



CHAPTER cvii.

An Act to amend the Staffordshire Potteries Stipendiary Justice Acts 1839 and 1871 and for other purposes.
[6th July 1895.]

A.D. 1895.

WHEREAS it is expedient still further to define and enlarge the powers jurisdiction and authority of the Commissioners and the stipendiary magistrate acting under the Staffordshire Potteries Stipendiary Justice Acts 1839 and 1871 (in this Act called the Acts of 1839 and 1871 respectively) to define and extend the limits within which such powers and jurisdiction may be exercised and to provide for the more effectual representation on the commission of the boroughs districts parishes and other areas within the jurisdiction of the Commissioners and the stipendiary magistrate and otherwise to amend the said Acts :

And whereas the objects of this Act cannot be obtained without the authority of Parliament :

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

1. This Act may be cited as the Staffordshire Potteries Stipendiary Justice Act 1895 and this Act and the Staffordshire Potteries Stipendiary Justice Acts 1839 and 1871 may be cited together as the Staffordshire Potteries Stipendiary Justice Acts 1839 to 1895.

Short title.
Construction
of Acts.

2. In this Act the following words and expressions have the several meanings hereby assigned to them :—

Interpreta-
tion of terms.

The expression "the former Acts" means the Staffordshire Potteries Stipendiary Justice Acts 1839 and 1871 ;

The expression "the Commissioners" means the Commissioners appointed by or under the provisions of this Act ;

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The expression "the magistrate" means the stipendiary justice acting under this Act and the former Acts;

The expression "the district" means the area as herein-after defined within which the powers authorities and jurisdiction of the Commissioners and the magistrate may be exercised:

Section 4 of the Act of 1871 is hereby repealed and in the construction of that Act from and after the passing of this Act such of the aforesaid expressions as are therein contained shall have the several meanings hereby assigned to them and the following expressions in that Act contained shall have the several meanings hereby assigned to them viz. :—

The expression "local public body" shall mean the council of any municipal borough or urban or rural district wholly or partly within the district;

The expression "the local authority" shall mean the borough council urban district council parish council or parish meeting of any borough urban district or parish wholly or partly without the district.

The district:

3. The area within which the powers authorities and jurisdiction of the Commissioners and the magistrate may be exercised is the geographical area at the date of the passing of this Act comprised within the limits of the places herein-after enumerated into whatsoever boroughs districts parishes or other local government divisions the same shall hereafter be divided under the provisions of the Local Government Act 1894 or any other Act (that is to say) :—

(a) The county borough of Hanley and the municipal boroughs of Burslem Longton and Stoke-upon-Trent:

(b) The urban districts of Fenton Kidsgrove Smallthorne and Tunstall:

(c) The following rural parishes :—

(1) Chell;

(2) Goldenhill;

(3) Newchapel;

(4) Norton-in-the-Moors;

(5) Trentham;

(6) Wolstanton;

(7) Milton;

(8) Stoke rural:

(d) The township of Normacot in the parish of Stone rural:

(e) The portion of the rural parish of Caverswall lying to the west of that part of the Weston Coyney Road which runs to

Ash!Hall from its point of junction with the main road from Longton to Uttoxeter : A.D. 1895.

(f) And any borough district parish township or place hereafter included in the district by Order in Council as provided for by the 7th section of the Act of 1871 ;

And the district as thus defined is substituted for the district defined by the Act of 1871 and section 5 of the Act of 1871 is hereby repealed.

4. Section 8 of the Act of 1871 is hereby repealed and from and after the passing of this Act the following shall be and are respectively appointed Commissioners for the purposes of the former Acts and this Act :— Commissioners.

