



CHAPTER clxxxii.

An Act to confirm a Provisional Order of the Local Government Board relating to Wakefield. A.D. 1914.

[10th August 1914.]

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:

Be it therefore 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:—

1. The Order as amended 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.—(1) The Insurance Commissioners may at any time after the passing of this Act by order make such provision as appears to them to be necessary for enabling an insurance committee to be duly constituted under the National Insurance Act 1911 for the county borough of Wakefield and pending the constitution of such a committee may constitute a committee as nearly as may be in accordance with the provisions of section fifty-nine of the said Act to act temporarily as the insurance committee for the county borough. Provision as to Insurance Committee for county borough of Wakefield.

(2) An order under this section may provide for such financial adjustments and may contain such other consequential or supplemental provisions as appear to the Insurance Commissioners necessary or expedient.

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(3) An order under this section shall have effect as if enacted in the National Insurance Act 1911 and a committee acting temporarily as the insurance committee for the county borough shall for all the purposes of that Act be deemed to be the insurance committee for the borough.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 3) Act 1914.

SCHEDULE.

A.D. 1914.

CITY OF WAKEFIELD.

Provisional Order made in pursuance of the Local Government Act 1888 for constituting a County Borough and for altering certain Confirming Acts. *Wakefield Order.*

To the Mayor Aldermen and Citizens of the City of Wakefield ;—

To the Justices of the Peace for the said City ;—

To the County Council of the West Riding of Yorkshire ;—

To the Justices of the Peace for the County of the West Riding of Yorkshire in Quarter Sessions assembled ;—

To the West Riding of Yorkshire Rivers Board ;—

To the Lord Mayor Aldermen and Citizens of each of the Cities of Bradford Leeds and Sheffield ;—

To the Mayor Aldermen and Burgesses of each of the Boroughs of Barnsley Dewsbury Halifax Huddersfield and Rotherham ;—

And to all others whom it may concern.

WHEREAS by Section 54 of the Local Government Act 1888 (which Act is herein-after referred to as "the Act") the Local Government Board are empowered to make a Provisional Order for constituting any Borough having a population of not less than fifty thousand into a County Borough ; 51 & 52 Vict. c. 41.

And whereas the City of Wakefield (herein-after referred to as "the City") in the County of the West Riding of Yorkshire is a Borough within the meaning of the Act and has a population exceeding

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A.D. 1914. fifty thousand and is subject to the jurisdiction of the Mayor Aldermen
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Order. and Citizens of the City of Wakefield acting by the Council (herein-
after referred to as "the Corporation");

And whereas by virtue of an Order of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered by the Borough of Rotherham Order (No. 2) 1902 (herein-after referred to as "the Rotherham Order of 1902") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1902 (herein-after referred to as "the Confirming Act of 1902") by an Order of the Local Government Board dated the Thirtieth day of December One thousand nine hundred and three by the County Borough of Barnsley Order 1912 (herein-after referred to as "the Barnsley Order of 1912") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1912 (herein-after referred to as "the Barnsley Confirming Act of 1912") by the County Borough of Dewsbury Order 1912 (herein-after referred to as "the Dewsbury Order of 1912") which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 14) Act 1912 (herein-after referred to as "the Dewsbury Confirming Act of 1912") and by an Order of the Local Government Board dated the Thirteenth day of February One thousand nine hundred and thirteen the number of County Councillors for the Administrative County of the West Riding of Yorkshire (herein-after referred to as "the Administrative County") is ninety and the City comprises two electoral divisions (known as the North Wakefield Electoral Division and the South Wakefield Electoral Division) and a part of a third electoral division (known as the Sandal Magna Electoral Division) of the Administrative County and accordingly one County Councillor is apportioned to each of those Electoral Divisions;

And whereas by virtue of a Provisional Order of the Local Government Board dated the Seventeenth day of May One thousand eight hundred and ninety-three (herein-after referred to as "the Order of 1893") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 16) Act 1893 (herein-after referred to as "the Confirming Act of 1893") of the West Riding of Yorkshire Rivers Act 1894 (herein-after referred to as "the Act of 1894") of the Rotherham Order of 1902 of the Barnsley Order of 1912 and of the Dewsbury Order of 1912 a Joint Committee (herein-after referred to as "the Joint Committee") has been constituted and incorporated by the name of the West Riding of Yorkshire Rivers Board with jurisdiction in relation to so much of every river or tributary thereof as passes through or by the Administrative County or through or by any of the County Boroughs of Barnsley Bradford Dewsbury Halifax Huddersfield Leeds Rotherham and Sheffield;

