



CHAPTER cv.

An Act to extend the boundaries of the borough of Southend-on-Sea and to constitute the extended borough a county borough to consolidate the parishes of the extended borough into one parish to enable the Corporation to establish a separate police force and to provide and work motor omnibuses to make further provision in regard to the health local government and improvement of the borough and for other purposes. A.D. 1913.
[15th August 1913.]

WHEREAS the borough of Southend-on-Sea in the administrative county of Essex is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough of Southend-on-Sea (in this Act called "the Corporation"):

And whereas the unrepealed provisions of the local Acts and Orders confirmed by Parliament mentioned in the First Schedule to this Act are in force in the said borough:

And whereas the urban district of Leigh-on-Sea in the administrative county of Essex immediately adjoins the said borough and comprises the parish of Leigh and is subject to the jurisdiction of the urban district council of Leigh-on-Sea:

And whereas the parish of Eastwood in the administrative county of Essex immediately adjoins the said borough and the urban district of Leigh-on-Sea and is a contributory place in the rural district of Rochford and subject to the jurisdiction of the rural district council of Rochford and one rural district councillor is elected for the said parish:

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And whereas the said borough the urban district of Leigh-on-Sea and the whole of the Rochford Rural District are contained in the Rochford Union and the said borough the urban district of Leigh-on-Sea and the parish of Eastwood elect members of the board of guardians of that union as follows :—

The borough - - - - - 19 guardians ;

The urban district of Leigh-on-Sea - 3 guardians ;

The parish of Eastwood - - - - - 1 guardian :

And whereas the Corporation are the local education authority for Part III. of the Education Act 1902 within the said borough and the county council of Essex are the local education authority for Part II. of that Act within the said borough and for the purposes of Parts II. and III. thereof within the urban district of Leigh-on-Sea and the rural district of Rochford :

And whereas it is expedient that the said borough should be extended as by this Act provided by the inclusion therein of the urban district of Leigh-on-Sea and of so much of the parish of Eastwood as is herein-after defined :

And whereas it is expedient to consolidate and amalgamate all the parishes and part of a parish within the extended borough into one parish and to make other provisions incidental to such consolidation and amalgamation as in this Act provided and to confer upon the Corporation further powers in regard to the appointment of overseers and assistant overseers and to make further provision in regard to the collection of rates :

And whereas it is expedient to empower the Corporation to establish a separate police force for the extended borough and to confer powers upon them in relation to the making of agreements with the standing joint committee of the county of Essex for police purposes :

And whereas the population of the said borough at the census of 1911 was sixty-two thousand seven hundred and thirteen and will be largely increased by the proposed extension of the boundaries of the said borough and it is expedient that the extended borough should be constituted a county borough :

And whereas it is expedient to empower the Corporation to provide and work motor omnibuses within the borough :

And whereas it is expedient to empower the Corporation to make further and better provision in regard to the streets and buildings in the extended borough and that the powers of the Corporation in relation to the health local government and improvement of the extended borough be enlarged as in this Act provided: A.D. 1913.

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Corporation for and in connexion with the provision and equipment of motor omnibuses and such estimates amount to the sum of fifteen thousand pounds and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Southend-on-Sea Corporation Act 1913. Short title.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Extension of Borough and Amalgamation of Parishes.

Part III.—County Borough.

Part IV.—Motor Omnibuses.

Part V.—Streets and Buildings and Sanitary Provisions.

Part VI.—Financial and Miscellaneous Provisions.

Division of
Act into
Parts.

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Interpreta-
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“The existing borough” means the borough of Southend-on-Sea as it existed immediately prior to the commencement of Part II. of this Act;

“The borough” means the borough as extended by this Act;

“The Corporation” means the mayor aldermen and burgesses of the existing borough or of the borough (as the context may require);

“The council” means the council of the existing borough or of the borough (as the context may require);

“The mayor” “the town clerk” “the surveyor” “the medical officer” and “the treasurer” mean respectively the mayor the town clerk the surveyor the medical officer of health and the treasurer of the existing borough or of the borough (as the context may require);

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

“The county” means the administrative county of Essex and “the county council” means the council of that administrative county;

“County councillors” means county councillors of the county;

“The urban district” and “the urban council” mean respectively the urban district of Leigh-on-Sea and the urban district council of that district;

“The rural district” and “the rural council” mean respectively the rural district of Rochford and the council of that district;

