exchequer in aid of local rates which ceased to be granted after the passing of the Local Government Act (herein-after referred to as "the discontinued grants"), amounted to the sum of twenty-four thousand one hundred and seventy-eight pounds;

And whereas the said sum of twenty-four thousand one hundred and seventy-eight pounds included a sum of forty-seven pounds, being the amount received by the Isles of Scilly out of the discontinued grants during the said financial year;

And whereas it is estimated that the additional amount, which will be received in each financial year as from the First day of April, One thousand eight hundred and eighty-nine, by the County Council of Cornwall out of the Local Taxation Account in consequence of the inclusion of the said sum of forty-seven pounds in the amount of the discontinued grants certified as aforesaid to have been received by the Administrative County of Cornwall will be thirty pounds or thereabouts:

The County Council of Cornwall shall pay to the Council out of their Exchequer Contribution Account in the financial year commencing on the First day of April, One thousand eight hundred and ninety-one, the sum of ninety pounds, and in every subsequent financial year the sum of thirty pounds, and such sums when received shall be carried by the Council to the credit of the general fund:

Provided that if in any financial year it appears to the Local Government Board that any sum payable to the Council under this Article ought to be altered by reason of the payments made out of the Local Taxation Account to the County Council of Cornwall, in consequence of the inclusion of the said sum of forty-seven pounds as above mentioned, exceeding or falling short of thirty pounds in any financial year, the said Board may certify to what extent the sum so payable to the Council shall be altered, and the County Council of Cornwall shall pay such altered sum to the Council.

(2.) Where any sums shall be payable in respect of the expenses of the prosecution of any offences committed in the Isles of Scilly, the orders for the payment thereof shall be made on the Treasurer of the Administrative County of Cornwall, and shall be paid by him out of the County fund of the said County. Any sum lawfully so paid shall be repaid by the Council to the County Council of Cornwall, and may be recovered by the said County Council of Cornwall as a debt due from the Council.

Art. XXII.—(1.) The Council may from time to time, with the consent of the Local Government Board, borrow, on the security of the general fund and of any revenues of the Council, such sums as may be required for the following purposes, or any of them; that is to say,—

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(a) for purchasing any land or building, or for altering, adapting, or erecting any building, which the Council are authorised by this Order, or by any of the Acts by this Order made applicable, to purchase or to alter, adapt, or erect;

Borrowing powers.

(b) for any permanent work or other thing which the Council are authorised to execute or do, and the cost of which ought, in the opinion of the Local Government Board, to be spread over a term of years: Provided that nothing in this Order contained shall confer on the Council any power to borrow without the consent of the Local Government Board, but that consent shall dispense with the necessity for obtaining any other consent which may be required by any Act relating to such borrowing.

(2.) The provisions of Sections 233, 234, 236, 237, 238, 239, 242, and 243 of the Public Health Act, 1875, shall, *mutatis mutandis*, apply to the borrowing, re-borrowing, and repayment of any moneys borrowed by the Council in pursuance of this Order.

Art. XXIII.—(1.) The accounts of the receipts and expenditure of the Council and of the Overseers of the Poor of the Parishes in the Isles of Scilly shall be made up in such form, and to such day in every year, as the Local Government Board may from time to time prescribe.

Accounts and audit.

(2.) The accounts of the Council and of their officers shall be audited by a district auditor appointed by the Local Government Board, in like manner as accounts of an urban authority and their officers under Sections 247 and 250 of the Public Health Act, 1875, and those sections and all enactments amending them, or applying to audit by district auditors, shall apply in like manner as if, so far as they relate to an audit of the accounts of an urban authority and the officers of such authority, they were herein re-enacted with the necessary modifications.

(3.) The accounts of the Overseers of the Poor of the Parishes in the Isles of Scilly shall be audited annually by the district auditor appointed as aforesaid, and, subject to this Order, the provisions for the time being in force relating to the audit of accounts of Overseers of the Poor shall apply to the audit of the accounts of the Overseers of the Poor of the Parishes in the Isles of Scilly.

Art. XXIV.—(1.) For the purposes of the police in the Isles of Scilly there shall be a Joint Committee to be called the Joint Police Committee, consisting of such equal number of justices, resident in and acting for the Isles of Scilly, appointed by those justices in petty sessions, and of members of the Council appointed by that Council, as may from time to time be agreed upon, or, in default of agreement, as may be determined by a Secretary of State. The lessee shall be *ex-officio* a member of the Joint Police Committee with power to vote.

Joint Police Committee.

(2.) The Joint Police Committee shall elect a chairman and in case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot.

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Order.*

(3.) On the First day of April, One thousand eight hundred and ninety-one, the parish constable appointed by the Select Vestry of the Island of Saint Mary's shall be transferred to and become part of the police force of the Isles of Scilly, and shall be under the control and management of the Joint Police Committee.

(4.) The Joint Police Committee shall have the power to appoint such additional constables, whether permanent or special, as may appear to them to be necessary, and may make agreements with the Standing Joint Committee of any Administrative County, or with the Council of any Borough, for obtaining the services of members of the police force of such County or Borough, and any Standing Joint Committee or Council of a Borough entering into such agreement shall be empowered to send such members of the police force to the Isles of Scilly, in accordance with the terms of any such agreement.

(5.) Any constables so appointed, or whose services are obtained under any such agreement as aforesaid, shall have and exercise in the Isles of Scilly all the powers of members of the police force of a County under the general law relating to the police.

