



CHAPTER xxxv

An Act to extend the boundaries of the county borough of Dudley and for purposes incidental thereto.

[31st July 1953.]

WHEREAS the borough of Dudley in the county of Worcester (in this Act referred to as "the borough") is a county borough subject to the jurisdiction of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation"):

And whereas the borough now comprises the parish of Dudley such parish being co-extensive with the borough:

And whereas the borough of Rowley Regis and the urban districts of Brierley Hill Coseley and Sedgley in the administrative county of Stafford adjoin the borough:

And whereas it is expedient that the boundaries of the borough and of the parish of Dudley should be altered and extended so as to include therein parts of the said borough of Rowley Regis and urban districts of Brierley Hill Coseley and Sedgley:

And whereas the unrepealed provisions of the local Acts specified in the schedule to this Act are immediately prior to the passing of this Act in force in the borough:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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):—

Preliminary

- Short title.** 1. This Act may be cited as the Dudley Extension Act 1953.
- Interpretation.** 2.—(1) In this Act unless the subject or context otherwise requires—
- “ Act of 1894 ” “ Act of 1933 ” and “ Act of 1948 ” mean respectively the Local Government Act 1894 the Local Government Act 1933 and the Local Government Act 1948 ;
 - “ added areas ” means the added parts of Brierley Hill Coseley Rowley Regis and Sedgley ;
 - “ the added part of Brierley Hill ” “ the added part of Coseley ” “ the added part of Rowley Regis ” and “ the added part of Sedgley ” mean respectively so much of the urban district of Brierley Hill the urban district of Coseley the borough of Rowley Regis and the urban district of Sedgley as is respectively coloured green yellow grey and brown on the borough map ;
 - “ appointed day ” means the first day of April nineteen hundred and fifty-four ;
 - “ borough ” means before the appointed day the existing borough of Dudley and on and after the appointed day the existing borough of Dudley as extended by this Act ;
 - “ borough map ” means the map marked “ Map of the county borough of Dudley as extended by the Dudley Extension Act 1953 ” and signed in triplicate by John Cutts Lockwood the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office ;
 - “ Corporation ” means the mayor aldermen and burgesses of the borough ;
 - “ council ” means the council of the borough ;
 - “ county ” and “ county council ” mean respectively the administrative county of Stafford and the county council of that county ;

“enactment” includes any public general local or private Act and any order or other instrument having the force of an Act;

“excluded part of” followed by the name of any of the existing areas means the part of the urban district of Brierley Hill the urban district of Coseley the borough of Rowley Regis and the urban district of Sedgley which is not included in the added part thereof;

“existing” in relation to any area altered by this Act means existing immediately before the appointed day;

“existing areas” means the existing urban district of Brierley Hill the existing urban district of Coseley the existing borough of Rowley Regis and the existing urban district of Sedgley;

“general rate” means the general rate of the borough;

“local Acts” means the local Acts specified in the schedule to this Act;

“Minister” means the Minister of Housing and Local Government;

“Provisional Order” includes a Special Order and any order having the effect of an Act of Parliament;

“revenues of the Corporation of the existing borough” and “revenues of the Corporation of the borough” include respectively the general rate fund and all rates exchequer contributions and other revenues whether arising from any land or undertaking or from any other source receivable by the Corporation;

“town clerk” means the town clerk of the borough.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

3. Save as otherwise expressly provided and except so far as there may be anything in the subject-matter or context inconsistent therewith this Act shall come into operation on the appointed day: Commence-
ment of Act.

Provided that for the purposes of—

(a) the preparation of any register of local government electors to be published in the year nineteen hundred and fifty-four;

(b) any election under the Act of 1933 for any area consisting in whole or in part of any area affected by this Act held on or after the sixteenth day of March nineteen hundred and fifty-four and proceedings preliminary

or relating thereto and the qualification of candidates for election at any such election ; and

(c) the preparation of any precept or contribution order to be issued or made in respect of any period commencing on or after the appointed day ;

this Act shall operate from the date of its passing.

Extension of borough

Extension
of borough.

4.—(1) The boundary of the existing borough the area whereof is included within the outer edge of the red line on the borough map shall be altered so as to include in addition to that area the added areas.

(2) The boundary of the borough shall be that shown by the inner edge of the blue line on the borough map and the whole of the area within that boundary shall for all purposes be the borough and county borough of Dudley.

Alteration
of areas and
parishes.

5.—(1) The added areas shall be added to and form part of the existing parish of Dudley and the added parts of Brierley Hill Coseley Rowley Regis and Sedgley shall be separated from the existing areas of which they now form part.

(2) The excluded parts of Brierley Hill Coseley Rowley Regis and Sedgley shall respectively form the urban district of Brierley Hill the urban district of Coseley the borough of Rowley Regis and the urban district of Sedgley.

Alteration
of county
boundary.

6.—(1) The boundary between the county of Worcester and the county of Stafford shall be altered so that the borough shall be situate in the county of Worcester and the county borough of Dudley shall for the purposes of the Local Government Act 1888 including the purposes of any commission of assize oyer and terminer or gaol delivery the service of jurors the making of jury lists sheriff lieutenant and territorial and reserve forces be within the county of Worcester.

