



CHAPTER xxiii.

An Act to confirm a Provisional Order of the Minister of Health relating to Middlesbrough. A.D. 1929.
[10th May 1929.]

WHEREAS under the provisions of the Local Government Act 1888 the Minister of Health has made an Order which is set out in the schedule hereto :

And whereas it is requisite that the said Order should be confirmed by Parliament :

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Order as set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Order in
schedule
confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Middlesbrough Extension) Act 1929.

Short title.

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SCHEDULE.

*Middles-
brough
Order.*

COUNTY BOROUGH OF MIDDLESBROUGH.

Provisional Order for the extension of a County Borough.

WHEREAS by virtue of section 54 of the Local Government Act 1888 the Minister of Health subject to the observance of the conditions imposed by section 2 of the Local Government (County Boroughs and Adjustments) Act 1926 may make a Provisional Order for altering the boundary of a county borough;

And whereas the existing Borough of Middlesbrough is a county borough and the inhabitants are a body corporate by the name of the mayor aldermen and burgesses of the Borough of Middlesbrough and act by the Council of the Borough;

And whereas the Borough is coextensive with the Parish of Middlesbrough and is an urban district under the jurisdiction of the mayor aldermen and burgesses acting by the Council;

And whereas the Borough has a separate court of quarter sessions commission of the peace and police force and a recorder stipendiary magistrate and coroner;

And whereas the Parish of Marton in the administrative county of the North Riding of Yorkshire adjoins the Borough and is a contributory place in the Rural District of Middlesbrough;

And whereas the conditions imposed by section 2 of the Local Government (County Boroughs and Adjustments) Act 1926 have been complied with:

Now therefore the Minister of Health in pursuance of the powers given to him by sections 54 and 59 of the Local Government Act 1888 and of all other powers enabling him in that behalf hereby orders as follows:—

PART I.

INTERPRETATION AND COMMENCEMENT.

1. In this Order unless the context otherwise requires—

“Existing” in relation to any area altered by this Order means existing immediately before the first day of October nineteen hundred and twenty-nine;

*Interpreta-
tion.*

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“ The Act of 1888 ” and “ the Act of 1894 ” mean respectively the Local Government Act 1888 and the Local Government Act 1894 ;

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 brough
 Order.*

“ The added area ” means the part of the existing Parish of Marton which is coloured yellow on the maps and is added to the existing Borough of Middlesbrough by this Order ;

“ The appointed day ” means the first day of October nineteen hundred and twenty-nine ;

“ The Borough ” means the existing Borough of Middlesbrough as altered by this Order ;

“ The Corporation ” means as the context requires the mayor aldermen and burgesses of the existing Borough or of the Borough acting by the Council ;

“ The County ” and “ the County Council ” mean respectively the administrative county of the North Riding of Yorkshire and the county council of that county ;

“ The maps ” means the duplicate maps marked “ Map showing the area added to the Borough of Middlesbrough by the Middlesbrough (Extension) Order 1929 ” and sealed with the official seal of the Minister ;

“ The Minister ” means the Minister of Health ;

“ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the Borough Councillors (Alteration of Number) Act 1925 ;

“ The Parish of Marton ” means the Parish of Marton as diminished by this Order ;

“ The Parish of Middlesbrough ” means the Parish of Middlesbrough as extended by this Order ;

“ The Rural Council ” means the Rural District Council of Middlesbrough ;

“ The Rural District ” means the Rural District of Middlesbrough as diminished by this Order.

2.—(1) Save as otherwise expressly provided this Order shall come into operation on the first day of October nineteen hundred and twenty-nine.

Commence-
 ment of
 Order.

(2) For the purposes of—

(a) the alteration or re-arrangement of any register of electors made under the Representation of the People Acts ; and

(b) the preparation of any precept or contribution order to be made in respect of the financial half-year commencing on the appointed day ;

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brough
Order.

(3) For any purpose connected with the distribution and application of the moneys payable out of the Local Taxation Account or by the Postmaster-General in pursuance of the Act of 1888 of the Local Taxation (Customs and Excise) Act 1890 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) the existing Borough shall be deemed not to have been altered and the added area shall be deemed to continue part of the County until the first day of April nineteen hundred and thirty.

