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[26 GEO. 5. &
1 EDW. 8.]

*Mortlake Crematorium
Act, 1936.*

[Ch. cxxi.]



24 DEC 1936

CHAPTER cxxi.

An Act to constitute a joint board comprising representatives of the Hammersmith Borough Council and the corporations of Acton Barnes and Richmond to authorise the Board to provide and maintain a crematorium and for other purposes. A.D. 1936.
[31st July 1936.]

WHEREAS it is expedient to constitute and incorporate a joint board comprising representatives of the Hammersmith Council and the corporations and to empower the said Board to provide and maintain a crematorium :

And whereas the Hammersmith Council are the owners of land in the borough of Barnes and it is expedient that the Hammersmith Council should transfer the said land to the Board in manner provided by this Act :

And whereas it is expedient that the other provisions in this Act should be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas an estimate has been prepared for the purposes hereinafter mentioned and such estimate is as follows :—

	£
For buildings drainage and road works	
and general lay-out	22,290
[Price 1s. 0d. Net] A	1

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And whereas the several works included in such estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years :

35 & 36 Vict. c. 91.
3 Edw. 7. c. 14.
23 & 24 Geo. 5. c. 51.

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed by the Hammersmith Council and the requirements of Part XIII of the Local Government Act 1933 have been observed by the Acton Corporation the Barnes Corporation and the Richmond Corporation :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 (that is to say) :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the Mortlake Crematorium Act 1936.

Division of Act into Parts. 2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Establishment constitution and proceedings of Board.

Part III.—Powers and duties of Board.

Part IV.—Finance.

Part V.—Miscellaneous.

Incorporation of Lands Clauses Acts. 3. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act with the following exceptions and modifications :—

8 & 9 Vict. c. 18. (a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act ;

- (b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section; and
- (c) The expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts shall be construed to mean the Board.

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4. In this Act unless the subject or context otherwise requires—

Interpreta-
tion.

"The Board" means the Mortlake Crematorium Board;

"The clerk" means the clerk to the Board;

"The undertaking" means the whole of the undertaking for the time being of the Board;

"Constituent authority" means a local authority for the time being authorised to appoint a member or members of the Board;

"The Hammersmith Council" means the mayor aldermen and councillors of the metropolitan borough of Hammersmith;

"The Acton Corporation" "the Barnes Corporation" and "the Richmond Corporation" respectively mean the mayor aldermen and burgesses of the respective boroughs of Acton Barnes and Richmond and "the corporations" means the said corporations or any of them;

"Financial year" means a period of twelve months beginning on the first day of April;

"Population" means the latest available information with respect to the number of the population whether derived from the census or from the annual return issued by the Registrar-General;

"The appointed day" means the first day of January nineteen hundred and thirty-seven;

"The general rate fund" in reference to the Hammersmith Council means the fund or account to which the proceeds of the general rate of the metropolitan borough of Hammersmith are carried;

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“Statutory borrowing power” includes a power of borrowing money conferred on the Board by or under any enactment;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Board;

38 & 39 Vict.
c. 83.

“Revenues of the Board” includes the revenues of the Board from time to time arising from the undertaking or from any land investments or other property for the time being of the Board and the money receivable by them from the constituent authorities and all fees and money which they are authorised to take and collect under the powers of this Act;

9 & 10
Geo. 5. c. 57.

“The Lands Clauses Acts” means those Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

“The Act of 1933” means the Local Government Act 1933;

“The Minister” means the Minister of Health.

PART II.

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS
OF BOARD.Incorporation
of
Board.

5.—(1) For the purpose of carrying this Act into execution there shall be a Board constituted and appointed as by this Act provided.

(2) The Board shall be a body corporate under the name and style of the “Mortlake Crematorium Board” with perpetual succession and a common seal and with

power to acquire and hold lands (without any licence in mortmain) and with all other powers and privileges of a body corporate. A.D. 1936.

6. Subject to alteration by the Minister as hereinafter provided the Board shall consist of members appointed by the Hammersmith Council the Acton Corporation the Barnes Corporation and the Richmond Corporation respectively as follows :— Constitution of Board.