(a) The respective mayors for the time being of the boroughs of Hanley Burslem Longton and Stoke-upon-Trent and of any future boroughs wholly or partly within the district and their respective last living predecessors (if any) in the office of mayor :

(b) The respective chairmen and vice-chairmen if any for the time being of the urban district councils of Fenton Kidsgrove Smallthorne and Tunstall and of any future urban district councils of any districts wholly or partly within the district :

(c) One member of each of the rural district councils of Wolstanton Leek Stone Stoke-upon-Trent and Cheadle rural districts and of any future rural districts wholly or partly within the district to be nominated by resolution passed at any meeting of such district council and to be authorised to act as Commissioner for any period specified in such resolution not exceeding three years as the council nominating may determine :

(d) In default of and until such nomination by any such rural district council or in case of the death or incapacity of the member nominated by them then the chairman for the time being of such rural district council :

The Commissioners appointed by sub-sections (a) (b) and (d) hereof shall be " ex-officio Commissioners " and shall be deemed to be referred to wherever that expression occurs in the Act of 1871.

5. The provisions of the former Acts as to the Commissioners appointed by those Acts shall apply so far as they are not inconsistent with anything contained in this Act to the Commissioners appointed by this Act. Application of Acts to Commissioners.

6. Section 14 of the Act of 1871 is hereby repealed.

Repeal of section 14 of the Act of 1871.

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Incorporation of Commissioners.

7. The Commissioners shall be a body corporate by the name of "the Staffordshire Potteries Stipendiary Justice Commissioners" and shall have perpetual succession and a common seal.

Power to increase salary of magistrate.

8. The Commissioners may from time to time before or after the appointment of any magistrate when and as they shall deem it expedient apply in writing stating their reasons to a Secretary of State for power to increase the salary payable under the former Acts to the magistrate to any sum not exceeding one thousand two hundred and fifty pounds per annum and the said Secretary of State may by writing under his hand authorise the payment of such increased salary to any magistrate appointed or to be appointed as aforesaid and such increased salary shall thereupon commence from the next succeeding quarter-day upon which the salary of the magistrate is payable and shall be paid so long as such magistrate shall continue to discharge the duties of his office.

Appointment of other clerks.

9. The Commissioners may from time to time appoint and employ and from time to time remove such other clerks officers and assistants including an assistant magistrate's clerk as they may deem necessary for more effectually carrying out the purposes of the former Acts and this Act and may pay such assistant magistrate's clerk such remuneration as the Secretary of State shall approve and such other clerks officers or assistants such reasonable remuneration as the Commissioners may in their own discretion think fit.

Payment of travelling expenses.

10. The Commissioners may from time to time at their discretion pay to the magistrate and magistrate's clerk assistant clerk and other officers appointed under the former Acts and this Act such sum or sums as the Commissioners may deem reasonably necessary to cover the travelling expenses of the above-named officials in the discharge of their respective duties.

Commissioners empowered to effect guarantee policies.

11. The Commissioners may from time to time effect guarantee policies upon such terms and with such persons as they shall think proper and pay the premiums in respect thereof for the purpose of insuring the due performance of his duties by the clerk of accounts appointed under section 15 of the Act of 1871 or by any other officer clerk assistant or servant who shall be appointed to receive moneys under the former Acts or this Act.

Repeal of section 25 of the Act of 1871.

12. Section 25 of the Act of 1871 is hereby repealed.

Investment and appropriation of surplus funds.

13. The Commissioners appointed by or under the provisions of the Act of 1871 shall transfer and pay to the Commissioners appointed by or under the provisions of this Act the accumulated surplus funds now in their hands or under their control and which

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on the thirty-first day of December one thousand eight hundred and ninety-four consisted of three thousand one hundred and seventy-seven pounds North Staffordshire Railway four and a quarter per cent. debenture stock and eight hundred and fifty-four pounds nine shillings cash and the Commissioners appointed by or under the provisions of this Act may from time to time as they think proper realise such debenture stock and after payment out of the proceeds of sale thereof or out of money to be received by them under the former Acts or this Act of all salaries costs charges and expenses arising under such Acts may invest any surplus funds in any of the stocks funds or securities in which a trustee may be authorised to invest by any Act of Parliament then existing and may from time to time but without prejudice to their existing powers pay out of such surplus funds or the income thereof but nevertheless with the approval of a Secretary of State such sum or sums of money as they shall deem advisable to or for any purposes connected with the conduct or administration of justice in the district or for any charitable purposes connected with the aid or relief of prisoners within the district.

