



CHAPTER cxxviii.

An Act to amend the Acts for appointing a stipendiary justice of the peace for the parish of Merthyr Tydfil and adjoining places to provide for the application of those Acts in the event of the grant of a separate commission of the peace for the borough of Merthyr Tydfil and for other purposes. [9th August 1907.] A.D. 1907.

WHEREAS an Act (in this Act called "the Act of 1843") was passed in the sixth and seventh years of the reign of Her late Majesty Queen Victoria intituled "An Act to provide for the more effectual execution of the office of a Justice of the Peace within the parish of Merthyr Tidvil and certain adjoining Parishes" and it was by the Act of 1843 provided that the limits of the Act should be held to include the whole of the parish of Merthyr Tydfil the hamlet of Brithdir in the parish of Gellygaer the parish of Aberdare and the hamlet of Rhigos in the parish of Ystradyfodwg in the county of Glamorgan and provision was made for the appointment by the justice of a clerk to assist him in the execution of his office:

And whereas by an Act (in this Act called "the Act of 1868") passed in the thirty-first and thirty-second years of the reign of Her late Majesty Queen Victoria the limits of the Act of 1843 were extended so as to include a portion of the parish of Llanwonno comprised within the ecclesiastical parish of Saint Margaret's and more particularly described in the schedule to the Act of 1868:

And whereas by the Merthyr Tydfil Stipendiary Justice Act 1894 (in this Act called "the Act of 1894") the said limits

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A.D. 1907. — were further extended so as to include the hamlets of Garthgynid and Ysgwyddgwyn in the aforesaid parish of Gellygaer and other amendments were made in the Act of 1843 and the Act of 1868 :

And whereas by the Brecknock and Glamorgan (Aberdare and Llanfabon) Confirmation Order 1894 certain alterations were made in the boundaries of the parishes of Merthyr Tydfil Aberdare and Llanwonno and it was provided by the said order that the limits of the Merthyr Tydfil Stipendiary Justice Acts 1843 to 1894 should extend to and include the whole of the parishes of Merthyr Tydfil Aberdare and Llanwonno as they would thenceforth be constituted and that the rates imposed by the said Acts should be levied over the whole of the parishes accordingly :

And whereas a more active and vigilant administration of the law has been secured within the limits of the before-mentioned Acts by the appointments thereby authorised and the performance of their respective duties by the justice and clerk severally appointed and acting under the provisions of the said Acts and it is expedient to make provision for the further extension of the said limits by Order in Council :

And whereas by a charter of incorporation dated the sixth day of June one thousand nine hundred and five the parish and urban district of Merthyr Tydfil were created a municipal borough :

And whereas the council of the said borough have presented a petition to His Majesty praying for the grant to the borough of a separate commission of the peace and it is expedient that in the event of the granting of such commission the clerk to the stipendiary justice should become clerk to the justices of the borough and that such other amendments in the said Acts should be made as are herein-after set forth :

And whereas it is expedient that the county council of the administrative county of Glamorgan (in this Act called "the county council") and the mayor aldermen and burgesses of the borough of Merthyr Tydfil should be authorised to enter into and carry into effect agreements or arrangements for the exchange of lands within the borough of Merthyr Tydfil for the purpose of the erection of a court-house and other premises in connexion with the administration of justice :

And whereas it is expedient that the other provisions in this Act contained should be sanctioned: A.D. 1907.

And whereas an absolute majority of the whole number of the county council at a meeting held on the twentieth day of December one thousand nine hundred and six after ten clear days notice by public advertisement of such meeting and the purpose thereof in the South Wales Daily News being a local newspaper published and circulating in the county of Glamorgan such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be paid out of the county fund:

And whereas such resolution was published twice in the said South Wales Daily News and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the county council at a further special meeting held in pursuance of a similar notice on the fourteenth day of March one thousand nine hundred and seven being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

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):—

1. This Act may be cited as the Merthyr Tydfil Stipendiary Justice Act 1907 and the Act of 1843 the Act of 1868 the Act of 1894 and this Act may be cited together for all purposes as the Merthyr Tydfil Stipendiary Justice Acts 1843 to 1907. Short titles.

