



Public Health Act 1875

1875 CHAPTER 55

PART VIII

ALTERATION OF AREAS AND UNION OF DISTRICTS.

Alterations of Areas.

270 Powers of Local Government Board in relation to alteration of areas.

The following enactments shall be made as to alteration of areas :

- (1) The Local Government Board, by provisional order, may dissolve any local government district, and may merge any such district in some other urban or rural district or districts ; or it may by provisional order declare the whole or any portion of a local government or a rural district immediately adjoining a local government district to be included in such last-mentioned district ; or it may by provisional order declare any portion of a local government district immediately adjoining a rural district to be included in such rural district; and thereupon the included area shall, for the purposes of this Act, be deemed to form part of the district in which it is included by such order ; and the remaining part (if any) of the local government district or rural district affected by such order shall continue subject to the like jurisdiction as it would have been subject to if such order had not been made unless and until the Local Government Board by provisional order otherwise directs :
- (2) In the case of a borough comprising within its area the whole of an improvement Act district, or having an area, co-extensive with such district, the Local Government Board by provisional order may dissolve such district and transfer to the council of the borough all or any of the jurisdiction and powers of the improvement commissioners of such district remaining vested in them at the time of the passing of this Act :
- (3) The Local Government Board may by order dissolve any special drainage district constituted either before or after the passing of this Act in which a loan for the execution of works has not been raised, and merge it in the parish or parishes in which it is situated, and the Local Government Board may by provisional order dissolve any

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such district in which a loan has been raised for the execution of works, and merge it in the parish or parishes in which it is situated.

271 Local Government Board may by provisional order constitute local government district.

The Local Government Board may, by provisional order, declare any rural district, or any portion of any rural district or districts, to be a local government district; and from and after the commencement of the order, the district or portion of the district or districts therein referred to shall become a local government district, and shall be subject to the jurisdiction of a local board, to be elected in manner provided by Schedule II to this Act.

The Local Government Board may, by any order constituting a local government district under this section, divide such district into wards for the election of members of the local board.

272 Local Government Board may by order constitute local government district in pursuance of a resolution of owners and ratepayers.

The owners and ratepayers of any place situated in any rural district or districts, and having a known and defined boundary, may, by a resolution passed in manner provided by Schedule III to this Act, declare that it is expedient that such place should be constituted a local government district; and the Local Government Board may, if it thinks fit, by order made not less than six weeks after the receipt of a copy of such resolution by the said Board, declare such place to be a local government district, and from and after the commencement of such order such place shall become a local government district, and be subject to the jurisdiction of a local board to be elected in manner provided by Schedule II to this Act.

A petition may be presented to the Local Government Board from any place so situated as aforesaid, and not having a known and defined boundary, to settle its boundary for the purposes of this Act; the petition shall state the proposed boundaries of the place, shall be signed by one tenth of the persons rated to the relief of the poor and resident within such boundaries, and shall be supported by such evidence as the Local Government Board may require. The Local Government Board may, after local inquiry as to the genuineness of the petition, and as to the propriety of the proposed boundaries, either dismiss the petition altogether or make order as to the boundaries of the place, and may also make order as to the costs of the proceedings in relation thereto, and the persons by whom such costs are to be borne.

Any place the boundaries of which have been settled in pursuance of the foregoing provisions shall thenceforth, for the purposes of this Act, be deemed to be a place with a known and defined boundary.

273 Objection to resolution.

Where not less than one twentieth of the owners and ratepayers of any place (such twentieth to be one twentieth in number of the owners and ratepayers of the place taken together, or the owners and ratepayers in respect of one twentieth of the rateable property in the place,) in which a resolution has been passed declaring that it is expedient that such place should be constituted a local government district, are desirous that such district should not be constituted, or that any part of such place

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should be excluded therefrom, they may present a petition to the Local Government Board objecting to such resolution, and specifying the grounds of their objection.

Such petition shall be subscribed by the owners and ratepayers presenting the same, and shall be presented within six weeks from the date of the passing of the resolution objected to, and shall, where the exclusion of part of the place is prayed for, state the part of the place proposed to be excluded, accompanied with an explanatory plan.