(6.) Any matter arising under the Local Government Act, or this Order, in the Isles of Scilly with respect to the police, or to clerks of the justices, or to officers who serve both the justices and the Council, or to the provision of accommodation for the justices out of sessions, or to the use by them, or by the police, or by the said clerks of any buildings, rooms, or premises, or to the application of the Local Stamp Act, 1869, to any fees received by clerks to justices, or with respect to anything incidental to any such matter, shall be determined by the Joint Police Committee.

33 & 34 Vict.
c. 49.

(7.) The expenses of constables (whether permanent or special) when employed for local purposes shall be separately chargeable to the Parish in respect of which they are employed, but all other expenditure authorised by the Joint Police Committee for the purposes mentioned in this Article shall be defrayed by the Council out of the general fund.

*Pauper
lunatics.*

Art. XXV. The Council may contract with the Committee of Visitors of any existing asylum for the reception of the pauper lunatics of the Isles of Scilly into such asylum upon such terms as may be agreed upon, or, in default of agreement, as may be determined by a Secretary of State.

Officers.

Art. XXVI.—(1.) The Council shall from time to time appoint fit and proper persons to be clerk, treasurer, medical officer of health, and inspector of nuisances; they shall also appoint or employ such assistants, and other officers and servants as may be necessary and proper for the efficient execution of this Order, and the several Acts by this Order made applicable to the Isles of Scilly, and the Council may make regulations with respect to the duties and conduct of the officers and servants so appointed or employed.

(2.) Subject to this Order, the Council may pay to the officers and servants so appointed or employed such reasonable salaries, wages, or allowances as the Council may think proper; and, subject as aforesaid, every such officer and servant shall be removable by the Council at their pleasure.

(3.) The provisions of Sections 191 to 196, both inclusive, of the Public Health Act, 1875, and of the Acts amending the same, shall, so far as they are

consistent with this Order, apply to the officers and servants appointed or employed under this Order. A.D. 1890.

(4.) Except so far as expressly made applicable by this Order, the provisions of the several Acts which are made applicable by this Order, shall not, so far as they relate to the qualification, appointment, duties, salary, and tenure of office of the officers to be appointed as herein-before mentioned, apply in the Isles of Scilly.

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Scilly
Order.*

Art. XXVII. The provisions of sub-section (13) of Section 118 and of Sections 119 and 120 of the Local Government Act, shall apply to the person who on the First day of April, One thousand eight hundred and ninety-one, holds office as vestry clerk of Saint Mary's, with the substitution of "general fund" in sub-section 8 of Section 120 for "county fund as a payment for "general county purposes," and with such other modifications as are necessary to make such provisions applicable to the said person and the Council.

Existing
officers.

Art. XXVIII.—(1.) Subject to the provisions of this Order, where, under this Order or under the laws by this Order made applicable to the Isles of Scilly,—

Appeals.

(a) any appeal may be made to quarter sessions against any decision of the justices in petty or special sessions, or with respect to any other matter or thing, the same may be made to the quarter sessions of the County of Cornwall, who shall have jurisdiction to decide the matter in question ;

(b) any justice or justices of the peace has or have jurisdiction in any matter, a justice or justices of the peace resident in and acting for the Isles of Scilly shall have jurisdiction in such matter to the exclusion of any other justice or justices.

(2.) Where under the Highway Acts the approval or consent of quarter sessions is required to any act, matter, or thing, the Council in carrying out those Acts shall not be required to obtain such consent or approval.

Art. XXIX.—(1.) If any question or difference arises as to the interpretation of this Order, or as to the powers, duties, and liabilities by this Order vested in or attached to the Council, or as to any other act, matter, or thing under this Order, or the Local Government Act or any other Acts by this Order made applicable to the Isles of Scilly or the Council, the same may, on the application of the Council, or of any Overseers of any of the Parishes constituted by this Order, be referred to the decision of the Local Government Board, whose decision thereon shall be final and conclusive.

Determination
of questions by
Local Govern-
ment Board.

(2.) The Local Government Board, on the application of the Council, may from time to time make such Orders as appear to them necessary for bringing this Order into full operation in the Isles of Scilly, and such Orders may modify any provision in this Order, or any enactment by this Order made applicable, so far as may appear to the Local Government Board necessary for that purpose.

Art. XXX. Except so far as is herein expressly provided, nothing in this Order contained shall affect or prejudice any question as to whether the Isles of Scilly are or are not part of the County of Cornwall.

Saving for
County of
Cornwall.

Art. XXXI.—(1.) Nothing in this Order contained shall prejudice or affect any property, rights, powers, authorities, or privileges of His Royal Highness the Prince of Wales, in right of his Duchy of Cornwall, or of the possessor of the Duchy of Cornwall for the time being.

Saving for
Duchy of
Cornwall
and the
lessee.

[Ch. clxxvi.] *Local Government Board's* [53 & 54 VICT.]
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Saving for
justices.

(2.) Nothing in this Order contained shall affect the powers, duties, and liabilities of the said Thomas Algernon Smith Dorrien Smith under the above-recited indenture of lease.

Art. XXXII. No justice of the peace shall be deemed incapable of acting in cases arising under this Order, or under any of the Acts by this Order made applicable to the Isles of Scilly, by reason of his being a member of the Council, or by reason of his being as one of several ratepayers, or as one of any other class of persons, liable, in common with the others, to contribute to, or to be benefited by, any rate or fund out of which any expenses incurred by the Council are under this Order to be defrayed.

Given under the Seal of Office of the Local Government Board, this
Nineteenth day of May, One thousand eight hundred and ninety.

(L.S.)

CHAS. T. RITCHIE, President.
HUGH OWEN, Secretary.

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