(1) In the first instance the number of members appointed by each constituent authority shall be on the basis of one member for every thirty thousand inhabitants of the borough of the authority or part of thirty thousand inhabitants above thirty thousand or a multiple of thirty thousand inhabitants according to the population of that borough at the passing of this Act :

(2) In the month of October in the year nineteen hundred and forty-one and in every subsequent fifth year the constitution of the Board shall be revised so that the number of members to be appointed by each of the constituent authorities to hold office during the next following period of five years shall be on the basis of one member for every thirty thousand inhabitants of the borough of the authority or part of thirty thousand inhabitants above thirty thousand or a multiple of thirty thousand inhabitants according to the population of that borough at that time.

7.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held before the appointed day or such later date as the Minister shall allow on the application of a majority of the constituent authorities and the members so appointed shall subject to the provisions of this Act continue in office for such period as the constituent authority by whom they are appointed shall determine but not beyond the thirtieth day of November nineteen hundred and forty. Appointment of members of Board.

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(2) Any persons appointed in pursuance of subsection (1) of this section as members of the Board shall come into office on the appointed day or if the meeting at which they are appointed is held after the appointed day upon their appointment by the constituent authority.

(3) Each constituent authority shall from time to time appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the Board whom they are by this Act authorised to appoint to hold office for such period not being more than three years as they may determine.

(4) A vacating member shall subject to the provisions of this Act be eligible for re-appointment.

Provisions
where
failure to
appoint
members.

8. If any constituent authority fail to appoint first members of the Board it shall be competent for the other members of the Board to carry this Act into execution and if any constituent authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member of the Board representing such authority and qualified to be members or a member of the Board shall continue in office till their or his successors or successor are or is appointed.

Members of
Board to be
members of
constituent
authorities.

9. A person shall not be qualified to be appointed a member of the Board unless he is a member of the constituent authority by whom he is appointed.

Member of
two or more
authorities
to represent
one only.

10. A person who is a member of two or more constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall within one month after the second appointment choose under which appointment he shall serve and the other appointment shall be deemed void.

Disqualifi-
cation of
members.

11.—(1) If a member of the Board ceases to be a member of the constituent authority by whom he was appointed or becomes disqualified he shall cease to be a member of the Board except in the case where he ceases to be a member of such authority only by the

expiration of his term of office and is forthwith re-elected a member of such authority. A.D. 1936.

(2) Section 59 subsection (1) of section 63 and sections 76 and 95 of the Act of 1933 shall apply as if the Board were a local authority other than a parish council.

12. Whenever an appointment of a member of the Board has been made the town clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the respective town clerks of the other constituent authorities and on every subsequent appointment to the clerk and every such certificate shall be conclusive evidence of such appointment. Certificate of appointment of members.

13. Any member of the Board may at any time resign his office as such member by notice in writing addressed to the clerk. Resignation of members.

14. Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed. Removal of members.

15. On any vacancy in the membership of the Board owing to a member dying resigning or becoming disqualified or otherwise ceasing to be a member the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the Board in his place but unless the vacancy occurs at the expiration of the term of office of the vacating member the person appointed in his place shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office. Casual vacancies.

16.—(1) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint one of their members as chairman and another as vice-chairman for the ensuing year. Chairman and vice-chairman of Board.

(2) A chairman or vice-chairman may if otherwise qualified be re-appointed and shall continue in office until his successor is appointed unless he dies or resigns

A.D. 1936. or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(3) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification or otherwise another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would have gone out of office in the ordinary course.

First and
subsequent
meetings of
Board.

17.—(1) The Board shall hold their first meeting at the town hall Hammersmith or at such other place and on such day and at such time as may be agreed between the constituent authorities or as failing such agreement shall be appointed for the purpose by the Minister.

(2) The Board shall hold an annual meeting in the month of December in every year.

(3) Subject as aforesaid the meetings of the Board subsequent to their first meeting (including their annual meetings) shall be held at such place on such days and at such times as the Board may from time to time appoint.

Special
meetings
of Board.

18. The chairman or any three or more members of the Board may at any time by notice in writing addressed and sent to the clerk require a special meeting of the Board to be convened and the clerk shall convene a meeting accordingly.

Convening
of meetings.