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And whereas by subdivision (1) of Article VIII. of the Dewsbury Order of 1912 it is provided as follows:—

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“ Art. VIII.—(1) The Confirming Act of 1893 so far as it relates to the Order of 1893 and the Confirming Act of 1902 so far as it relates to the Rotherham Order of 1902 shall be altered as is herein-after provided that is to say:—

* * * * *

“ (b) Article XIII. of the Order of 1893 (which relates to the contributions of Constituent Authorities) as altered by the Rotherham Order of 1902 shall have effect as if for the words—

“ ‘ By the Council of the County of
“ ‘ the West Riding of Yorkshire - Seventeen-thirtieths ’
“ there were substituted the words—

“ ‘ By the Council of the County
“ ‘ of the West Riding of Yorkshire
“ ‘ and the Councils of the County
“ ‘ Boroughs of Barnsley and Dewsbury
“ ‘ - - - - - Seventeen-thirtieths ’

“ and as if the following paragraphs were added to that Article:—

“ ‘ The proportion to be contributed by the County
“ ‘ Council and the Councils of the County Boroughs
“ ‘ of Barnsley and Dewsbury as aforesaid shall be
“ ‘ apportioned between those Councils upon a basis to
“ ‘ be determined by agreement between those Councils
“ ‘ or in default of agreement within the period of six
“ ‘ months from the date of the Act of Parliament
“ ‘ confirming the County Borough of Dewsbury Order
“ ‘ 1912 by the Local Government Board and the basis
“ ‘ so determined shall be adopted by the Joint Committee for the purposes of any precept issued by them under Article XIV. of this Order and that Article shall apply as if the Councils of the County Boroughs of Barnsley and Dewsbury were Constituent Authorities:

“ ‘ Provided that if at the expiration of any period
“ ‘ of three years from the date of any previous determination of the said basis either the Council of the County of the West Riding of Yorkshire or the Council of either of the County Boroughs of Barnsley or Dewsbury shall by resolution declare that in their opinion the basis of contribution settled as aforesaid

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“ ‘ has become inequitable the said Councils shall then
“ ‘ proceed to make a fresh agreement for settling the
“ ‘ basis on which their respective contributions to the
“ ‘ expenses of the Joint Committee shall be apportioned
“ ‘ and in default of agreement within six months
“ ‘ from the date of such resolution the basis shall be
“ ‘ determined by the Local Government Board : ’ ”

51 & 52 Vict.
c. 41.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 54 and 59 of the 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 the following provisions shall take effect:—

Commence-
ment of
Order.

Art. I. This Order shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the First day of April One thousand nine hundred and fifteen (which date is herein-after referred to as “ the commencement of this Order ”).

Constitution
of County
Borough.

Art. II. The City shall be constituted a County Borough and all the provisions of the Act respecting County Boroughs shall apply to the City as if the City had been named in the Third Schedule to the Act and as if York West Riding had been specified in that schedule as the County in which the City should be deemed for the purposes of the Act to be situate :

Provided that for the purposes of the said provisions “ the appointed day ” shall be deemed to mean the First day of April One thousand nine hundred and fifteen.

Adjustment
between new
County
Borough and
County or
County and
other County
Boroughs.

Art. III.—(1) An equitable adjustment shall be made respecting the distribution of the proceeds of the local taxation licences of the estate duty grant and of the Local Taxation (Customs and Excise) duties and respecting all other financial relations or questions between the Administrative County and the City and in any case where the constitution of the County Borough by this Order affects the distribution of the said proceeds between the Administrative County on the one hand and any other County Borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution and financial relations or questions equitable adjustments may be made between the areas interested.

For the purposes of this subdivision or of anything done or to be done in pursuance of this subdivision any reference in the said subdivision to the proceeds of licences or duties shall include a reference to the sums which in pursuance of subsection (4) of Section 17 of the

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Finance Act 1907 as amended by Section 6 of the Finance Act 1908 Section 88 of the Finance (1909-10) Act 1910 the Revenue Act 1911 and any subsequent Act have been paid or will be payable in lieu of those proceeds.