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

“The Act of 1843” “the Act of 1868” and “the Act of 1894” mean the recited Acts of those respective years and “the Acts of 1843 to 1894” means the three recited Acts;

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- “The Order of 1894” means the Brecknock and Glamorgan (Aberdare and Llanfabon) Confirmation Order 1894;
- “The standing joint committee” means the standing joint committee of the quarter sessions and the county council of the county of Glamorgan appointed under section 30 of the Local Government Act 1888;
- “The county council” means the county council of the said county;
- “The county fund” means the county fund of the said county;
- “The borough” means the municipal borough of Merthyr Tydfil;
- “The borough fund” means the borough fund of the borough;
- “The corporation” means the mayor aldermen and burgesses of the borough;
- “The stipendiary justice” and “the clerk to the stipendiary justice” mean respectively the justice and the clerk holding office at the date of this Act under the Acts of 1843 to 1894 and respectively include any justice or clerk hereafter holding office under those Acts and this Act.

Future extension and diminution of limits by Order in Council.

3.—(1) Upon the petition of the standing joint committee or of the council of any borough or district the whole or part of which is included within the limits of the Acts of 1843 to 1894 as extended by the Order of 1894 His Majesty by and with the advice of His Privy Council may order that such borough or district or any part thereof so included shall cease to be within the limits of the Acts of 1843 to 1894 as extended by the Order of 1894 and thereupon as from the date fixed by such Order in Council the provisions of the Acts of 1843 to 1894 and this Act shall cease to apply to such borough or district or part thereof.

(2) Upon the petition of the standing joint committee or of the council of any borough or district in the county of Glamorgan adjoining or near to the limits of the Acts of 1843 to 1894 as extended by the Order of 1894 His Majesty by and with the advice of His Privy Council may order that such borough or district or any part thereof shall be included in the limits of the Acts of 1843 to 1894 as extended by the Order of 1894 and thereupon

from the date mentioned in such Order in Council the provisions of the Acts of 1843 to 1894 and of this Act shall extend to and apply to the places mentioned in such Order in Council as fully and effectually in all respects as if they had been by this Act included in the said limits. A.D. 1907.

(3) Two months before presenting any petition notice shall be given by the standing joint committee or the council of such borough or district as the case may be of their intention to present such petition and of the objects thereof by advertisement to be inserted once in each of two consecutive weeks in one or more newspapers circulating within the said limits and (in the case of a petition under subsection (2) of this section) in the place proposed to be included therein and before or at the same time as such petition is presented a copy thereof shall be delivered to the county council.

(4) Any Order in Council made under this section may make such amendments in the Acts of 1843 to 1894 and in this Act and may contain such provisions and regulations with respect to financial adjustment compensation to officers borrowing powers the levying of rates and such provisions for the regulating by the standing joint committee and by the council of any borough concerned or in case of difference by the Secretary of State of the business and the sittings of any courts presided over by a stipendiary magistrate and all such other provisions as appear necessary and proper for bringing into operation and giving full effect to the Order in Council.

(5) Without prejudice to the generality of the provisions herein-before contained any Order in Council made under this section which excludes any borough from the said limits may contain provisions for all or any of the following purposes (that is to say) :—

(A) To provide that if and after an appointment has once been made under the Municipal Corporations Act 1882 to the office of stipendiary magistrate for such borough and a vacancy arises such vacancy may be filled without application being made by the council of such borough therefor and that a salary not less than that mentioned in the petition for the appointment of the first stipendiary magistrate may continue to be paid :

(B) For the transfer to and vesting in the corporation of such borough of all or any lands and buildings acquired

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within such borough for the purposes of the Acts of 1843 to 1894 and this Act:

- (c) For the inspection by the justices of such borough of any books and records held by the stipendiary justice and his clerk and the taking of copies of or extracts therefrom.

(6) The county council the standing joint committee and any borough council or district council part of whose borough or district is proposed to be included in or excluded from the said limits shall be at liberty to make representations with reference thereto to the Privy Council.

Amendment
of section 9
of Act of
1894.

4.—(1) Section 9 (Audit of fees account) of the Act of 1894 shall be read construed and applied as if the application by that section of section 71 of the Local Government Act 1888 with respect to the audit of accounts of county councils had extended to the accounts of all penalties and other sums received by the clerk to the stipendiary justice as if such clerk were an officer of the county council.

(2) If any Order in Council made under the section of this Act whereof the marginal note is "Future extension and diminution of limits by Order in Council" excludes a borough from the limits of the Acts of 1843 to 1894 as extended by the Order of 1894 such Order in Council may provide that the accounts of all fees penalties and other sums received by any clerk to the justices for such borough and by the clerk to any stipendiary magistrate for such borough shall continue to be audited in the same manner as such accounts would have been audited under the said section 9 of the Act of 1894 as amended by this section.