PART II.

ALTERATIONS OF BOUNDARY.

Extension of
Borough.

3.—(1) The boundary of the existing Borough shall be altered so as to include in addition to that area the part of the Parish of Marton and of the Rural District of Middlesbrough which is coloured yellow on the maps.

(2) The Borough of Middlesbrough as extended by this Order shall for the purposes of the Municipal Corporations Acts and for all other purposes be the Borough of Middlesbrough and shall be the county borough of Middlesbrough for the purposes of the Act of 1888.

Alteration of
parishes.

4. The added area shall be separated from the existing Parish of Marton and shall be added to the existing Parish of Middlesbrough.

Deposit and
copies of
maps.

5.—(1) One of the maps shall be deposited in the office of the Minister and the duplicate map shall be deposited by the town clerk of the existing Borough at his office.

(2) Copies of the map deposited with the town clerk certified by him to be true shall be sent by him within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council the clerk of the Rural Council the clerk of the Middlesbrough Guardians the Board of Inland Revenue the Commissioners of Customs and Excise the Registrar-General the Postmaster-General the Board of Trade the Minister of Transport the Electricity Commissioners and the Minister of Agriculture and Fisheries.

Copies of
map to be
evidence.

6.—(1) Copies of or extracts from the map deposited with the town clerk 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 the added area.

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(2) The 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.

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(3) All fees so received shall be carried to the general rate fund of the Borough.

PART III.

PROVISIONS CONSEQUENT ON EXTENSION OF BOROUGH.

7. Subject to the provisions of the Municipal Corporations Acts the following provisions shall have effect:—

Municipal
wards and
existing
councillors.

(1) For the purposes of the election of councillors the added area shall be included in the Grove Hill Ward of the Borough;

(2) Any councillor who represents immediately before the appointed day the Grove Hill Ward shall on and after that day represent that Ward as extended by this Order and shall remain in office until the day on which he would have retired from office if this Order had not been made;

(3) If immediately before the appointed day a casual vacancy shall exist in the representation of the Grove Hill Ward the vacancy shall be deemed to exist in the representation of that Ward as extended by this Order.

8. For the purposes of the application to the Borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added area shall be deemed to have always formed part of the Borough.

County and
Borough
Councils
(Qualification)
Act 1914.

9. 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 Order had not been made.

Existing
mayor alder-
men and
councillors.

10.—(1) The powers and duties of the quarter sessions recorder clerk of the peace coroner justices of the peace and stipendiary magistrate appointed for the existing Borough and of the clerk to those justices and of the police constables and other peace officers of the existing Borough shall extend to and apply throughout the Borough.

Powers and
duties of
justices
coroner
police &c.
extended,

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(2) The added area shall cease to form part of any petty sessional division of the County and shall cease to be within the jurisdiction of the coroner for the Langbaugh North District of the Wapentake of Langbaugh:

Provided that—

- (a) every person committing an offence in any part of the added area prior to the appointed day shall be tried and dealt with as if this Order had not been made;
- (b) every proceeding which prior to the appointed day has been begun by or is pending before any justice or coroner in relation to any matter arising in or concerning any part of the added area may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Order had not been made.

Corporation
property
liabilities
&c.

11. Subject to the provisions of this Order all property immediately before the appointed day vested in the Corporation for the benefit of the existing Borough (not being property held on any charitable trust) shall by virtue of this Order 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 exerciseable 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.

Mortgage
debts of
Corporation.

12.—(1) So much of any sums borrowed by the Corporation as immediately before the appointed day are owing and charged upon a fund or rate of the existing Borough or upon the revenues of the Corporation of the existing Borough shall be charged upon the corresponding fund or rate of the Borough or upon the revenues of the Corporation of the Borough as the case may require.

(2) All borrowed moneys to which this article applies with the interest thereon shall be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Repeal of
enactments
in Corpora-
tion Acts.

13. The Middlesbrough Corporation Acts mentioned in the First Schedule to this Order are hereby repealed to the extent specified in the third column of that schedule.