(2) Lists of prisoners writs process and particulars and all records and documents relating to or to be executed in connection with any action or proceeding pending or existing at the appointed day and appertaining to the added areas shall be delivered transferred and signed in like manner (as nearly as may be) as is required upon a new sheriff coming into office and as if the sheriff of the county of Worcester were as respects the added areas the new sheriff in succession to the sheriff of the county of Stafford.

Borough map.

7.—(1) Copies of the borough map deposited with the town clerk and certified by him to be true shall be sent by him as soon as may be after the passing of this Act to the clerk of the county

council to the clerk of the county council of the administrative county of Worcester to the clerk of the urban district council of Brierley Hill to the clerk of the urban district council of Coseley to the town clerk of Rowley Regis to the clerk of the urban district council of Sedgley to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Minister to the Minister of Health to the Minister of Transport to the Minister of Fuel and Power to the Minister of Agriculture and Fisheries to the Postmaster-General and to the Boundary Commission for England.

(2) Copies of or extracts from the borough map deposited with the town clerk and certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the map so far as it relates to the boundary of any area altered by this Act.

(3) The borough map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

Provisions consequent on extension

8. Subject to the provisions of section 9 (Wards of the Existing mayor borough) and any scheme or Order in Council made under the provisions of section 10 (Future revision of wards) of this Act the persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing borough shall on the appointed day become the mayor aldermen and councillors of the borough but shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed. aldermen and councillors.

9. Subject to the provisions of the Act of 1933 and of the next succeeding section of this Act the following provisions shall have effect:— Wards of the borough.

(a) For the purposes of the election of Councillors the borough shall continue to be divided into eleven wards and save as provided by this section the wards of the existing borough shall remain unaltered and shall be the wards of the borough;

(b) The added part of Brierley Hill shall be included in the St. James's Ward;

- (c) The added part of Coseley shall be included in the Priory Ward ;
- (d) The added part of Rowley Regis shall be included in the Oakham Ward ; and
- (e) The added part of Sedgley shall be included in the St. James's Ward.

Future revision of wards.

10. The council shall not later than the first day of November nineteen hundred and fifty-five or such later date as the Secretary of State may allow present a petition under and in accordance with the provisions of section 25 of the Act of 1933 praying for any of the things mentioned in paragraphs (b) (c) (d) and (e) of subsection (1) of that section :

Provided that for the purposes of this section proposals which provide for an increase in the number of the wards of the borough without any alteration of the boundaries of the wards of the existing borough shall be deemed to be proposals to give effect to the prayer of a petition for an alteration of the number and of the boundaries of the wards of the borough.

Qualification for election and office.

11. For the purposes of the application to the borough of the provisions of paragraph (c) of section 57 of the Act of 1933 the added areas shall be deemed to have always formed part of the borough.

County electoral divisions.

12. The added part of Brierley Hill the added part of Coseley the added part of Rowley Regis and the added part of Sedgley shall be separated from the electoral divisions of the county of which they form part and the councillors of the county who immediately before the appointed day represent the Brockmoor Coseley West Rowley Regis and Tividale Old Hill and Gornal electoral divisions shall be deemed to have been elected to represent those divisions as altered by this Act and shall retire on the day on which they would have retired if this Act had not been passed.

Jurisdiction powers and duties of justices etc. extended.

13.—(1) Subject to the provisions of this section the powers and duties of the quarter sessions recorder clerk of the peace and coroner of the existing borough and of the justices of the peace for the existing borough and of the clerk to those justices and of the police constables and other peace officers of the existing borough and of the judicial authorities and visitors and clerk to those visitors appointed pursuant to the Lunacy and Mental Treatment Acts 1890 to 1930 and the Mental Deficiency Acts 1913 to 1938 of the existing borough shall extend to and apply

throughout the borough in relation to any matter whether arising before or after the appointed day:

Provided that—

- (a) every person alleged to have committed an offence in any part of the added areas prior to the appointed day shall be tried and dealt with as if this Act had not been passed;
- (b) every proceeding which prior to the appointed day has been begun or is pending before any justices in relation to any matter arising in or concerning any part of the added areas may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added areas shall cease to form part of any petty sessional division or coroner's division of the county or of any probation area which comprises the county or any part thereof.

(3) (a) Where immediately before the appointed day a probation order made or having effect as if made under section 3 of the Criminal Justice Act 1948 is in force and the probationer is residing in any part of the added areas the supervising court may if a petty sessional division of the county is named in the order amend the order under paragraph 2 of the First Schedule to that Act as if the probationer had changed his residence.

(b) Nothing in the proviso to subsection (1) of this section shall be construed in relation to any probation order whenever made as preventing the justices of the peace for the borough as the supervising court from dealing with the probationer in pursuance of any power conferred upon them by the said Act of 1948.

