



SUPPLEMENT

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MUNICIPAL CORPORATIONS ACT, 1882.

The following Scheme for the adjustment of the property, rights, liabilities, &c., of the Urban District Council of East Ham, and for other purposes, as settled by a Committee of His Majesty's Most Honourable Privy Council, is published in pursuance of the provisions of "The Municipal Corporations Act, 1882":—

WHEREAS by the Municipal Corporations Acts, 1882 and 1885, it is enacted that where a Petition for a Charter of Incorporation is referred to the Committee of Her Majesty's Most Honourable Privy Council, and it is proposed by the Charter to extend the Municipal Corporations Acts to the Municipal Borough to be created by the Charter, the said Committee of Council may settle a Scheme for the purposes in the said Acts named and containing such provisions as are in the said Acts particularised.

And whereas in the month of August, one thousand nine hundred and three, certain Inhabitant Householdors of the Urban District of East Ham, in the county of Essex, petitioned His Majesty the King praying for the grant of a Charter of Incorporation.

And whereas the said Petition for a Charter was referred to the Committee of Council, and it was proposed by the Charter to create the Urban District of East Ham hereinafter described a Municipal Borough, and to incorporate the Inhabitants thereof, and to extend the Municipal Corporations Acts to the Municipal Borough to be created by the Charter.

And whereas under and by virtue of the Local Government Acts, 1858 and 1861, the Local Board for the District of East Ham (hereinafter called "the Local Board") was in the year one

thousand eight hundred and seventy-eight constituted and became invested with various powers and duties, and the Local Board was constituted the Urban Sanitary Authority for the Local Government District of the Parish of East Ham.

And whereas under and by virtue of "The Local Government Act, 1894," the Local Board became the Urban District Council for the Urban District of East Ham (hereinafter called "the District Council").

And whereas by a Provisional Order dated the twentieth day of May, one thousand eight hundred and eighty-six, and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act, 1886, the parish of Little Ilford was transferred to the Local Government District of East Ham.

And whereas by an Order made by the County Council of Essex on the third day of October, one thousand eight hundred and eighty-nine and confirmed by the County of Essex (East Ham) Confirmation Order, 1900, the parishes of East Ham and Little Ilford were united into one parish, called the parish of East Ham.

And whereas by an Order dated the eighteenth day of February, one thousand nine hundred and one, the Essex County Council divided the District of East Ham into six Wards for County Council purposes, named Manor Park Ward, Plashet Ward East, Plashet Ward West, Central Ward East, Central Ward West, Beckton and North Woolwich Ward.

And whereas by an Order made by the County Council of Essex on the sixth day of October, one thousand eight hundred and ninety-one, and confirmed by the County of Essex (Barking and

East Ham) Confirmation Order, 1893, part of the Urban District of East Ham was added to the Urban District of Barking Town, and part of the Urban District of Barking Town was added to the Urban District of East Ham.

And whereas by an Order of the County Council of Essex, dated the third day of July, one thousand nine hundred, and confirmed by the County of Essex (East Ham and Wanstead) Confirmation Order, 1901, certain parts of the parish of Wanstead were added to the district of East Ham, and certain parts of the District of East Ham were added to the parish of Wanstead.

And whereas the Education Act, 1902, has come into operation in the district of East Ham, and the District Council thereof is now the Local Education Authority within the said district for the purposes of Part III of the said Act, and a Scheme for the election of the Local Education Authority was on the nineteenth day of September, one thousand nine hundred and three, approved by the Board of Education.

And whereas the Local Government Board did on the twenty-second day of March and the twelfth day of November, one thousand eight hundred and ninety-five, the eleventh day of June, one thousand eight hundred and ninety-six and the eighteenth day of September, one thousand nine hundred, under Section 33 of the Local Government Act, 1894, issue certain Orders by which the Urban District Council were vested with the power of appointing Overseers, the power of appointing and revoking the appointment of Assistant Overseers, the powers of a Parish Council under paragraphs (a), (b), (g), (h), (i) and (k) of Sub-Section 1 of Section 8 of the said Local Government Act, 1894, and certain powers of a Vestry under the Poor Rate Assessment and Collection Act, 1869.

And whereas the following Acts have been adopted by the Local Board, and by the District Council, and are now in force within the District of the District Council, that is to say:—

1. The Infectious Disease (Notification) Act, 1889, adopted on the 12th day of November, 1889.
2. The Infectious Disease (Prevention) Act, 1890, adopted on the 14th day of October, 1890.
3. The Public Health Acts Amendment Act, 1890 (parts 2, 3 and 5), adopted on the 13th day of January, 1891.
4. The Public Libraries Acts, 1892 and 1893, adopted on the 18th day of June, 1895.
5. The Housing of the Working Classes Act, 1890, part 3 adopted on the 16th day of February, 1897.
6. The Baths and Wash Houses Acts adopted on the 16th day of March, 1897.