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- 14.—(1) Subject to the provisions of this Order the provisions of—
- (a) the local Acts and of the confirmation Acts specified in the Second Schedule to this Order so far as those confirmation Acts relate to the Provisional Orders specified in that schedule;
- (b) any other local Act or Provisional Order duly confirmed and affecting the existing Borough or the Corporation (including any such Act or Order passed or confirmed during the present session of Parliament); and
- (c) any order affecting the existing Borough or the Corporation which has effect as if enacted by Parliament;

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Extension of
local Acts
and Orders
relating to
existing
Borough.

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 therein to the existing Borough and the Corporation thereof shall be deemed to refer to the Borough and the Corporation thereof.

(2) Nothing in this Order shall limit or affect the powers or rights in the added area of the Cleveland and Durham County Electric Power Company under the Cleveland and Durham County Electric Power Acts 1901 to 1928 and the Corporation shall have no greater powers or rights in the added area under those Acts than those which would be exerciseable by them or by the Rural Council if this Order had not been made.

15. Subject to any future order of the Minister the provisions of the River Tees Port Sanitary Order 1925 shall be read and have effect as if references to the county borough of Middlesbrough as extended by this Order and the council thereof were substituted therein for references to the existing county borough of Middlesbrough and the council thereof.

River Tees
Port
Sanitary
Authority.

16.—(1) The provisions of—

- (a) the Baths and Washhouses Acts 1846 to 1925;
- (b) the Infectious Disease (Prevention) Act 1890;
- (c) the Public Health Acts Amendment Act 1890;
- (d) that part of the Museums and Gymnasiums Act 1891 which relates to museums;
- (e) the Public Libraries Acts 1892 to 1919; and
- (f) Parts II to V of the Public Health Act 1925;

Adoptive
Acts.

shall be in force within and apply to the Borough as if the same had been adopted for the Borough.

(2) The provisions of any adoptive Act in force within the added area shall subject to the provisions of this article cease to be in force within that area.

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(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive enactment mentioned in this article which is in force immediately before the appointed day throughout the existing Borough shall extend and apply to the added area and any order under the Infectious Disease (Notification) Act 1889 in force immediately before that day within the added area shall cease to be in force within that area.

Corporation
to be Burial
Board for
Borough.

17.—(1) The Corporation shall be the Burial Board for the Borough and shall have within the Borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906 :

Provided that no approval sanction or authorisation of the vestry of the Parish of Middlesbrough shall be required in respect of any act of the Corporation as the Burial Board.

(2) Any table of fees and charges in force in respect of any existing burial ground maintained by the Corporation shall extend and apply to inhabitants of the burial area as extended by this Order as such table applies to inhabitants of the existing burial area.

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

18. 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 :—

(1) 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 the said parts or sections were accordingly declared to be in force within the Borough ;

(2) Any other order under either of those Acts which is in force immediately before the appointed day throughout the existing Borough shall extend and apply to the added area ;

(3) The provisions of any order made before the appointed day and declaring to be in force within the added area any parts or sections of either of those Acts shall cease to apply to the added area and the parts or sections declared by any such order to be in force shall save as hereinbefore provided cease to be in force within the added area.

Urban
powers &c.
in excluded
part of
Marton.

19. All the powers duties and liabilities of an urban authority and all the powers in relation to the chargeability of expenses with which the Rural Council are invested in pursuance of any order made by the Local Government Board or

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the Minister under the Public Health Acts 1875 to 1925 in respect of the existing contributory place of Marton shall be deemed to vest in and attach to the Rural Council in respect of that contributory place as altered by this Order.

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20. Any order made under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1928 and in force immediately before the appointed day in any area affected by this Order shall subject to the provisions of those Acts remain in force and apply to the area to which it then applied.

Orders under
 Shop Hours
 Act 1904 or
 Shops Acts
 1912 to 1928.

21. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force immediately before the appointed day within the existing Borough shall extend to the added area and any order under those Acts which is then in force within the County shall cease to apply to the added area.

Orders under
 Wild Birds
 Protection
 Acts.