The Local Government Board may after local inquiry make order with respect to the matter in question, and such order shall be binding on the place in respect of which it is made.

274 Appeal to Local Government Board in case of alleged invalidity of vote.

Any owner or ratepayer who disputes the validity of the vote for the adoption of the resolution may appeal, within six weeks from the declaration of the decision of the meeting, to - the Local Government Board, setting forth the grounds on which he disputes the validity of the vote ; and the Local Government Board may, on such appeal, after local inquiry, make such order as to the said Board seems fit as to the validity or invalidity of the vote, and any other questions arising on the appeal.

But no objection shall be made, at any trial or in any legal proceeding, to the validity of the vote for the adoption of the resolution, or to any order made in pursuance thereof, or to any proceedings on which such order was founded, unless the objector gives fourteen days notice to the other parties interested in such trial or proceeding of his intention to make the same, specifying fully the nature of the objection to be made ; and no, objection whatever in respect of the matters mentioned in this section shall be admissible at any trial or in any legal proceeding after the expiration of six months from the date of the constitution of the district.

275 General provisions as to orders.

Every order made by the Local Government Board under this part of this Act shall specify a day on which such order shall come into operation (in this Act referred to as the commencement of the order) ; and from and after the commencement of the order all the powers rights duties capacities liabilities obligations and property which under this Act are exercisable by or attaching to or vested in the local authority having, under this Act, jurisdiction in any district or part of a district which is by such order included in some other district, shall (so far as the same relate to the district or part of a district so included) pass to and vest in the local authority of such other district : Provided that in the case of the constitution of a new local government district, all the powers rights duties capacities liabilities obligations and property which under this Act are exercisable by or attaching to or vested in any local authority or authorities having, under this Act, jurisdiction in the area" so constituted a local government district, shall continue to be exercisable by attached to and vested in such authority or authorities, until the day of the first meeting of the local board for the district so constituted.

Any order made in pursuance of this part of this Act may, if necessary, provide for the settlement of any differences, or the adjustment of any accounts or apportionment of any liabilities arising between districts parishes or other places in consequence of the exercise of any powers conferred by this part of this Act, and may direct the persons by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys ; and where any local government district is diminished or

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increased in extent under this part of this Act, the order shall prescribe the number of members to be elected for the district when altered.

The Local Government Board may include in the same order provisions for the dissolution of one district, and for the inclusion of the whole or any part of such district in any other district or districts.

276 Local Government Board may invest rural authority with powers of urban authority.

The Local Government Board may, on the application of the authority of any rural district, or of persons rated to the relief of the poor, the assessment of whose hereditaments amounts at the least to one tenth of the net rateable value of such district, or of any contributory place therein, by order to be published in the London Gazette or in such other manner as the Local Government Board, may direct declare any provisions of this Act in force in urban district to be in force in such rural district or contributory place, and may invest such authority with all or any of the powers rights duties capacities liabilities and obligations of an urban authority under this Act, and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of the district, or manner during at and in which such powers rights duties liabilities capacities and obligations are to be exercised and attach ;

Provided that an order of the Local Government Board made on the application of one tenth of the persons rated to the relief of the poor in any contributory place shall not invest the rural authority with any new powers beyond the limits of such contributory place.

277 Power of rural authority to form special drainage districts.

It shall be lawful for a rural authority, by resolution to be approved by the Local Government Board, but not otherwise, to constitute any portion of the area within their jurisdiction a special drainage district, for the purpose of charging thereon exclusively the expenses of works of sewerage water supply or of other works, which by this Act are or by order of the Local Government Board may be declared to be special expenses, and thereupon such area shall become a separate contributory place.

278 Power to settle disputes as to boundaries of districts.

On the application of any urban authority (being a local board or improvement commissioners), the Local Government Board may, by order after local inquiry, settle any dispute as to the boundaries of the district of such authority ; such order shall be published in some local newspaper circulating in the district to which it relates, and from and after its commencement shall be conclusive on the question determined by it.