(4) Where immediately before the appointed day a provisional grant of a justices' licence or of an authority for the ordinary removal of a justices' licence has been made under section 33 of the Licensing (Consolidation) Act 1910 in respect of premises about to be constructed or in the course of construction in the added areas such provisional grant shall be deemed to have been made by the licensing justices for the borough:

Provided that where immediately before the appointed day such provisional grant awaits confirmation any order of confirmation in respect thereof shall be made as if this Act had not been passed.

14. Subject to the provisions of any order which may be made by the county council under section 141 of the Act of 1933—

- (a) the persons who immediately before the appointed day are the borough councillors for the Rowley Regis

Councillors
and
continuance
of borough
and district
councils.

Ward and the Old Hill Ward of the borough of Rowley Regis and the urban district councillors for the St. Mark's Ward of the urban district of Brierley Hill the West Central Ward of the urban district of Coseley and the Wood Ward of the urban district of Sedgley shall continue to represent those wards respectively as altered by this Act on the councils of the existing areas until the day upon which they would have gone out of office respectively if this Act had not been passed ; and

- (b) the councils of the existing areas shall continue and shall be deemed to have been elected for and shall be the council of the borough of Rowley Regis and the councils of the urban districts of Brierley Hill Coseley and Sedgley as altered by this Act.

Casual
vacancies.

15. Any casual vacancy which may exist on the sixteenth day of March nineteen hundred and fifty-four in the office of borough councillor county councillor or urban district councillor for any ward electoral division or urban district which by virtue of this Act is altered shall be deemed to exist in the office of councillor for that ward electoral division or urban district as altered by this Act.

Corporation
property
liabilities etc.

16. Subject to the provisions of this Act all property immediately before the appointed day vested in the Corporation for the benefit of the existing borough (not being property held for any charitable trust) shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which immediately before that day are exercisable by or vested in the Corporation for the benefit of the existing borough and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing borough shall on that day attach to them in respect of the borough.

Loan debts of
Corporation.

17. So much of any sums borrowed by the Corporation as immediately before the appointed day is owing and charged upon a fund or rate of the existing borough or the revenues of the Corporation of the existing borough shall be charged upon the revenues of the Corporation of the borough and all interest due on any such moneys outstanding at any time shall be paid out of the revenues of the Corporation of the borough.

Loan debts of
county council
and councils of
added areas.

18. Subject to the provisions of this Act and to any necessary adjustments thereunder—

- (a) the liability for repayment of so much of any moneys borrowed by the county council or by the council of any of the added areas or their respective predecessors

for a purpose relating exclusively to the added areas or any part thereof as immediately before the appointed day is owing and for the payment of the interest thereon shall by virtue of this Act be transferred to and attach to the Corporation ;

(b) so much of any moneys borrowed as aforesaid as immediately before the appointed day is owing shall by virtue of this Act be charged upon the revenues of the Corporation of the borough ;

(c) nothing in this Act shall prejudice or affect the validity of any mortgage or other security which has been granted in respect of any borrowed moneys the liability for the repayment of which is transferred to the Corporation by paragraph (a) of this section or prejudice or diminish the powers of any person entitled under any such mortgage or other security to enforce the same as if this Act had not been passed and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Act the power may continue to be exercised as if this Act had not been passed and the general rate shall for any such purpose be levied and have effect in substitution for the rate which would have been leviable if this Act had not been passed.

19.—(1) On the appointed day such members (if any) of the County police. police force of the county as before that day shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county and the watch committee of the Corporation or in default of agreement by the Secretary of State shall be transferred to and become part of the police force of the borough:

Provided that no member of the police force of the county shall be so transferred without his consent.

(2) Every member of the police force of the county who is transferred in accordance with the provisions of subsection (1) of this section shall be deemed to have been duly appointed as a member of the police force of the borough under section 191 of the Municipal Corporations Act 1882 and to have been duly attested as such and shall hold in that force the same rank as he held immediately before the appointed day in the police force of the county.

(3) Where a member of the police force of the county is so transferred he shall be deemed for the purposes of any regulations made under the Police Act 1919 and the Police Pensions Act 1948 to have left the police force of the county with the written consent of the chief constable of the county for the purpose of joining the police force of the borough.

Roads and bridges within added areas.

20. Any county road or county bridge so far as it is situate within the added areas shall by virtue of this Act be transferred to and vest in the Corporation.

Property etc. of county council and other councils.

21. Subject to the provisions of this Act and to any necessary adjustments—

(1) The Corporation shall hold for the benefit of the borough all property transferred to them by virtue of this section and all liabilities transferred to the Corporation by virtue of this section shall attach to them in respect of the borough ;

(2) (a) Any property or liabilities which immediately before the appointed day are vested in or attach to the county council or the standing joint committee or the councils of any of the added areas in relation exclusively to any portion of the added areas shall by virtue of this Act be transferred to and vest in or attach to the Corporation and shall be a matter for adjustment under this Act ;

(b) Any property or liabilities which immediately before the appointed day are vested in or attach to any of the said councils in relation to any portion of the added areas conjointly with any other area shall be a matter for adjustment under this Act.