22.—(1) Any byelaws made by—

(a) the Corporation for good rule and government or under the Education Act 1921 or any enactment repealed by that Act or with respect to any park pleasure ground or open space; or

(b) the Corporation or their Watch Committee and confirmed by the Secretary of State;

Byelaws
 regulations
 scales of
 charges &c.

which immediately before the appointed day are in force within the existing Borough shall extend and apply to the Borough until the byelaws are repealed or altered by further byelaws.

(2) Subject to the foregoing provision all byelaws made by the Corporation or by the Rural Council and in force within the existing Borough or within the added area immediately before the appointed day—

(a) if made before the first day of January nineteen hundred and nineteen shall continue to apply to the existing Borough or to the added area as the case may be for a period of one year after the appointed day (unless previously repealed or altered by byelaws made by the Corporation) but shall on the expiration of the period aforesaid cease to be in force within any part of the Borough;

(b) if made on or after the first day of January nineteen hundred and nineteen shall continue to apply to the existing Borough or to the added area as the case may be until they are repealed or altered by byelaws made by the Corporation.

(3) In their application to the added area any byelaws made by the Rural Council shall have effect as if they had been made by the Corporation and as if the added area were referred to therein.

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(4) All byelaws made by the County Council or by the standing joint committee of the County and in force immediately before the appointed day within the added area shall cease to be in force within that area.

(5) Any proceedings which if this Order had not been made might have been taken for any offence within the added area committed before the appointed day against—

(a) any byelaws of the Rural Council; or

(b) any byelaws of the County Council or the standing joint committee which by virtue of this article cease to apply to the added area;

may be taken by the Corporation as if the Corporation had been substituted therein for the Rural Council the County Council or the standing joint committee as the case may require and as if the byelaws of the County Council or the standing joint committee had remained in force.

(6) Any scale of charges made by the Corporation and in force immediately before the appointed day throughout the existing Borough shall extend and apply to the Borough until the scale is repealed or altered by a further scale of charges made by the Corporation.

(7) In this article "byelaws" includes any regulation and "scale of charges" includes any list of tolls or table of fees or payments and any reference to byelaws or a scale of charges made by the Corporation or the Rural Council shall be read as including a reference to byelaws or a scale of charges made by the predecessors of the Corporation or the Rural Council as the case may require.

Insurance
committees.

23.—(1) The Minister may by order at any time after the passing of the Act of Parliament confirming this Order make such provisions as appear to him to be necessary for transferring to the insurance committee for the Borough such of the property rights and liabilities of the insurance committee for the County as relate to persons resident in the added area.

(2) An order made under this article may authorise the insurance committee for the County to continue to act as insurance committee for the added area until such date not being later than the thirty-first day of March nineteen hundred and thirty as may be specified in the order and may for that purpose postpone the operation of this Order so far as relates to the rights and duties of the respective insurance committees for the County and the Borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister necessary or expedient.

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(3) An order under this article shall have effect as if enacted in the National Health Insurance Act 1924 and may be revoked revised or amended by an order made in like manner as the original order.

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(4) Subject to any order under this article the persons who immediately before the appointed day are members of the respective insurance committees for the existing County and the existing Borough shall be deemed to have been appointed or elected as and shall be the members of the respective insurance committees for the County as altered by this Order and the Borough.

24.—(1) The Rural Council shall cease to exercise any powers or discharge any duties within the added area.

Cesser of
jurisdiction
of Rural
Council and
property &c.

(2) All sewers situate within the added area and immediately before the appointed day vested in the Rural Council shall by virtue of this Order be transferred to and vest in the Corporation as the urban authority for the execution of the Public Health Acts 1875 to 1925.

(3) Save as provided in this article nothing in this Order shall transfer to the Corporation any property or liabilities of the Rural Council.

25.—(1) The Parish Council of the existing Parish of Marton shall be deemed to have been elected as and shall be the Parish Council of that parish as altered by this Order.

Parish
Council of
Marton.

(2) Any powers or duties vested in or imposed on the Parish Council of the existing Parish of Marton shall so far as regards the added area be vested in or imposed on the Corporation.

PART IV.

RATING AND VALUATION.

26.—(1) The added area shall cease to be within the Langbaugh Assessment Area and shall form part of the Middlesbrough Assessment Area.

Assessment
areas and
committees.