7 Edw. 7. c. 13.
8 Edw. 7. c. 16.
10 Edw. 7. c. 8.
1 Geo. 5. c. 2.

(2) Any such adjustment as is authorised by subdivision (1) of this Article may be made by agreement between the Councils of the Administrative County the City and the County Boroughs affected and if such adjustment has not been made before the Thirtieth day of September One thousand nine hundred and fifteen then on the application of any Council interested the Local Government Board may if they think fit either make the adjustment themselves or appoint an arbitrator to make it.

(3) In any case in which an agreement for equitable adjustment as aforesaid has not been made the provisions of the Act relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in those provisions for the Commissioners appointed under the Act and notwithstanding anything in the provisions of this Order or of the Act any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of Section 62 of the Act and the provisions of the Act shall apply accordingly:

Provided—

- (a) that in lieu of subsection (6) of Section 61 of the Act subsections (1) and (5) of Section 87 of the Act shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of those inquiries; and
- (b) that subsection (6) of Section 32 of the Act shall apply to any agreement or any award made under this Article.

Art. IV.—(1) An equitable adjustment shall be made between the Administrative County and the City respecting the interest of the City in any compensation fund constituted under Section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

Adjustment
for purposes
of Licensing
(Consolidation) Act
1910.
10 Edw. 7 &
1 Geo. 5. c. 24.

(2) Such adjustment shall be made by agreement between the Compensation Authorities (as defined by the Licensing (Consolidation) Act 1910) for the Administrative County and for the City within

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A.D. 1914. twelve months from the commencement of this Order or in default of agreement by an arbitrator appointed by the Secretary of State.

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Order.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of Section 62 of the Act and the provisions of the Act shall apply accordingly.

Alteration
in County
Councillors
and County
Aldermen.

Art. V.—(1) The County Councillors representing the North Wakefield Electoral Division and the South Wakefield Electoral Division of the Administrative County who are in office at the commencement of this Order shall go out of office at that date and their places shall not be filled up.

(2) Subject to the provisions of Section 54 of the Act—

(a) the Sandal Magna Electoral Division of the Administrative County as diminished by the constitution of the County Borough shall continue to be an Electoral Division of the Administrative County and shall be termed the Crigglastone Electoral Division and the person who immediately prior to the commencement of this Order is the County Councillor representing that Division shall be deemed from and after that date to represent the Division as so diminished;

(b) the number of County Councillors for the Administrative County shall be reduced from ninety to eighty-eight and the said Order dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered as aforesaid shall be further altered and shall have effect accordingly and any casual vacancy occurring in the office of County Councillor for the North Wakefield Electoral Division or the South Wakefield Electoral Division between the date of the Act of Parliament confirming this Order and the commencement of this Order shall not be filled up; and

(c) the number of Aldermen for the Administrative County may remain unaltered until the ordinary day of election of Aldermen in the year one thousand nine hundred and sixteen but at that election fourteen Aldermen only shall be elected in place of those who then go out of office Provided that no election to fill a casual vacancy among the Aldermen who will go out of office in the year one thousand nine hundred and sixteen shall be held until their number has been reduced to less than fourteen.

(3) Save as aforesaid no other County Councillor or County Alderman shall be deemed to lose his qualification or to vacate his office by reason of the constitution of the County Borough.

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Art. VI.—(1) Every officer or servant of or paid by the Council of the Administrative County or of or paid by the Standing Joint Committee of the Administrative County and every other officer or servant who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him by the Corporation for that pecuniary loss and in determining the said compensation regard shall be had to the conditions and other circumstances required by subsection (1) of Section 120 of the Act to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid out of the City fund and City rate of the City and the provisions of subsections (2) to (7) of that section shall apply with the necessary modifications Provided that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

(2) For the purposes of subdivision (1) of this Article any officer or servant to whom that subdivision applies and whose services are dispensed with or whose salary is reduced by the Council of the Administrative County or the Standing Joint Committee of the Administrative County or any other authority including the Corporation within five years from the commencement of this Order because his services are not required or his duties are diminished in consequence of this Order and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