Powers of county council and councils of added areas.

22. The county council and the councils of the added areas shall cease to exercise any powers or discharge any duties within any part of the added areas.

Local Acts.

23. Subject to the provisions of this Act—

(1) the unrepealed provisions of the local Acts and of any other local Act or of any Provisional Order affecting the existing borough or the Corporation thereof so far as the same respectively are in force within the existing borough immediately before the appointed day shall extend and apply to the borough and any reference in any such Act or order to the existing borough and the Corporation thereof shall be deemed to refer to the borough and the corporation thereof ;

(2) the provisions of any protective section in any local Act or any Provisional Order or other enactment for the benefit of the county council or of the councils of any of the added areas or their respective predecessors contained in any local Act confirmation Act Provisional Order or other enactment by whomsoever obtained so far as they relate to or affect any part of the added areas shall enure on and after the appointed

day to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to any such council or their predecessors as the case may be.

24.—(1) Subject to the provisions of subsection (2) of this Adoptive Acts section—

(a) the provisions of any public general Act in force throughout the existing borough by virtue of an adoption by the council and any order in force under such Act throughout the existing borough shall apply to the borough ;

(b) the provisions of any public general Act in force in the added areas or any part thereof by virtue of an adoption by the county council or the council of any of the added areas or their predecessors and any order in force under such Act in the added areas shall cease to have effect in relation to such area.

(2) This section shall not apply to any order made under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925.

25. The added part of Rowley Regis shall be included in the constituent area of the Corporation within the meaning and for the purposes of the Upper Stour Valley Main Sewerage Orders 1892 to 1938 and any reference in those orders to the Corporation and to the constituent area of the Corporation shall be construed as a reference to (a) so much of the borough as comprises the Netherton and Woodside Wards (as the same were constituted on the twenty-seventh day of June eighteen hundred and ninety-two) and (b) the added part of Rowley Regis.

26. Any scheme made by the county council and approved by the Minister of Labour and National Service under section 10 of the Employment and Training Act 1948 and in force in the county shall cease to apply to the added areas.

27. Any order which is in force under the Shops Act 1950 immediately before the appointed day in any area affected by this Act shall subject to the provisions of the said Act remain in force and apply to the area to which it applies immediately before the appointed day.

28. Any order which is in force under the Wild Birds Protection Acts 1880 to 1939 immediately before the appointed day in the existing borough shall extend to the added areas and any order which is then in force under those Acts in the county shall cease to extend to the added areas.

Sunday
Entertainments
Act 1932.

29. Section 1 of the Sunday Entertainments Act 1932 shall as from the appointed day extend to the borough as before that day it extended to the existing borough.

Transfer of
duties under
section 1 of
Children Act
1948.

30.—(1) The provisions of this section shall apply in the case of a child who is on the appointed day in the care of a local authority and who was when received into care under subsection (1) of section 1 of the Children Act 1948 ordinarily resident in the added areas.

Any question arising under this subsection as to the ordinary residence of a child shall be determined as though it arose under subsection (4) of section 1 of the said Act of 1948.

(2) The Corporation may take over the care of a child with the concurrence of the local authority in whose care he then is.

(3) A local authority with a child in their care may recover from the Corporation any expenses in respect of the child duly incurred under Part II of the said Act of 1948 by them on or after the appointed day (including any expenses so incurred after he has ceased to be a child within the meaning of the said Act and if the Corporation take over the care of him including also any travelling or other expenses incurred in connection with the taking over).

(4) Where the care of a child is taken over from another local authority under subsection (2) of this section the provisions of the said Act of 1948 shall apply as respects that child as though he were in the care of the Corporation under section 1 of the said Act and any resolution with respect to him passed by that other local authority under section 2 of the said Act and still in force shall as from the date on which his care was taken over be deemed for the purposes of all the provisions of the said Act of 1948 relating to such a resolution to have been passed by the Council.

Orders under
section 33 of
Act of 1894 and
section 271 of
Act of 1933.

31. Subject to the provisions of any order which the Minister may hereafter make the provisions of any order made before the passing of this Act by the Local Government Board the Minister of Health the Minister of Local Government and Planning or the Minister and conferring upon the council of the existing borough any powers relating to the matters mentioned in section 33 of the Act of 1894 or in section 271 of the Act of 1933 and in that order so far as such powers are still in force or still have effect shall be deemed to have effect as if any reference in those provisions to the existing borough the council of the existing borough and the existing parish of Dudley extended and applied respectively to the borough the council and the parish of Dudley as extended by this Act.

32. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925:—

Orders under Public Health Acts Amendment Act 1907 or Public Health Act 1925.

- (a) The provisions of any order made before the appointed day and declaring to be in force throughout the existing borough any Parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if such Parts or sections were accordingly declared to be in force in the borough:
- (b) The provisions of any other order under either of the said Acts which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas:
- (c) The provisions of any order made before the appointed day and declaring to be in force in any part of the added areas any Parts or sections of either of the said Acts shall cease to apply to such part of the added areas and the Parts or sections declared by any such order to be in force shall (save as in this section provided) cease to be in force within such part of the added areas but this section shall not prejudice or affect any proceedings which are pending on the appointed day.