(2) The scheme of the County Council for the constitution of assessment areas and assessment committees as approved by the Minister on the fourteenth day of October nineteen hundred and twenty-six shall have effect as if for references to the existing Rural District of Middlesbrough there were substituted references to that Rural District as diminished by this Order.

(3) Any person who immediately before the appointed day represents the existing Borough on the Middlesbrough Assessment Committee or the existing Rural District on the Langbaugh Assessment Committee shall be deemed to have been

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A.D. 1929. appointed to represent the Borough or the Rural District (as the case may require) on that Committee.

—
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 brough
 Order.*

Deductions
 for rateable
 value of
 railways
 canals
 tithes &c.
 in added
 area.

27.—(1) For the purposes of all valuation lists of the Borough the deductions to be made under paragraph (c) of subsection (1) of section 22 of the Rating and Valuation Act 1925 from the net annual value of such rateable hereditaments within the added area as are included in class (3) of the hereditaments specified in column (1) of Part II. of the Second Schedule to the Rating and Valuation Act 1925 shall be the percentages prescribed by section 14 of the Middlesbrough Corporation Act 1926 in relation to that portion of the existing Borough which does not comprise the parts of the parishes of Linthorpe and Marton which were included in the existing Borough by the Middlesbrough (Extension) Order 1913 that is to say :—

(a) In the case of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act for public conveyance twenty-nine per cent. ;

(b) In the case of any tithe or any tithe commutation rent-charge or any land used as woodlands twenty-eight per cent.

(2) Such alterations of the value of rateable hereditaments within the added area shall be made by the Corporation in the valuation list as may be necessary to give effect to this article.

Valuation
 lists.

28.—(1) The valuation list of the existing Borough and the portion of the valuation list of the existing Rural District which relate to hereditaments within the added area shall subject to such adjustments of the rateable value of those hereditaments as are required by the preceding article of this Order together form the valuation list of the Borough as from the appointed day.

(2) The remaining portion of the valuation list of the existing Rural District shall be the valuation list of the Rural District.

(3) Such portions of the draft special list under the Rating and Valuation (Apportionment) Act 1928 as relate to hereditaments within the added area shall on the confirmation of this Order be transferred to the Corporation and shall be amalgamated with the draft special list for the existing Borough.

(4) All documents relating exclusively to the preparation within the added area of the special list under the Rating and Valuation (Apportionment) Act 1928 shall on the confirmation of this Order be transferred to the Corporation.

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29.—(1) If on the appointed day the period of the general rate for the existing Borough last made by the Corporation has not expired and the period of the general rate last made by the Rural Council has expired the Corporation may make and levy for the added area a general rate of an amount in the pound not exceeding the amount in the pound of any instalment of a general rate for the existing Borough which becomes payable in October nineteen hundred and twenty-nine.

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 —
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 brough
 Order.*
 General rate
 for added
 area.

(2) The provisions of the Rating and Valuation Act 1925 with respect to the general rate for an urban rating area shall extend to the general rate authorised by paragraph (1) of this article as if the added area were the Borough.

(3) Save as expressly provided in this article the Corporation shall not levy any general rate within the added area before the First day of April nineteen hundred and thirty.

30.—(1) Notwithstanding the alterations of area effected by this Order all contribution orders and precepts made in respect of a financial period commencing before the appointed day shall be as valid in law as if this Order had not been made.

Contribu-
 tion orders
 precepts and
 arrears of
 rates.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added area shall be collected and recovered by the Rural Council as the Rating Authority or by the proper officer of that Council.

PART V.

OFFICERS.

31. 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.

32.—(1) Every officer in office on the date of the Act of Parliament confirming this Order who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

Compensa-
 tion to
 existing
 officers.

(2) Any officer whose services are dispensed with or whose fees salary or emoluments are reduced within five years after the appointed day because his services are not required or his duties are diminished in consequence of this Order and not on the ground of misconduct shall be deemed unless the contrary is

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A.D. 1929. shown to have suffered a direct pecuniary loss in consequence of this Order.

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brough
Order.*
Determina-
tion of com-
pensation.