19. The meetings of the Board shall be convened by the town clerk of the metropolitan borough of Hammersmith until the Board shall have appointed a clerk and afterwards by the clerk or if there is no clerk by the chairman and every meeting shall be convened by notice in writing delivered to each member of the Board or sent by post to or delivered at his residence or place of business two clear days at least before the day of meeting :

Provided that want of service of the notice on any member of the Board shall not affect the validity of a meeting.

Quorum of
meetings.

20. To constitute a meeting of the Board there must be present not less than four of the members of the Board.

21.—(1) At every meeting of the Board the chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman some member of the Board chosen by the members present shall preside.

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Proceedings
at meetings.

(2) (a) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote :

Provided that if at any meeting neither the chairman nor vice-chairman shall be present and there be any equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(b) The mode of voting at meetings of the Board shall be by show of hands and on the requisition of any two members of the Board the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

(3) The names of the members present at a meeting of the Board shall be recorded.

22.—(1) Minutes of the proceedings of every meeting of the Board or a committee of the Board shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and the minutes shall be approved and when approved signed by the chairman or other member presiding at the next ensuing ordinary meeting.

Minutes of
meetings.

(2) A minute of the proceedings of the Board or of a committee of the Board signed at the next ensuing ordinary meeting by a member of the Board describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(3) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members at the meeting shall be deemed to have been duly qualified and where the proceedings are

A.D. 1936. — proceedings of a committee of the Board the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

(4) Copies of the minutes of the proceedings of every meeting of the Board shall after each meeting be sent by the clerk to the clerk of each constituent authority for the information of that authority.

Standing
orders of
Board.

23. Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings and business and of the proceedings and business of committees of the Board and may vary or revoke the same.

Committees
of Board.

24. The Board may appoint out of their own body a committee either of a general or special nature consisting of such number of persons as they think fit for any purpose which in the opinion of the Board would be better regulated and managed by means of a committee and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of borrowing money or issuing a precept) to any committee of the Board so appointed.

Appoint-
ment of
officers.

25.—(1) The Board may from time to time appoint and remunerate a clerk a treasurer a superintendent and such other officers and servants as they from time to time think requisite and all officers and servants so appointed shall subject to the terms of any agreement that may be made between the Board and any officer or servant be removable by the Board at their pleasure :

Provided that the offices of clerk and treasurer shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(2) No member of the Board or of any of the constituent authorities shall be an officer or servant of the Board but the same person may be and continue an officer or servant of the Board and of a constituent authority.

26.—(1) The Hammersmith Council may on such terms and conditions as they think fit with the approval of the Minister admit from time to time all or any of the employees for the time being of the Board to participate in the benefits prescribed by the Shoreditch and other Metropolitan Borough Councils (Superannuation) Acts 1922 to 1933 as though such employees were employees of the Hammersmith Council within the meaning of the said Acts and as though service under the Board (whether before or after the date of such admission) were service under the Hammersmith Council.

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Superannuation.

(2) The Board shall have all such powers as may be necessary for enabling them to give effect to any such terms and conditions as aforesaid.

27. No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.

Acts not
invalidated.

28. The Board may defray any expenses necessarily incurred by members of the Board or of any committee thereof in the discharge of the functions of the Board.

Expenses of
members.

29. On the application of any of the constituent authorities the Minister may at any time after giving notice of the application to the other constituent authorities and considering any objections or representations made by them by order alter the number and proportion of members to be appointed by the constituent authorities and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration.

Power
to alter
number of
members.

30. If at any time the boundaries of the boroughs of any of the constituent authorities are altered then and in every such case the Minister may by order to be published as he shall direct make such provision as to him seems fit for adapting the provisions of this Act to the alterations so made and to the incidents and consequences thereof and every such order shall notwithstanding anything contained in this Act to the contrary have effect as if the terms thereof were

Provision
in event of
alteration of
boroughs.

A.D. 1936. inserted in this Act but the Minister shall not make such an order until he has held a local inquiry on the subject of which notice has been given by advertisement or otherwise as the Minister may direct and an opportunity has been given to any person who appears to the Minister to be affected of stating any objections he may have thereto.

As to
additional
constituent
authorities.