“The Leigh added area” means the urban district and
“the Eastwood added area” means so much of the
parish of Eastwood in the rural district as is defined
in the section of this Act the marginal note whereof
is “Extension of borough”;

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“The added areas” means the Leigh added area and the
Eastwood added area;

“The Act of 1888” and “the Act of 1894” mean respec-
tively the Local Government Act 1888 and the Local
Government Act 1894;

“The appointed day” means the first day of April nineteen
hundred and fourteen;

“The Municipal Corporations Acts” means the Municipal
Corporations Act 1882 and the Acts amending and
extending the same;

“Daily penalty” means a penalty for every day on which
any offence is continued by a person after conviction;

“Infectious disease” means any infectious disease to which
the Infectious Disease (Notification) Act 1889 for the
time being applies within the borough;

“The Act of 1909” means the Southend-on-Sea Corporation
Act 1909;

“Statutory security” “statutory borrowing power” and
“revenues of the Corporation” have the meanings
assigned to them respectively by section 4 (Inter-
pretation) of the Act of 1909.

PART II.

EXTENSION OF BOROUGH AND AMALGAMATION OF PARISHES.

4. This Part of this Act shall except so far as is otherwise
herein expressly provided and except so far as there may be
anything in the subject-matter or context inconsistent therewith
come into operation on the ninth day of November nineteen
hundred and thirteen and that date is in this Part of this Act
referred to as “the commencement of this Part of this Act”;

Commence-
ment of
Part II. of
Act.

Provided that for the purposes of the parish burgess lists
and burgess roll and other lists to be made for the borough
under the Municipal Corporations Acts of the lists of county

A.D. 1913. — electors and the county registers to be made for the county of Essex in pursuance of the County Electors Act 1888 or any Act amending that Act of the lists and registers of parochial electors and any other lists or registers to be made in pursuance of the Act of 1894 and of all proceedings preliminary or relating to any municipal election to be held on the ordinary day of election in the year nineteen hundred and thirteen and the revision of the basis or standard of the county rate of the county of Essex this Part of this Act shall operate from the date of this Act.

Extension of
borough.

5. The boundary of the existing borough is hereby extended so as to include in addition to the existing borough the urban district of Leigh-on-Sea and so much of the parish of Eastwood as is coloured red green and blue on the map referred to in the section of this Act the marginal note whereof is "Deposit of map of extended borough" and the said areas so added to the existing borough shall for all purposes form part of the borough and all the rights privileges benefits and advantages enjoyed by the burgesses or inhabitants of the existing borough are hereby extended to and may be enjoyed by the inhabitants of the added areas.

Deposit of
map of
extended
borough.

6. A map of the borough as extended by this Act has been signed in triplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (in this Act called "the borough map") one 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 and copies thereof certified by the town clerk shall be sent as soon as may be to the Local Government Board to the Board of Trade to the Commissioners of Customs and Excise to the Board of Agriculture and Fisheries to the Inland Revenue Department to the Postmaster-General to the Registrar-General to the clerk to the county council and to the clerk to the rural council.

Copies of
map to be
evidence.

7. Copies of or extracts from the borough 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 such map so far as it relates to the boundary of the borough and such map shall at all reasonable

times be open to inspection by any person liable to any rate A.D. 1913.
leviable within the borough and any such person shall be
entitled to a copy of or extract from such map certified by the
town clerk to be true on payment of a reasonable fee to be
demanded by the Corporation All fees so received shall be
carried to the credit of the borough fund.

8. The powers and duties of the justices of the peace Powers and
appointed for the existing borough and of the clerk to such duties of
justices of the existing borough shall extend to and apply extended.
throughout the borough:

Provided that every person committing an offence in any
part of the added areas prior to the commencement of this Part
of this Act shall be tried adjudicated on and dealt with as if
this Act had not been passed:

Provided also that every proceeding which prior to the
commencement of this Part of this Act has been begun by or
before any justice or justices in relation to any matter arising
in or concerning any part of the added areas may be carried
on 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.

9.—(1) For the purposes of the parish burgess lists and Parish bur-
burgess roll and other lists to be made under the Municipal gess lists &c.
Corporations Acts and all matters in relation thereto the added
areas shall be deemed to have always been part of the borough
and the town clerk of the existing borough shall be the town
clerk of the borough and anything required to be done in
connexion with the purposes aforesaid before the date of the
passing of this Act may in so far as the same relates to the
added areas be done as soon as practicable after such date and
if so done shall have full force and effect.