33.—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Order regard shall be had to the conditions and circumstances mentioned in subsection (1) of section 120 of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

(2) Any compensation payable under this Order to any officer shall be paid out of the general rate fund and general rate of the Borough and the provisions of section 120 of the Act of 1888 shall apply subject to the following and any necessary modifications :—

- (a) Any reference in that section to the county council shall be construed as a reference to the Corporation and in subsection (7) of that section for the words “ the same or any other county council ” there shall be substituted the words “ the council of any county or county borough or under any district council ”;
- (b) References in that section to “ the passing of this Act ” shall be construed as references to the date on which the abolition of office takes effect or the direct pecuniary loss commences as the case may be; and
- (c) The expression in subsection (1) of that section “ the Acts and rules relating to Her Majesty’s Civil Service ” shall mean the Acts and rules relating to Her Majesty’s Civil Service which were in operation at the date of the passing of the Act of 1888.

(3) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors book or the register of electors under the Representation of the People Acts shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purpose of compensation.

(4) The compensation payable under this Order to an officer who immediately before the appointed day shall hold two or more offices under any local authority or local authorities and who shall have devoted the whole of his time to the duties of such offices shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices and for the purpose of this paragraph of this article a superintendent registrar registrar of births and deaths or registrar of marriages shall be deemed to hold an office under a local authority.

(5) If an officer was temporarily absent from his employment during the war whilst serving in His Majesty’s Forces or the Forces of the Allied or Associated Powers either compulsorily or with the sanction or permission of the local authority such

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period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately before and after such temporary absence :

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Provided that in the case of an officer who after the Armistice voluntarily extended his term of service with the Forces no period of absence during such extension shall be so reckoned.

(6) The Corporation may in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person or of the fact that he had prior to his appointment served as a deputy assistant or clerk to any officer not holding a temporary appointment add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Order.

34. No officer shall be entitled to receive both a superannuation or retiring allowance and compensation under this Order in respect of the same period of service and the same pecuniary loss.

Compensa-
 tion and
 superannua-
 tion.

35. In this Part of this Order unless the context otherwise requires—

Meaning in
 Part V of
 "local
 authority "
 and
 "officer."

"Local authority" means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act 1922 and includes the standing joint committee of a county ;

"Officer" includes a servant and any person whose remuneration is paid by a local authority.

PART VI.

SUPPLEMENTARY.

36.—(1) For the purpose of the election of county councillors the added area shall cease to form part of the Yarm Electoral Division.

Alterations
 of county
 electoral
 divisions.

(2) The person who immediately before the appointed day is the county councillor representing the existing Yarm Electoral Division shall be deemed to have been elected to represent that Division as diminished by this Order and shall retire from office on the day on which he would have retired from office if this Order had not been made.

37.—(1) For the purposes of the election of guardians the added area shall form part of the Grove Hill Ward of the Parish of Middlesbrough.

Guardians
 and rural
 district
 councillors.

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(2) The persons who immediately before the appointed day are the guardians for the existing Grove Hill Ward of the Parish of Middlesbrough shall be deemed to have been elected for that Ward as extended by this Order and shall retire from office on the day on which they would have retired from office if this Order had not been made.

(3) The person who immediately before the appointed day is the rural district councillor for the existing Parish of Marton shall be deemed to have been elected as a rural district councillor for the Parish of Marton and shall retire from office on the day on which he would have retired from office if this Order had not been made.

Duplicate
entries in
electors'
lists.

38.—(1) The Registration Officer of the Parliamentary County of the North Riding of Yorkshire shall supply the Registration Officer of the Parliamentary Borough of Middlesbrough on publication with a sufficient number of copies of the electors' lists the lists of objections to the electors' lists the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added area and shall forthwith notify the Registration Officer of the Parliamentary Borough of his decisions on any objections or claims in respect of any such registration unit.

(2) It shall be the duty of the Registration Officer of the Parliamentary Borough of Middlesbrough to issue such notices and otherwise to take such steps as are required by rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the Borough for the purpose of borough council elections or in the same parish or ward of a parish within the Borough for the purpose of guardians' elections.