31.—(1) Any local authority desiring to become a constituent authority of the Board and to appoint representatives thereon may give notice thereof to the Board and the Board after receipt of such notice may if they think fit apply to the Minister for a Provisional Order constituting such local authority a constituent authority upon such terms and conditions as may be agreed between the Board and such local authority and the Minister may make any such Provisional Order accordingly and may thereby make all such amendments of this Act and of any Act or Order relating to the local authority who have given the notice as may be necessary or expedient in consequence of such local authority being constituted a constituent authority of the Board.

(2) Section 285 (Procedure on making Provisional Orders) of the Act of 1933 shall apply to the making of a Provisional Order under this section as if the provisions of that section were re-enacted in this section and in terms made applicable thereto.

(3) For the purposes of this section the expression "local authority" includes the council of any borough (including a metropolitan borough) or urban district.

PART III.

POWERS AND DUTIES OF BOARD.

Transfer of
land by
Hammer-
smith
Council.

32.—(1) As soon as may be after the appointed day the Hammersmith Council shall sell to the Board and the Board shall purchase the land described in the First Schedule to this Act or such part thereof as may be agreed between the said council and the Board for such price or consideration and upon and subject to such terms and conditions as may be agreed between the Hammersmith Council and the

Board or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

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(2) The Hammersmith Council shall grant to the Board such rights of access over the Hammersmith new cemetery or other land of the Hammersmith Council to and from the land referred to in subsection (1) of this section from and to Mortlake Road and Clifford Avenue or any road which may be constructed after the passing of this Act leading into or passing under either of those roads as may be necessary for the Board and for persons bona fide going to and from the said land with or without vehicles or horses for such consideration and subject to such terms and conditions as may be agreed between the Hammersmith Council and the Board or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

33. On and after the appointed day the Board may build provide fit up equip maintain and manage a crematorium proper and sufficient for the cremation of human remains on the land described in the First Schedule to this Act.

Power to establish crematorium.

34. On and after the appointed day the Board shall have and may exercise and perform and shall be subject to all the powers duties and liabilities of a burial authority under the Cremation Act 1902 and the provisions of that Act shall extend to the Board as if they were herein re-enacted and in terms made applicable to this Act and to the Board :

Application of Cremation Act 1902.

2 Edw. 7. c. 8.

Provided that—

(1) section 5 (No crematorium within two hundred yards of house) shall not apply in respect of any crematorium to be constructed upon the land described in the First Schedule hereto :

(2) (a) in the application of the said section 5 to the Board the restriction imposed by that section upon the construction of a crematorium near to a dwelling-house shall

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not apply with reference to any dwelling-house situate at a greater distance than one hundred yards from the site of the proposed crematorium nor to any new dwelling-house;

(b) For the purposes of this proviso—

the expression “new dwelling-house” means any dwelling-house the erection or placing in position of which is commenced on or after the date on which public notice of the application to the Minister for his approval of the plans and site of a proposed crematorium is first given by the Board;

the expression “public notice” means a notice which is advertised in a newspaper circulating in the locality of the site in question and is displayed upon a conspicuous part of that site; and

the expression “site of a proposed crematorium” means the land which is proposed to be covered with a building intended to be used for the purpose of burning human remains.

Application
of enact-
ments.

35. For the purpose of the provision maintenance and management of a crematorium the Board shall on and after the appointed day exercise and perform and be subject to all the powers duties and liabilities of a local authority under the enactments mentioned in the Second Schedule to this Act and those enactments shall with the necessary modifications extend to the Board as if they were herein re-enacted and in terms made applicable to this Act and to the Board.

Power to
accept
sums for
memorials
&c.

36.—(1) The Board may accept a capital sum for the purpose of maintaining in perpetuity or for such period as the Board determine a particular urn memorial or part of a columbarium in a crematorium or on any land provided by the Board.

(2) Any such sum shall be invested in statutory securities and the interest thereof applied in maintaining the urn memorial or part of a columbarium in such manner as the Board think fit.

(3) Any such capital sum and the interest thereof shall be shown separately in the accounts of the Board.

PART IV.

A.D. 1936.

FINANCE.

37. The Board may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

Power to Board to borrow.