And whereas the following Acts and Provisional Orders are now in force within the District of the Council:—

1. The East Ham Improvement Act, 1898.
2. The East Ham Improvement Act, 1903.
3. The East Ham Urban Council Tramways Order, 1898, as confirmed by the Tramways Orders Confirmation (No. 2) Act, 1898.
4. The East Ham Electric Lighting Order, 1898, as confirmed by the Electric Lighting Confirmation (No. 2) Act, 1898.
5. The East Ham Urban District Council Tramways Order, 1900, as confirmed by the Tramways Orders Confirmation (No. 3) Act, 1900.
6. The East Ham Urban District Council Tramways Order, 1904, as confirmed by the Tramways Orders Confirmation (No. 2) Act, 1904.
7. The East Ham Improvements Order, 1904, as confirmed by the Local Government Board's

Provisional Orders Confirmation (No. 10) Act, 1904.

And whereas under the provisions of the Public Health Act, 1875, the District Council have made Bye-laws in respect of new streets and buildings, nuisances; common lodging-houses, allowed by Local Government Board on twentieth December, one thousand eight hundred and seventy-nine, slaughter-houses, allowed by Local Government Board, on thirty-first March, one thousand eight hundred and ninety, and public pleasure grounds, allowed by Local Government Board, on twelfth March, one thousand eight hundred and ninety-seven.

And whereas the District Council on the twenty-first day of November, one thousand eight hundred and ninety-nine, made Regulations under the Dairies, Cowsheds and Milkshops Order of 1885.

And whereas the County Council of Essex have made certain Bye-laws for the good rule and government of the Administrative County of Essex, and the same are now in force in the Urban District of East Ham.

And whereas the District Council is a local authority within the meaning of the Municipal Corporations Acts, 1882 and 1885.

And whereas this Scheme was before being settled by the Committee of Council referred for consideration to His Majesty's Principal Secretary of State for the Home Department, to the Local Government Board, to the Board of Trade, and to the Board of Education.

And whereas it is expedient that a scheme should be made and settled, containing the provisions hereinafter set forth.

Now, therefore, pursuant to the Municipal Corporations Acts, 1882 and 1885, and every other power enabling them in that behalf, the Committee of Council have settled a Scheme containing the provisions herein, and do hereby direct, order and declare as follows:—

This Scheme may be cited for all purposes as "The Borough of East Ham Scheme, 1904."

The Mayor Aldermen and Burgesses of the Borough of East Ham are in this Scheme referred to as "the Corporation."

This Scheme, when confirmed, shall come into operation on the day of the first Meeting of the Council of the Municipal Borough created by the said Charter, and this Scheme shall be construed and applied as if it had been dated and confirmed by Parliament or Order in Council on the day before the day of the said first Meeting, and everything thereunder shall be done and had accordingly. This date is hereinafter referred to as "the commencement of this Scheme." So far as may be necessary this Scheme shall operate retrospectively.

From and after the commencement of this Scheme the Municipal Borough created by the said Charter shall be placed within the jurisdiction of the Corporation acting by the Council of the Borough as the Sanitary Authority of the said Borough.

The District Council, their powers, duties, rights, obligations and privileges shall continue and be deemed to have continued to exist until the commencement of this Scheme, unaffected in any manner whatsoever by the grant of the said Charter or the creation of the said Borough. From and after the commencement of this Scheme the District Council shall be and the same are hereby abolished.

All the jurisdiction, powers, duties and property vested in or possessed by the District Council, or by any person or body in trust for them, or any of their members as such (and not otherwise dealt with or transferred by or

under any part of this Scheme) shall vest in the Corporation, and shall be exercised, held and applied for the municipal and public purposes of the said Borough.

All duties and liabilities which immediately before the commencement of this Scheme attached to and were enforceable against the District Council or the property thereof, shall attach to and be enforceable against the Corporation.

Any investigations, legal proceedings or remedy in respect of any debt, liability, penalty or forfeiture due to or incurred by or on behalf of the District Council before the commencement of this Scheme may be continued, prosecuted or enforced by or against the Corporation.

The term "property" in this Scheme means and includes all property real and personal, and all things in action and all rights of common and commonable rights and rights to toll, and all franchises, privileges and rights which have any pecuniary value, and all charters, records, deeds, books and documents and all rights and all claims to relief and all rights to avoid contracts or otherwise and includes any estate or interest legal or equitable in or in respect of any property so defined.

The District Fund and General District Rate of the Borough of East Ham shall for all purposes whatsoever (subject to the provisions of the Municipal Corporations Act, 1882, with respect to the Borough Fund and Borough Rate and Watch Rate respectively) take the place of and be substituted for the District Fund and General District Rate respectively of the District Council, and all sums of money respectively payable to from or out of and all liabilities charged upon or attaching to the District Fund and General District Rate of the said Urban District shall (subject as aforesaid) be paid to from or out of and shall be charged upon the said District Fund and General District Rate of the said Borough respectively.