14. For the purpose of facilitating the collection and receipt and diminishing the expenses incidental thereto of any rate to be made or levied by virtue of the Act of 1839 for carrying all or any of the purposes of the former Acts and this Act into execution the following provisions shall have effect and are hereby enacted in lieu of and in substitution for the provisions as to collecting and receiving such rate contained in the former Acts and such last-mentioned provisions are hereby repealed so far as they are inconsistent with this Act and no further:—

Collection
of rates
facilitated
and
expenses
thereof
diminished.

(1) The Commissioners shall at their first meeting in each year estimate the amount of money which they shall consider to be necessary during the ensuing year for carrying the purposes of the former Acts and this Act into execution including the payment of all salaries remuneration costs charges and expenses and the amount of all sums of money then in their hands or to be received by them during the ensuing year apart from any rate and if upon such estimate it appear that there is any sum of money required to meet any deficiency in the moneys in their hands or to be received by them as aforesaid during the ensuing year which they are authorised to raise by a rate such sum shall be paid by the overseers of the parishes either wholly or partly within the district in the manner herein-after provided:

(2) The Commissioners shall apportion the amount so required to be raised among the parishes wholly or partly within the

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district in proportion to the rateable value of so much of the said parishes as shall be within the district and shall serve their precept on the respective overseers of such parishes and the precept shall specify the amount apportioned to the parish on the overseers of which it is served and in the case of a parish part only of which is within the district the part of such parish which is within the district and in respect of which the amount is so apportioned and the said precept shall require the overseers of the said parishes to pay to the Commissioners within seven months of the date of the precept the amount therein specified out of the poor rate then next to be levied by the overseers in such parishes and the overseers shall pay the same accordingly and the receipt of the treasurer of the Commissioners shall be a good discharge for the amount so paid :

- (3) The respective overseers of the said parishes shall add the amount so specified in the precept of the Commissioners served on them respectively to the amount to be raised by them by the poor rate then next to be levied by them in their respective parishes and shall notwithstanding any limit under any Act of Parliament or otherwise have the same powers of levying the poor rate so increased in amount in their respective parishes as they have for levying the poor rate for the purposes to which it is ordinarily applicable :

Provided always that where a part only of a parish is within the district the amount specified in the precept of the Commissioners shall be raised in and the increased rate leviable in respect thereof shall be levied in that part only of the parish as shall be within the district and the overseers shall have the same power to levy a poor rate so increased in amount in such part only of their parish as shall be within the district as they have to levy a poor rate in the whole parish :

- (4) For the purpose of enabling the Commissioners to ascertain the rateable value of parishes or parts of parishes within the district and to apportion the amount required to be raised accordingly the following provisions shall have effect :—

(a) The Commissioners may exercise the powers conferred by section 27 of the Act of 1871 ;

(b) The overseers shall attend such meetings of the Commissioners as the Commissioners shall in writing require them to attend and shall produce all books papers documents accounts and assessments in relation to the said matters as are in their custody or possession and as shall be required by the Commissioners under a penalty of ten pounds in

case of default to be prosecuted and recovered by order of the Commissioners before a court of summary jurisdiction; A.D. 1895.

(c) The overseers shall assist the Commissioners to arrive at a proper apportionment and the Commissioners may from time to time pay them such reasonable remuneration for their services in that behalf as the Commissioners shall think proper:

(5) Nothing in this section shall render the occupiers of property within the district liable to pay any greater rate than they would be liable for under the former Acts.

15. All costs charges and expenses attending or incident to the preparing applying for and passing of this Act shall be paid by the Commissioners out of the funds and money to be transferred to or received by them under the provisions of this Act. Costs of Act.

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