1	2	3
Purpose.	Amount.	Period for repayment calculated from the date or dates of borrowing.
For the purchase of the land referred to in subsection (1) of section 32 (Transfer of land by Hammersmith Council) of this Act.	The sum requisite.	Thirty years.
For buildings drainage and road works and general lay-out.	£22,290	Thirty years.

38.—(1) The provisions of Part IX (Borrowing) of the Act of 1933 and of the regulations made thereunder so far as they are not inconsistent with the provisions of this Part of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

Application of Act of 1933 to borrowing of money by Board.

- (a) the Board were a local authority within the meaning of the Act of 1933 ;
- (b) the money so borrowed were borrowed under the said Part IX ; and
- (c) the revenues of the Board were the general rate fund or the revenues of the local authority ;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purposes of this section.

(2) The periods mentioned in the third column of the table contained in section 37 (Power to Board to borrow) of this Act shall as respects any money borrowed under that section respectively be the fixed period for the purposes of the said Part IX.

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As to
securities of
Board.

39. For the purposes of the definition of "statutory securities" in section 218 (Definitions) of the Act of 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

Power to
Hammersmith
Council to
borrow and
lend to
Board.

40.—(1) The Hammersmith Council may borrow the money which the Board are by this Act authorised to borrow and such money may be lent by the Hammersmith Council to the Board on such terms and conditions as may be agreed between the Board and the Hammersmith Council.

18 & 19 Vict.
c. 120.
62 & 63 Vict.
c. 14.

(2) For the purpose of securing the repayment with interest of any money to be borrowed under this section the Council may mortgage and assign the general rate fund and the general rate and any borrowing under this section shall be subject to the provisions of sections 183 to 190 of the Metropolis Management Act 1855 as amended by the London Government Act 1899 and by any other Act :

Provided that all money borrowed under the powers of this section shall be repaid within the period within which the Board are required to repay the money by virtue of this Act :

Provided also that the said section 190 shall for the purposes of this Act have effect as if—

- (a) Statutory securities were included in the securities in which the sum set aside and the dividends and interest on the investments may be invested; and
- (b) The words "such equal annual sums as with the
" accumulations at a rate not exceeding three
" per centum per annum or such other rate as
" the Minister may from time to time approve
" would be sufficient to pay off within the pre-
" scribed period the money for the repayment
" of which such sinking fund is formed " were substituted for the words "such sum as they
" think proper being not less than two pounds
" per centum on the amount of the principal
" moneys secured thereby."

Power to
corporations
to borrow
and lend to
Board.

41.—(1) Any of the corporations with the consent of the Minister may from time to time independently of any other borrowing power borrow at interest the money which the Board are by this Act authorised to borrow and

such money may be lent by such corporation to the Board on such terms and conditions as may be agreed between the Board and such corporation.

A.D. 1936.

(2) Any money borrowed by any of the corporations under this section shall be repaid within the period within which the Board are required to repay the money by virtue of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

42.—(1) Not later than the first day of January in every year the Board shall estimate the amount of money required by them for all expenditure (other than expenditure to be defrayed out of loan) which will be incurred during the next financial year and shall apportion the same between the constituent authorities in accordance with the provisions of this section after allowing for any moneys to be received by the Board otherwise than from loans and precepts and the expenditure so estimated is hereinafter referred to as "net expenditure."

Expenditure
of Board.

(2) Not later than the twenty-first day of January in every year the Board shall forward to each constituent authority a copy of their estimate of expenditure and revenue for the next financial year.

(3) The net expenditure of the Board for every financial year shall be borne by the constituent authorities the share of each constituent authority being based on the proportion which the estimated population of the borough of that authority bears to the aggregate estimated population of the boroughs of all the constituent authorities.

(4) For the purposes of this section the estimated population of a borough shall mean in the first instance the population of that borough at the passing of this Act as defined by section 4 (Interpretation) of this Act :

Provided that in the month of December in the year nineteen hundred and forty-one and in the month of

A.D. 1936. — December in every subsequent fifth year the estimated population of the borough of each constituent authority for the purposes of this section shall be revised and shall be deemed to be the population of that borough as defined by the said section 4 and such population shall for the purposes of this section be the estimated population of that borough until the next quinquennial revision.