All the rights, interests, powers, property, liabilities or obligations vested in or attached to the District Council under "The Public Health Act, 1875"; "The East Ham Improvement Act, 1898"; "The East Ham Improvement Act, 1903"; "The East Ham Urban Council Tramways Order, 1898"; "The East Ham Urban District Council Tramways Order, 1900"; and "The East Ham Urban District Council Tramways Order, 1904"; "The East Ham Electric Lighting Order, 1898"; "The East Ham Improvements Order, 1904"; "The Public Libraries Acts, 1892 and 1893"; "The Infectious Disease (Notification) Act, 1889"; "The Infectious Disease (Prevention) Act, 1890"; "The Public Health Acts Amendment Act, 1890, parts 2, 3 and 5"; "The Baths and Wash-houses Acts"; "The Housing of the Working Classes Act, 1890; Part 3" and the Local Government Board Orders of 22nd March and 12th November 1895, 11th June, 1896, and 18th September, 1900, shall pass to, devolve upon, be exercisable by or against, vested in or attached to the Corporation acting by the Council as the Sanitary Authority of the Borough, and from and after the commencement of this Scheme the Corporation shall be and continue the legal successors of the Urban District Council of East Ham for all purposes. The Town Clerk of the Borough shall be substituted for and perform the duties of the Clerk to the District Council.

Any regulations under the Dairies, Cowsheds, and Milkshops Order of 1885, and any Bye-laws and any tables of fees and charges in force within

the Urban District of East Ham at the commencement of this Scheme, shall, unless duly repealed, revoked or varied, continue in force and have operation in the Borough in like manner and with like effect as if the Corporation, acting by the Council and their Officers, and the Borough, were referred to therein instead of the Local Board or the District Council (as the case may be) and their Officers and the District.

The Bye-laws for the good rule and government of the Administrative County of Essex, so far as they are in force in the Urban District of East Ham, shall continue in force and be enforced within the Municipal Borough of East Ham until the expiration of two years from the commencement of this Scheme, or until other Bye-laws for good rule and government made by the Corporation shall have come into force, whichever shall first occur.

As soon as may be convenient after the commencement of this Scheme, the Council of the Borough shall prepare and submit to the Board of Education a Scheme for an Education Committee for the Borough, in accordance with the provisions of Section Seventeen of the Education Act, 1902.

Until such Scheme shall have been approved by the Board of Education, the members of the Education Committee of the Urban District Council who are in office immediately before the commencement of the Scheme shall be deemed to have been appointed and shall be the Education Committee for the Borough of East Ham.

As soon as the Scheme of the Borough Council shall have been approved by the Board of Education, the Education Committee appointed by the Urban District Council shall be dissolved and cease to exist.

Saving for Rates, &c.

Notwithstanding the incorporation of the Borough and the provisions of this Scheme, all rates, assessments, compositions, charges, mortgages, contracts, leases, conveyances, deeds, documents, acts, matters and things made, entered into or done before the commencement of this scheme, by, to or with reference to the District Council, shall be as good, valid and effectual to all intents and purposes whatsoever for, against and with reference to the Corporation as if the same had been done, entered into, or done by, to or with reference to the Corporation instead of the District Council and may be proceeded on or enforced in the same manner in all respects as if the Corporation instead of the District Council had been party or privy to the same and had been named or referred to therein.

In case any Officer of the District Council who shall have been employed by the District Council shall not be employed by the Council of the said Borough, nor offered by the said Council a position in their employ of a similar character and of an equal value to that formerly held by him, he shall be entitled to be paid by way of compensation for the loss of his position out of the funds of or under the control of the Corporation acting by the Council as the Sanitary Authority for the said Borough, and the amount to be paid in each case shall be determined in accordance with the provisions of section 120 of the Local Government Act, 1888, and Sub-sections (1) to (7), inclusive, of that Section, shall apply as if they formed part of this Scheme, with the substitution of the words "Borough Council" for "County Council," and "this Scheme" for "this Act," and with such other modifications as are necessary to make them applicable hereto.

Provided, nevertheless, that if any such Officer be so employed by the said Corporation and discharged by them (otherwise than for misconduct) within four years of the commencement of this Scheme he shall be entitled to compensation in the same manner as if he had not been employed by the said Corporation. Provided that the term "Officer" shall include only persons employed by the said Council whose salaries or emoluments are payable at intervals of not less than one month and no other persons.

The accounts of the District Council and their Officers shall be (as soon as conveniently may be) audited by the District Auditor, in like manner, and subject to the like powers, duties, provisions and right of appeal as if the Charter had not been granted, and the provisions of

Sections 247 and 250 of "The Public Health Act, 1875," as amended by "The District Auditors Act, 1879," and any regulations duly issued by the Local Government Board with respect to the audit of accounts of Local Boards or Urban District Councils, and of their Officers shall apply to such audit; and the provisions of this Scheme with respect to the District Council shall be construed so as to admit of such exceptions as may be necessary to enable such audit to be duly made, but such exceptions shall be strictly limited in time, extent, character and operation to the purposes of such audit; any money certified to be due from any person by the District Auditor at such audit shall be paid by such person to the Treasurer of the Borough.

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