(3) Where the Registration Officer of the Parliamentary Borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for any of the purposes mentioned in paragraph (2) of this article should be made in the electors' list of any registration unit comprising any part of the added area he shall forthwith notify the Registration Officer of the Parliamentary County of the North Riding of Yorkshire and that Officer shall make such correction accordingly.

(4) This article shall apply to the preparation of the register of electors in the year nineteen hundred and thirty and of later registers of electors.

Alteration or
re-arrange-
ment of
register of

39.—(1) If the register of local government electors for any electoral area affected by this Order is not so framed as to show the persons entitled to vote at an election or parish meeting to

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be held for an electoral division parish or ward or other voting area— A.D. 1929.

- (a) the Town Clerk of the Borough in the case of an election for any voting area within the Borough; and
- (b) the Registration Officer of the Parliamentary County of the North Riding of Yorkshire in the case of an election or parish meeting for any voting area outside the Borough;

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 brough
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 local
 government
 electors.

shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election or parish meeting.

(2) The additional expense incurred by the Registration Officer which may be solely attributable to an alteration or re-arrangement of an existing register of electors under this article shall be defrayed by the Corporation.

(3) It shall be the duty of the Clerk of the Rural Council and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the Rural Council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by the Town Clerk of the Borough or the Registration Officer of the Parliamentary County for the purpose of any alteration or re-arrangement authorised by this article.

(4) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this Order and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

40. For the purpose of summoning jurors and of jury service any parish affected by this Order shall be deemed to continue unaltered until a new jurors book relating to the parish as altered shall come into force. Jury service.

41.—(1) The local registrar for the Rural District under the Land Charges Act 1925 and the rules made thereunder shall within fourteen days after the appointed day deliver to the town clerk of the Borough as the local registrar for the Borough an office copy of every entry in the local land charges register relating to any premises situate within the added area and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules. Local land charges registers.

(2) The local registrar for the Borough shall within fourteen days after the receipt of the office copy mentioned in paragraph (1) of this article enter the same with any necessary modifications in the appropriate part of the local land charges register of the Borough.

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(3) Until the expiration of one month after the appointed day the following provisions shall have effect in respect of all land within the added area :—

- (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 Rural District;
- (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 Rural District the application received by him together with the fees paid in respect thereof;
- (c) The local registrar for the Rural District shall permit and make such searches and furnish such office copies and certificates as he 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 Order had not been made;
- (d) Where a local land charge duly registered in the local land charges register of the Rural District is in pursuance of this Order transferred from the register of the Rural District 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.

Settlement
of poor.

42.—(1) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a settlement in the existing Parish of Middlesbrough or in the existing Parish of Marton by reason of residence birth or other qualification in—

- (i) the existing Parish of Middlesbrough; or
- (ii) the added area; or
- (iii) the excluded part of Marton;

shall be deemed to have acquired or to be in the course of acquiring thereby—

- (a) in the first and second cases a settlement in the Parish of Middlesbrough as if the existing Parish of Middlesbrough and the added area had always been the Parish of Middlesbrough; and
- (b) in the third case a settlement in the Parish of Marton as if the excluded part of Marton had always been the Parish of Marton.

(2) For the purposes of this article consecutive periods of residence in the added area and in the excluded part of Marton

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shall be aggregated and reckoned as continuous residence in that part of the existing Parish of Marton in which the person was residing immediately before the appointed day.

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(3) In this article "the excluded part of Marton" means that part of the existing Parish of Marton which is not by this Order added to the existing Borough.

43.—(1) The agreement made on the second day of October nineteen hundred and twenty-eight between the Corporation and the Rural Council as to the sewerage and sewage disposal of the houses within the added area shall on the appointed day cease to have effect without prejudice however to the recovery of any sum which may be due to either party under the agreement.

Contracts
 legal pro-
 ceedings
 &c.

(2) Save as aforesaid no alteration effected by this Order 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 the Rural Council or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by the Rural Council or their predecessors :

Provided that—

- (a) Any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the Rural Council in relation to the added area 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 the Rural Council (or their predecessors) in relation to the added area may be continued and enforced as fully and effectually as if instead of that Council (or their predecessors) the Corporation had been a party thereto.

(3) 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 Order.

44. Any councillor or guardian who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being a councillor or guardian by reason of the alterations of area made by this Order.