(5) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the constituent authorities respectively shall within three months from the receipt of such precepts pay to the Board the amount so apportioned to them respectively.

(6) Such amounts respectively shall be raised and paid by the constituent authorities out of the general rate funds of their respective boroughs and the constituent authorities respectively are hereby authorised and required to make and levy any rate that may be necessary for providing the amounts payable as aforesaid.

(7) If any of the constituent authorities fail to pay any amount so apportioned within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of five per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

(a) The Board may sue the defaulting constituent authority for the amount unpaid in any court of competent jurisdiction ;

(b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting constituent authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting

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such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting constituent authority to account as the defaulting constituent authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting constituent authority.

A.D. 1936.
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(8) Any receiver appointed under Part IX of the Act of 1933 upon the application of the mortgagees of the Board shall be entitled so long as his appointment remains to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

43.—(1) The Board shall apply the revenues of the Board in manner following (that is to say):— Application of revenue.

- First In payment of the working and establishment expenses and cost of maintenance of the undertaking;
- Secondly In payment of the interest on moneys borrowed by the Board under any statutory borrowing power;
- Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board under any statutory borrowing power;
- Fourthly In payment of all other expenses of executing this Act not being expenses properly chargeable to capital;
- Fifthly In extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking;
- Sixthly In providing working capital (if the Board think fit).

A.D. 1936.
—

(2) The balance remaining over in any financial year after the Board have retained or set aside such a sum as may in their opinion be required for carrying on the undertaking and paying the current expenses connected therewith shall be credited to the constituent authorities in the proportion in which those authorities are required to bear the expenditure of the Board for that year and shall be deducted in such proportion from the amounts which the constituent authorities are required to pay to the Board in the next succeeding financial year in pursuance of section 42 (Expenditure of Board) of this Act or (if the Board shall issue no precepts in that year) shall be carried to the general rate funds of the constituent authorities in the said proportions.

Abstract of
accounts
and
auditor's
report.

44. As soon as practicable after the completion of the audit the clerk shall forward to the town clerk of each constituent authority a copy of the abstract of the accounts of the Board and of any report to the Board made by the district auditor.

Inspection
of accounts.

45. The accounts of the Board shall at all reasonable times be open to inspection and transcription free of charge by any member of a constituent authority or by any officer of a constituent authority duly authorised for that purpose.

Audit.

46. The accounts of the Board and of their committees and officers shall be subject to audit by a district auditor.

PART V.

MISCELLANEOUS.

Power to
grant allow-
ances or
gratuities in
certain
cases.

12 & 13
Geo. 5. c. 59.

47. The Board may if they think fit in cases in which no superannuation allowance or gratuity has been paid under a scheme established under the Local Government and Other Officers' Superannuation Act 1922 or the Shoreditch and other Metropolitan Borough Councils (Superannuation) Acts 1922 to 1933 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' salary or wages) to any of their officers or servants who may be

disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service :

A.D. 1936.

Provided that in granting such allowance or gratuity the Board shall take into account any sum which is for the time being receivable by the officer or servant under the provisions of the Workmen's Compensation Act 1925 and shall not grant any such allowance or gratuity in respect of any death disability injury or incapacity in respect of which any sum is already payable under that Act.

15 & 16
Geo. 5. c. 84.

48.—(1) The Board may make byelaws with respect to the management of their crematoria and the lands and buildings used in connection therewith.

Power to
make
byelaws.

(2) As respects any byelaws made under this section the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister.

49.—(1) The Board may promote or oppose Bills in Parliament and apply for or oppose applications for Provisional Orders or other statutory orders.

Power to
promote or
oppose any
Bill.

(2) Section 303 of the Public Health Act 1875 shall extend to the Board as if the provisions of that section were re-enacted in this section and in terms made applicable thereto.

50. The Board on the one hand and the constituent authorities or any of them on the other hand may enter into and carry into effect agreements for or with respect to any of the purposes or provisions of this Act.

Agreements.

51. Subject to the provisions of this Act any difference which arises between the constituent authorities or any of them under the provisions of this Act shall be referred to and determined by arbitration in accordance with the Arbitration Acts 1889 to 1934.