(3) No person shall be entitled to claim or receive both compensation for any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Art. VII.—(1) The Confirming Act of 1893 so far as it relates to the Order of 1893 the Confirming Act of 1902 so far as it relates to the Rotherham Order of 1902 the Barnsley Confirming Act of 1912 so far as it relates to the Barnsley Order of 1912 and the Dewsbury Confirming Act of 1912 so far as it relates to the Dewsbury Order of 1912 shall be altered as is herein-after provided that is to say:—

(a) Article II. of the Order of 1893 (which relates to the constitution of the Joint Committee) as altered by the Rotherham Order of 1902 the Barnsley Order of 1912 and the Dewsbury Order of 1912 shall have effect as if the County Borough of Wakefield were one of the County Boroughs named in subdivision (1) of the said Article;

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Compensation to existing officers.

Alteration of Confirming Act of 1893 the Confirming Act of 1902 the Barnsley Confirming Act of 1912 and the Dewsbury Confirming Act of 1912.

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Order.*

(b) Article XIII. of the Order of 1893 (which relates to the contributions of Constituent Authorities) as altered by the Rotherham Order of 1902 and the Dewsbury Order of 1912 shall have effect as if for the words—

“ By the Council of the County
“ of the West Riding of Yorkshire
“ and the Councils of the County
“ Boroughs of Barnsley and Dewsbury - - - - Seventeen-thirtieths ”

there were substituted the words—

“ By the Council of the County
“ of the West Riding of Yorkshire
“ and the Councils of the County
“ Boroughs of Barnsley Dewsbury
“ and Wakefield - - - - Seventeen-thirtieths ”

and as if the following paragraphs were added to that Article in substitution for the paragraphs added to that Article by paragraph (b) of subdivision (1) of Article VIII. of the Dewsbury Order of 1912:—

“The proportion to be contributed by the County
“ Council and the Councils of the County Boroughs of
“ Barnsley Dewsbury and Wakefield as aforesaid shall be
“ apportioned between those Councils upon a basis to be
“ determined by agreement between those Councils or in
“ default of agreement within the period of six months
“ from the date of the Act of Parliament confirming the
“ County Borough of Wakefield Order 1913 by the Local
“ Government Board and the basis so determined shall
“ be adopted by the Joint Committee for the purposes
“ of any precept issued by them under Article XIV. of
“ this Order and that Article shall apply as if the
“ Councils of the County Boroughs of Barnsley Dewsbury
“ and Wakefield were Constituent Authorities :

“ Provided that if at the expiration of any period of
“ three years from the date of any previous determination
“ of the said basis either the Council of the County of
“ the West Riding of Yorkshire or the Council of any
“ of the County Boroughs of Barnsley Dewsbury or
“ Wakefield shall by resolution declare that in their
“ opinion the basis of contribution settled as aforesaid
“ has become inequitable the said Councils shall then
“ proceed to make a fresh agreement for settling the basis
“ on which their respective contributions to the expenses

[4 & 5 GEO. 5.] *Local Government Board's* [Ch. clxxxii.]
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“ of the Joint Committee shall be apportioned and in A.D. 1914.
“ default of agreement within six months from the date
“ of such resolution the basis shall be determined by the *Wakefield*
“ Local Government Board.” *Order.*

(2) So much of subsection (1) of Section 3 of the Act of 1894 as relates to the interpretation of the expression “Rivers” or “River” shall have effect as if the County Borough of Wakefield were named therein.

(3) Nothing in this Article shall prejudicially affect the operation purposes powers or provisions of the Confirming Act of 1893 so far as it relates to the Order of 1893 as altered by the Rotherham Order of 1902 by the Barnsley Order of 1912 and by the Dewsbury Order of 1912 or of the Act of 1894 or the jurisdiction powers or duties of the West Riding of Yorkshire Rivers Board and the change of name enacted by the Act of 1894 with respect to the Joint Committee and all provisions connected with incidental to or consequential upon the said change shall have full effect notwithstanding the alteration of the constitution of the Joint Committee in pursuance of this Article.

Art. VIII. This Order may be cited as the County Borough of *Short title.*
Wakefield Order 1913.

Given under the Seal of Office of the Local Government Board
this Ninth day of June One thousand nine hundred and
thirteen.

(L.S.)

JOHN BURNS President.

H. C. MONRO Secretary.

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