Provisions
in event of
grant to
borough of
commission
of peace.

5. If His Majesty sees fit to grant to the borough a separate commission of the peace the following provisions shall have effect:—

- (1) The borough shall (subject as in this Act mentioned) continue to be within the limits of the Acts of 1843 to 1894 as extended by the Order of 1894:
- (2) The stipendiary justice shall be by virtue of his office a justice for the borough and shall continue to exercise jurisdiction within the borough as theretofore:
- (3) The clerk to the stipendiary justice shall be by virtue of his office as such clerk the clerk to the justices of the borough:

(4) No person shall be qualified to be appointed or continued as clerk to the stipendiary justice who is an alderman or councillor of the borough: A.D. 1907.

(5) The salaries of the stipendiary justice and of the clerk respectively shall be such as shall be fixed under sections 5 and 7 of the Act of 1894 and shall include such allowance as may be deemed adequate for any additional duties consequent upon the provisions aforesaid:

(6) In addition to the salary which the said clerk shall be entitled to receive under the last preceding subsection he shall in his capacity of clerk to the licensing authority for the borough be paid an annual salary which shall be fixed in the manner in which the salary of a clerk to the justices for a borough is usually fixed save and except that during such time as the said clerk shall also hold office as clerk to the licensing justices acting in the division of Caerphilly Higher of the county of Glamorgan the salary to which he shall be entitled by virtue of such last-mentioned office and under this subsection shall be paid partly out of the county fund and partly out of the borough fund in proportion to the amount of licensing business transacted within the division of Caerphilly Higher and the borough respectively:

(7) The clerk to the stipendiary justice may with the approval of the stipendiary justice appoint and pay an assistant or deputy clerk to act as clerk to the justices of the borough at such times as it may be necessary for him to be elsewhere in attendance upon the stipendiary justice:

(8) Section 159 of the Municipal Corporations Act 1882 shall not apply to the borough.

6. The following sections of the Acts of 1843 to 1894 shall as from the date of the grant of a separate commission of the peace for the borough apply to the clerk to the stipendiary justice as clerk to the justices of the borough and to his fees and to the expenses incurred in carrying this Act into execution as fully as if in those sections the clerk to the justices of the borough had been mentioned instead of the clerk to the stipendiary justice and

Application
of sections of
Acts of 1843
to 1894 to
borough.

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A.D. 1907. as if the expenses so incurred were expenses of those Acts (that
— is to say):—

Of the Act of 1843—

Section 8 (Fees of the clerk) as amended by section 6 of
the Act of 1868 and by sections 9 and 13
of the Act of 1894;

Section 9 (Remuneration to the treasurer);

Section 10 (Rate to be made for the expenses hereby
incurred) and section 11 (How rates to be
levied) as amended by section 7 of the Act
of 1868 and section 11 of the Act of 1894:

Of the Act of 1868—

Section 8 (As to levying rates for purposes herein named):

Of the Act of 1894—

Section 9 (Audit of fees account) as amended by this Act:

Provided that the application as herein-before provided of
section 8 (Fees of the clerk) of the Act of 1843 shall not be
deemed to authorise the payment to the treasurer of the county
of Glamorgan of any fees received by the clerk in his capacity of
clerk to the licensing authority for the borough and as from the
date of the grant of a separate commission of the peace for the
borough all such fees shall be paid and applied in the manner in
which the same would have been paid and applied if this Act
had not been passed.

Exchange of
lands for pur-
poses of Act.

7. The county council and the corporation may subject to
the sanction of the Local Government Board enter into and carry
into effect any agreement for the exchange of any lands acquired
under the Merthyr Tydfil Water Act 1865 and now held by the
corporation for any lands within the borough of whatever tenure
acquired by the county council for the purposes of the Acts of
1843 to 1894 and the county council may appropriate any lands
acquired by them on such exchange to the purposes of this Act
and on such exchange such payments shall be made as part of
the expenses of this Act to the account out of which the lands
conveyed by the county council were provided as the county
council may consider just and the lands so conveyed to the
corporation shall be appropriated to such purpose and any money
paid to the corporation by way of equality of exchange shall be
treated as capital and applied to such purposes as the Local
Government Board may direct.

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8. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or in any manner relating thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the treasurer of the county of Glamorgan out of the county fund but shall be repaid to the county fund out of the moneys received by the treasurer from the clerk to the stipendiary justice or from the rate authorised to be levied for the purposes of the Acts of 1843 to 1894 and this Act.

A.D. 1907.
Costs of Act.

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