Settlement
of differ-
ences.

52. When the day on which anything is required by this Act to be done is a Sunday Good Friday Christmas Day or a bank holiday that thing shall be done on the next following day not being one of the days before mentioned.

Provision
for Sundays
and public
holidays.

A.D. 1936.

—
Evidence of
appoint-
ments
authority
&c.

53. Where in any legal proceedings taken by or on behalf of or against the Board or any officer servant solicitor or agent of the Board or any committee of the Board under any Act or Order from time to time relating to the Board it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Board or of any committee of the Board or to prove any resolution or order of the Board or any resolution order or report of any committee of the Board a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman or of the clerk of the Board shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authenti-
cation and
service of
notices &c.

54.—(1) Where any notice or demand under any local Act Provisional Order byelaw or regulation for the time being in force requires authentication by the Board the signature of the clerk or other duly authorised officer of the Board shall be a sufficient authentication.

38 & 39 Vict.
c. 55.

(2) Notices demands orders and other documents required or authorised to be served under any Act or Order from time to time relating to the Board may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served :

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Inquiries by
Minister.

55. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him by or the giving of consents under this Act as if such powers were conferred by and such consents were required to be given under the Act of 1933 and section 290 (Power of Government departments to direct inquiries) of that Act shall apply accordingly.

Judges not
disqualified.

56. A judge of a court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

[26 GEO. 5. &
1 EDW. 8.]

*Mortlake Crematorium
Act, 1936.*

[Ch. cxxi.]

57. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the constituent authorities out of their respective general rate funds in the proportion in which those authorities are required to bear the expenditure of the Board.

A.D. 1936.
—
Costs of Act.

A.D. 1936.
—

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

LANDS FOR CREMATORIUM.

A rectangular piece of agricultural land containing in area two acres three roods and eleven perches or thereabouts situate wholly in the borough of Barnes in the county of Surrey forming part of the land provided for the future extension of the Hammersmith new cemetery the north-west and south-east sides thereof being each three hundred and ninety feet or thereabouts in length and the north-east and south-west sides thereof being each three hundred and fifteen feet or thereabouts in length which said piece of land lies immediately to the south-east of an imaginary line being a continuation of the centre line of the avenue running in a north-easterly direction from the chapel in the said cemetery the south-west corner of the said land being fixed at a point on the said imaginary line three hundred and forty feet or thereabouts from the main wall on the north-east side of the said chapel.

SECOND SCHEDULE.

ENACTMENTS APPLIED TO THE BOARD.

The Public Health Act 1875—

- Section 251 (Summary proceedings for offences penalties &c.);
- Section 253 (Restriction on recovery of penalties);
- Section 254 (Application of penalties);
- Section 261 (Demands below £50 may be recovered in county court);
- Section 262 (Proceeding not to be quashed for want of form);
- Section 265 (Protection of local authority and their officers from personal liability);

- Section 306 (Penalty on obstructing execution of Act) A.D. 1936.
(except so far as it relates to the destruction
of notices); —
- Section 307 (Penalty on damaging works &c. of local
authority).

The Act of 1933—

- Section 119 (Security to be given by officers);
- Section 120 (Accountability of officers);
- Section 122 (Members of local authorities not to be
appointed as officers);
- Section 123 (Disclosure by officers of interest in contracts);
- Section 125 (Provision of offices &c. by local authorities
other than parish councils);
- Section 157 (Power of local authorities to acquire land
by agreement);
- Section 158 (Acquisition of land in advance of require-
ments);
- Section 159 (Power of local authorities to purchase land
compulsorily);
- Section 160 (Compulsory purchase of land by means
of a Provisional Order);
- Section 164 (Power to let land);
- Section 165 (Power to sell or exchange land);
- Section 166 (Application of capital money);
- Section 176 (Application of Lands Clauses Acts to
purchases by agreement);
- Section 250 (Procedure &c. for making byelaws);
- Section 266 (Contracts of local authorities);
- Section 277 (Appearance of local authorities in legal
proceedings);
- Section 278 (Name of local authority need not be proved);
- Section 289 (Penalty for destroying notices &c.).

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