Saving for
 qualification
 of council-
 lers and
 guardians.

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Other
savings.

45. Nothing in this Order shall—

- (1) restrict the powers of the Secretary of State the Minister or the council of any county or county borough under the Act of 1888 the Act of 1894 or the Poor Law Act 1927;
- (2) affect the powers of the County Council for the division of the parliamentary county into polling districts for parliamentary elections or for the division of the county into polling districts for the election of county councillors;
- (3) affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment; or
- (4) affect the operation of such of the provisions of the Rating and Valuation Act 1925 as have not come into operation.

Order to
have effect
subject to
a certain
public Act
of present
session.

46. This Order shall have effect subject to the provisions of any public general Act which may be passed during the present session of Parliament having among its purposes the amendment of the law relating to the administration of poor relief and to local government and the grant of complete or partial relief from rates.

Short title.

47. This Order may be cited as the Middlesbrough (Extension) Order 1929.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
3 Edw. 7. c. clxx.	The Middlesbrough Corporation Act 1903.	Sections 50 and 57.
10 Edw. 7. & 1 Geo. 5. c. cxix.	The Middlesbrough Corporation Act 1910.	Paragraphs (a) and (b) of subsection (1) of section 38 sections 44 and 45.
4 & 5 Geo. 5. c. cv.	The Middlesbrough Corporation Act 1914.	Section 42 section 44 section 46 sections 55 to 57 section 59 section 64 sections 71 to 73 sections 75 and 77 section 87 and section 89.

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SECOND SCHEDULE.

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LOCAL ACTS AND CONFIRMATION ACTS EXTENDED
TO THE BOROUGH.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
4 & 5 Vict. c. lxviii.	- The Middlesbrough Improvement Act 1841.
19 & 20 Vict. c. lxxvii.	- The Middlesbrough Improvement Act 1856.
21 & 22 Vict. c. cxl.	- The Middlesbrough Improvement Act 1858.
29 & 30 Vict. c. cxliii.	- The Middlesbrough Extension and Improvement Act 1866.
37 & 38 Vict. c. cviii.	- The Middlesbrough Extension and Improvement Act 1874.
40 & 41 Vict. c. xxx.	- The Middlesbrough Improvement Act 1877.
55 & 56 Vict. c. clxvi.	- The Middlesbrough Corporation Act 1892.
61 & 62 Vict. c. clxxviii.	The Middlesbrough Corporation (Gas) Act 1898.
3 Edw. 7. c. clxx.	- The Middlesbrough Corporation Act 1903.
7 Edw. 7. c. xx.	- The Middlesbrough Corporation (Transporter Bridge) Act 1907.
10 Edw. 7. & 1 Geo. 5. c. cxix.	The Middlesbrough Corporation Act 1910.
4 & 5 Geo. 5. c. cv.	- The Middlesbrough Corporation Act 1914.
9 & 10 Geo. 5. c. lviii.	- The Middlesbrough Corporation Act 1919.
16 & 17 Geo. 5. c. lxxxvi.	The Middlesbrough Corporation Act 1926.

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PART II.—CONFIRMATION ACTS.

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Session and Chapter.	Short Title.	Order thereby confirmed.
18 & 19 Vict. c. 125.	The Public Health Supplemental Act 1855.	The Order relating to Middlesbrough dated 18th July 1855.
42 & 43 Vict. c. lxxviii.	The Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879.	The Order relating to Middlesbrough dated 30th April 1879.
44 & 45 Vict. c. xcvi.	The Local Government Board's Provisional Orders Confirmation (Askern &c.) Act 1881.	The Order relating to Middlesbrough dated 4th May 1881.
46 & 47 Vict. c. cxxxvi.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883.	The Order relating to Middlesbrough dated 19th May 1883.
47 & 48 Vict. c. cxxiv.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1884.	The Order relating to Middlesbrough dated 27th May 1884.
61 & 62 Vict. c. ccvi.	The Electric Lighting Orders Confirmation (No. 7) Act 1898.	The Middlesbrough Corporation Electric Lighting Order 1898.
62 Vict. c. xxviii.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1899.	The Middlesbrough Order 1899.

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