33.—(1) All byelaws made by the Corporation or the Watch Committee of the existing borough and in force immediately before the appointed day shall apply to the borough until repealed or altered and any byelaw made by the county council the county police authority or the councils of any of the added areas and in force immediately before the appointed day shall on that day cease to apply within the added areas.

Byelaws regulations and scales of charges.

(2) Any proceedings which if this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added areas may be taken by the Corporation.

(3) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments.

34. Any licence certificate exemption or permit granted or issued by an authority to any person residing in or in respect of any property matter or thing within the added areas and subsisting at the appointed day which could have been granted or issued by the Corporation or some other authority for the same purpose to any person residing in or in respect of any property matter or thing within the existing borough shall continue in

Licences certificates exemptions and permits.

force for the period for which it was granted or issued as fully and effectively as if it had been granted or issued by the Corporation or such other authority.

Schemes under
Education Acts
1944 to 1948.

35. The Scheme of Divisional Administration for the Administrative County of Staffordshire 1945 and any scheme amending that scheme and any other scheme made by the county council and approved by the Minister of Education under the Education Acts 1944 to 1948 shall cease to have effect in the added areas.

Dudley
burial board.

36.—(1) The area of the Corporation as burial board for the existing borough shall be altered by the inclusion in such area of the added areas and the Corporation shall have within such area as so altered to the exclusion of any other burial authority all the powers rights duties and liabilities of a burial board under the Burial Acts 1852 to 1906 and the council may exercise and perform any of such powers rights duties and liabilities in accordance with the provisions of subsection (2) of this section.

(2) Notwithstanding anything in the Burial Acts 1852 to 1906 or any other Act the council may exercise and perform any of such powers rights duties and liabilities as aforesaid in the same manner and at the same time and subject to the same notices as all other powers of the Corporation are exercisable by the council and without being required to give any special notice referring to the business of the burial board to be transacted at any meeting of the council.

(3) All property and liabilities which immediately before the appointed day were vested in or attached to the Corporation as the burial board for the existing borough shall be vested in and attach to the Corporation as the burial board for the borough.

(4) Nothing in this Act shall prejudice or affect any right of burial or any right of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired prior to the appointed day in relation to any burial ground.

(5) Nothing in this Act shall prejudicially affect any right privilege authority or duty which immediately before the appointed day was exercisable by or attached to any incumbent or sexton under the Burial Acts 1852 to 1906.

Executive
councils.

37.—(1) The Minister of Health may by order made before the appointed day make such provision as seems to him expedient for all or any of the following matters:—

(a) for providing that the names of medical practitioners who immediately before the appointed day are providing general medical services in the added areas under

the National Health Service Act 1946 shall be included in the medical list of the executive council of the borough ;

- (b) for providing that the alteration of the boundaries of the borough authorised by this Act shall not affect any services under Part IV of the said Act of 1946 which have been commenced but not completed before the appointed day ;
- (c) for providing for the transfer to the executive council of the borough of any property rights or liabilities of the executive council of the county which relate exclusively to the added areas ;
- (d) for the making of financial adjustments between the said executive councils ;
- (e) for providing that the executive council of the county shall continue to act as the executive council for the added areas until such date as may be specified in the order not being later than the thirty-first day of December nineteen hundred and fifty-four ; and
- (f) for any supplementary or incidental matters.

(2) Any order made under this section may be revoked or varied by a subsequent order of the Minister of Health made before or after the appointed day.

(3) Subject to any order made under this section the persons who immediately before the appointed day are members of the respective executive councils of the county and the borough shall be deemed to have been appointed as and shall be members of the respective executive councils of the county and the borough as altered by this Act.

Officers

38. In section 39 (Officers of Corporation continued) and section 41 (Compensation to existing officers) of this Act the expression "officer" unless the context otherwise requires includes a servant. Meaning of "officer" in certain sections of this Act.

39. The town clerk and all other officers of the Corporation of the existing borough who hold office immediately before the appointed day shall continue to be the town clerk and officers of the Corporation of the borough and shall hold their offices by the same tenure as before that day. Officers of Corporation continued.

40. The auditors of the existing borough elected or appointed under section 210 (Appointed auditors) of the Dudley Corporation Act 1928 who are in office on the appointed day shall continue in office until their successors are elected or appointed. Borough auditors.

Compensation
to existing
officers.

41.—(1) Every existing officer who suffers loss of employment or diminution of emoluments which is attributable to the passing of this Act shall be entitled to have his case considered for the payment of compensation by the Corporation such compensation to be determined in accordance with the provisions of the schedule to the Local Government (Compensation) Regulations 1948 and subject to the provisions of this section those regulations shall apply accordingly with any modifications which the Minister may by order consider it necessary or expedient to make for the purpose of the application of the said regulations to compensation under this Act.

(2) For the purposes of this section and the said regulations as applied thereby the expression "existing officer" means a person who immediately before the passing of this Act devoted the whole of his time and had devoted the whole of his time for a period of not less than eight years previously after attaining the age of eighteen years without a break of more than twelve months at any one time either—

(a) to any of the following employments or to two or more or to any combination of such employments namely:—

(i) employment under the Crown or in the local government service in Great Britain; or

(ii) employment by any authority or body for the purposes of the Crown or of local government service in Great Britain; or

(iii) employment under any officer engaged in any such employment as aforesaid for the purposes of the functions of the employing authority or body; or

(b) partly to any such employment as aforesaid or to two or more or to any combination of such employments and partly to—

(i) employment as a superintendent registrar or registrar of births and deaths or as a registrar of marriages or as a person designated by a local authority to act as a deputy superintendent registrar or registrar of births and deaths; or

(ii) war service as defined by the said regulations undertaken on ceasing to follow any of the employments mentioned in paragraph (a) of this subsection or any combination thereof.

(3) Nothing in this section or in the said regulations as applied thereby shall entitle a person to have his case considered for the payment of compensation unless—

(a) the cause of the claim arises not later than ten years after the passing of this Act;

- (b) the claim is made not later than two years after the date on which the cause of claim arises; and
- (c) the other conditions prescribed by paragraph (b) of regulation 5 of the said regulations are fulfilled.

Supplementary provisions

42. For the purposes of all valuation lists of the borough under the Rating and Valuation Act 1925 the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of that Act from the net annual value of such rateable hereditaments within the added areas as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall notwithstanding the provisions of any Act be the same as the amount of the deduction made from the net annual value of similar hereditaments in the existing borough.

Deduction in ascertaining rateable value of land covered with water etc.

43.—(1) The added areas shall be deemed to form part of the rating area of the borough.

Rating areas and valuation lists.

(2) The valuation list of the existing borough and the portions of the valuation list of the existing areas which relate to hereditaments within the added areas (modified as may be necessary to give effect to the provisions of the last preceding section of this Act) shall together form the valuation list of the borough as from the appointed day.

(3) The portions of the valuation lists of the existing areas which relate to the existing areas as altered by this Act shall be the valuation list of those areas as from the appointed day.

44.—(1) The Minister (if he thinks fit) on the application in writing not more than six months and not less than two months prior to the appointed day of the local authority as hereinafter in this section defined of the part of the added area in respect of which the application is made and after considering any representations that may be made to him by the Corporation may order that for the period or periods stated in the order the total amount in the pound of the general rate to be made and levied upon rateable hereditaments existing immediately before the appointed day (except rateable hereditaments erected by the Corporation) situate in the part of the borough comprising the part of the added area in respect of which such application may be made shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within that part of the borough which comprises the area of the existing borough by such sum or sums as may seem equitable to him.

Differential rating.

(2) For the purposes of this section "the local authority" means as the case may require the borough council or the urban district council having jurisdiction immediately before the appointed day over the part of the added area to which the application relates.

Financial adjustments.

45. Where in consequence of any alteration of areas or authorities made by this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 151 of the Act of 1933 as if this Act were an order made under Part VI of that Act.

Adjustment for purposes of licensing.

46.—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added areas in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the compensation authorities (as defined by Part II of the Licensing Act 1949) for the county and for the borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment section 151 of the Act of 1933 shall apply subject to the modification that the arbitrator shall be appointed by the Secretary of State instead of by the Minister.

Jury service.

47. For the purpose of summoning jurors and of jury service any existing areas affected by this Act shall be deemed to continue unaltered until a new jurors' book for the existing areas as altered comes into force.

Local land charges registers.

48.—(1) The local registrars for the county and for the existing areas respectively under the Land Charges Act 1925 and the rules made thereunder shall within one month after the appointed day supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any land situate within the added area which is excluded by this Act from each existing area and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The local registrar for the borough shall within one month after the receipt of the office copies mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges register of the borough.

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day whichever be the earlier the following provisions shall have effect in respect of all land within the added areas:—

- (a) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the appropriate existing area and in the register for the county;
- (b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the appropriate existing area the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application;
- (c) The local registrars for the existing areas and for the county shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed;
- (d) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the county in pursuance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation;
- (e) Where an entry of a local land charge which has been duly made in the local land charges register of the county or of the existing areas is required by this section to be transferred from the register of the county or the existing areas to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

49.—(1) As from the passing of this Act the Corporation shall be entitled at all reasonable times to inspect and take copies of all plans or documents relating to any land within the added areas which are in the possession or under the control of the county council or the councils of the existing areas for the purposes of or in connection with the Town and Country Planning Act 1947 and the county council and the councils of the existing areas shall supply to the Corporation such information and shall

afford to them such assistance for the purposes of or in connection with the said Act as the Corporation may reasonably require.

(2) An office copy of every entry in the register relating to any land within the added areas kept by the county council under section 14 of the said Act of 1947 shall within one month after the appointed day be supplied to the town clerk by the clerk of the county council or the clerk of the councils of the existing areas having the custody of that part of the register in which the entry appears as the case may be.

(3) The town clerk shall within one month after the receipt of the office copy mentioned in subsection (2) of this section enter the same or cause the same to be entered with any necessary modifications in the register kept by the Corporation under section 14 of the said Act of 1947.

(4) Any application for planning permission or for any consent or approval under the said Act of 1947 or for a determination under section 17 of that Act made to the county council or either of the councils of the existing areas on their behalf before the appointed day and not determined before that day shall so far as it relates to land within the added areas be treated as a like application made to the Corporation and shall be treated as having been so made on the appointed day:

Provided that it shall not be necessary for the Corporation to consult with any authority person or body with whom consultation has already taken place in relation to that application.

(5) Any order agreement permission approval determination consent notice proceeding or decision made taken or given by the county council as local planning authority under the said Act of 1947 (except Part II thereof) or having effect as if so made taken or given and in force immediately before the appointed day shall so far as it relates to any land within the added areas have effect as if it had been made taken or given by the Corporation as such authority in respect of that land.

(6) Any direction approval consent or decision given by the Minister or the Minister of Transport under or in pursuance of the said Act of 1947 (except Part II thereof) or any enactment thereby repealed affecting the county council as local planning authority and in force immediately before the appointed day shall in so far as it relates to any land within the added areas have effect as if the same had been given to the Corporation as local planning authority.

(7) The development plan of the county council which contains proposals as to the added areas shall be deemed to be proposals for alterations or additions to the approved development plan of the Corporation and any further proceedings in

relation thereto may be taken by the Corporation or the Minister separately from the proceedings on the development plan submitted by the county council.

50.—(1) The clerk of the county council and the clerk of the councils of each of the existing areas shall as soon as may be after the passing of this Act and in any case before the appointed day send to the town clerk a copy of every entry in any register of the county council or of the council of the existing area as the case may be under any enactment rule order or regulation for the time being in force which relates to any property matter or thing relating to or which otherwise affects the added areas and the town clerk shall include in the appropriate register of the Corporation the particulars respectively furnished by the clerk of the county council and by the clerk of the council of the existing area. Entries in registers.

(2) Subsection (1) of this section shall not extend to any matter for which provision is made in section 48 (Local land charges registers) or section 49 (Town planning) of this Act.

(3) In this section "register" includes any list kept for the purposes of Part II of the Pharmacy and Poisons Act 1933.

51.—(1) Notwithstanding the alteration of areas effected by this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed. Contribution orders precepts and arrears of rates.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added areas shall be collected and recovered by the Corporation.

(3) Any rates so collected and recovered shall be a matter for adjustment under this Act.

52.—(1) All public books writings and papers belonging to the county council or the councils of the existing areas in relation exclusively to any part of the added areas and all documents relating to any part of the added areas and directed by law to be kept with the public books writings and papers thereof (except any book or document relating to the affairs of the church or to ecclesiastical charities or to a parochial non-ecclesiastical charity) and all plans papers and writings of the county council and the councils of the existing areas relating exclusively to any part of the added areas shall be deposited in such custody as the Corporation may direct. Books and documents.

(2) Any ratepayer of any existing area any part of which is comprised in the added areas shall at all times have the same right of inspection and of making extracts from the public books writings papers and documents referred to in this section as he would have had if this Act had not been passed.

As to
registration
districts.

53. Nothing in this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in sections 10 and 11 of the Births and Deaths Registration Act 1837 section 21 of the Births and Deaths Registration Act 1874 and sections 24 and 131 of the Local Government Act 1929 as to the alteration thereof.

Saving for
private street
works.

54.—(1) No alteration effected by this Act shall affect any notices given or proceedings taken by or on behalf of the councils of the added areas under the Private Street Works Act 1892 or section 150 of the Public Health Act 1875 in relation to any street situate within the added areas or any part thereof but such proceedings may be continued and completed by any such council in accordance with the provisions of the said Act or section as if this Act had not been passed.

(2) Where before the appointed day any works under the Private Street Works Act 1892 or section 150 of the Public Health Act 1875 have been completed in a street situate within the added areas or any part thereof no alteration effected by this Act shall affect the liability of any owner to defray any sum which may be or has been apportioned upon him in respect of the cost of the works and any such sum shall be recoverable by the authority who would have been entitled to recover the same if this Act had not been passed and in the like manner.

Payments
made or
secured under
New Streets
Act 1951.

55.—(1) All sums held by the council of any of the added areas under the New Streets Act 1951 in respect of a proposal to erect any building in the added areas having a frontage on a private street together with simple interest on that sum at the rate of three per centum per annum from the date of payment of that sum to such council shall be transferred to the Corporation on the appointed day.

(2) All securities given to such council under the said Act of 1951 in respect of any such proposal as is referred to in the preceding subsection shall as soon as may be after the appointed day be transferred to and vested in the Corporation who shall pay the reasonable expenses of and incident to such transfer and vesting.

(3) Any sums paid and any securities transferred to the Corporation under this section shall be held by them on the terms and conditions prescribed by the said Act of 1951 as if the building in respect of which the payment was made or the security was given had been proposed to be erected in the borough.

56. Where the boundary between the borough and the county or any other borough or district divides any road in or adjoining the added areas longitudinally the councils or authorities who but for this enactment would be responsible for the maintenance and repair of the portions of the road on each side of the boundary shall in lieu of maintaining and repairing the portion for which they are so responsible maintain and repair respectively such part or parts of the road throughout its entire width as shall be agreed upon or as failing agreement shall be determined by the Minister of Transport on the application of either party.

Repair of
boundary
roads.

57. Any member of a local authority who is to continue in office after the appointed day shall not during his term of office current immediately before that day be deemed to lose his qualification for being a member by reason of the alterations of area made by this Act.

Saving for
qualification of
councillors.

58.—(1) No alteration effected by this Act in the area of any local or other authority shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by that authority or their predecessors :

Savings for
actions
contracts etc.

Provided that—

- (a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added areas may be continued prosecuted and enforced by or against the Corporation ; and
- (b) all contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by any such authority or their predecessors in relation exclusively to any part of the added areas shall continue and be in force as fully and effectually as if instead of that authority or their predecessors the Corporation had been a party thereto.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Act.

59. Nothing in this Act shall—

- (a) be construed as restricting any power under the Local Government Act 1929 or the Act of 1933 of altering any of the areas or the constitution of any authority or committee ;

Other saving
provisions.

- (b) alter the area of any constituency or affect the powers of the Corporation or the county council under section 11 of the Representation of the People Act 1949 for the division of a constituency into polling districts for parliamentary elections and the appointment of polling places for parliamentary elections ;
- (c) alter the area of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment ;
- (d) (save as in this Act expressly provided) affect the provisions of the Rating and Valuation Acts 1925 to 1940 and of Parts III and IV of the Act of 1948 ;
- (e) affect land tax.

Power
to borrow.

60.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums requisite for those purposes and shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the second column of the said table (namely):—

1 Purpose	2 Period for repayment
(a) The purpose of making any capital payment to any authority under this Act or under any enactment the provisions of which are applied thereby.	Forty-five years from the date or dates of borrowing.
(b) The payment of any capital sum under the provisions of section 41 (Compensation to existing officers) of this Act.	Twenty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of the Act of 1933 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.

61. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of an order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946. Saving for powers of Treasury.

62. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown. Crown rights.

63. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation. Costs of Act.

SCHEDULE

LOCAL ACTS RELATING TO THE BOROUGH

Session and chapter	Title or short title
31 Geo. III c. lxxix (sections 25 to 30 both inclusive).	An Act for better paving cleansing lighting watching and otherwise improving the town of Dudley in the county of Worcester and for better supplying the said town with water.
42 & 43 Vict. c. c ...	The Dudley Sewage Act 1879.
9 Edw. 7 c. xxviii ...	The Dudley Corporation Act 1909.
18 & 19 Geo. 5 c. cv	The Dudley Corporation Act 1928.
10 & 11 Geo. 6 c. xxvii.	The Dudley Corporation Act 1947.

*Table of Statutes referred to in this Act other than those
included in the schedule*

Title	Session and chapter
Births and Deaths Registration Act 1837 ...	7 Will. 4 & 1 Vict. c. 22.
Births and Deaths Registration Act 1874 ...	37 & 38 Vict. c. 88.
Public Health Act 1875	38 & 39 Vict. c. 55.
Municipal Corporations Act 1882	45 & 46 Vict. c. 50.
Local Government Act 1888	51 & 52 Vict. c. 41.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Local Government Act 1894	56 & 57 Vict. c. 73.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Licensing (Consolidation) Act 1910	10 Edw. 7 & 1 Geo. 5 c. 24.
Police Act 1919	9 & 10 Geo. 5 c. 46.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Local Government Act 1929	19 & 20 Geo. 5 c. 17.
Sunday Entertainments Act 1932	22 & 23 Geo. 5 c. 51.
Pharmacy and Poisons Act 1933	23 & 24 Geo. 5 c. 25.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Borrowing (Control and Guarantees) Act 1946 ...	9 & 10 Geo. 6 c. 58.
National Health Service Act 1946	9 & 10 Geo. 6 c. 81.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Police Pensions Act 1948	11 & 12 Geo. 6 c. 24.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Employment and Training Act 1948	11 & 12 Geo. 6 c. 46.
Criminal Justice Act 1948	11 & 12 Geo. 6 c. 58.
Licensing Act 1949	12 & 13 Geo. 6 c. 59.
Representation of the People Act 1949	12 & 13 Geo. 6 c. 68.
Shops Act 1950	14 Geo. 6 c. 28.
New Streets Act 1951	14 & 15 Geo. 6 c. 40.

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1 & 2 ELIZ. 2 Ch. xxxv

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SCHEDULE—Local Acts relating to the borough.