(2) In making out revising or otherwise dealing with the
said lists and roll or the lists of county electors and the county
register to be made for the county in pursuance of the County
Electors Act 1888 or any Act amending that Act or the lists
and registers of parochial electors effect shall be given so far
as the circumstances require or allow to the provisions of this
Act.

(3) Where any difficulty in giving effect to the provisions
of this Part of this Act can be obviated or removed by any

A.D. 1913. alteration in or re-arrangement of or any other action affecting the said lists roll and registers such alteration re-arrangement or action so far as the same may be necessary for giving effect to the said provisions shall be made or taken by the town clerk or the clerk to the county council as the case may require and the overseers of the poor of any parish affected by this Part of this Act shall render such assistance as may be requisite for the purpose of such alteration re-arrangement or action by the town clerk or clerk to the county council as the case may be and such alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to such lists roll and registers.

(4) Where in the opinion of the Local Government Board the circumstances so require the Local Government Board may make such order as appears to them to be necessary to give effect to the provisions of this Act and may vary so far as is requisite the provisions in force with regard to such lists roll and registers.

Number of
councillors
and aldermen.

10. The number of councillors of the borough shall be increased from twenty-four to thirty and the number of aldermen of the borough shall be increased from eight to ten.

Division into
wards.

11. Subject as regards any future alterations of wards to the provisions of the Municipal Corporations Act 1882 with respect to the alteration of wards the following provisions shall have effect:—

(1) For the purposes of the election of councillors of the borough the wards of the borough shall be increased from eight to ten :

(2) So much of the Leigh added area as is cross-hatched in red on the borough map and so much of the Eastwood added area as is coloured red thereon shall form a separate ward to be called the Saint Clement's Ward and three of the additional councillors authorised by the last preceding section of this Act shall be assigned to that ward :

(3) So much of the Leigh added area as is cross-hatched in green on the borough map and so much of the Eastwood added area as is coloured green and so

much of the Westborough Ward of the existing borough as is coloured yellow and so much of the Chalkwell Ward of the existing borough as is coloured brown thereon respectively shall form a separate ward to be called the Leigh Ward and the remaining three additional councillors authorised by the last preceding section of this Act shall be assigned to that ward: A.D. 1913.

(4) So much of the Eastwood added area as is coloured blue on the borough map shall be added to the portion of the Westborough Ward of the existing borough which is coloured mauve thereon and shall together form the Westborough Ward of the borough and the councillors who were elected to represent the Westborough Ward of the existing borough between the thirty-first day of October nineteen hundred and eleven and the thirty-first day of October nineteen hundred and thirteen shall represent the Westborough Ward of the borough until they respectively go out of office in the ordinary course:

(5) The Chalkwell Ward of the existing borough as altered by this section shall form the Chalkwell Ward of the borough and the councillors who were elected to represent the Chalkwell Ward of the existing borough between the thirty-first day of October nineteen hundred and eleven and the thirty-first day of October nineteen hundred and thirteen shall represent the Chalkwell Ward of the borough until they respectively go out of office in the ordinary course.

12. The first elections of councillors for the Saint Clement's Ward and the Leigh Ward shall be held on the first day of November nineteen hundred and thirteen and the mayor of the existing borough or such other person or persons as he shall appoint shall be the returning officer or officers at the elections for such wards. First elections of councillors.

13.—(1) The first election of the additional aldermen shall take place on the tenth day of November nineteen hundred and thirteen on which day (being the ordinary day for the election of aldermen) six aldermen shall be elected instead of the four aldermen who go out of office on that day. First election of aldermen.

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(2) One of the aldermen to be elected as aforesaid on the tenth day of November nineteen hundred and thirteen shall be elected from persons residing in either the Leigh Ward or the Saint Clement's Ward and shall either be a person who is elected as a councillor for one of those wards or a person who is qualified to be so elected and such alderman shall be one of the aldermen to retire on the ninth day of November nineteen hundred and nineteen as provided by the next succeeding section of this Act.

Retirement
of additional
councillors
and of alder-
men.

14.—(1) The councillors elected on the first day of November nineteen hundred and thirteen for the Saint Clement's and the Leigh Wards shall respectively retire as follows:—

- (A) The councillor who is elected for each of the said wards by the smallest number of votes on the first day of November nineteen hundred and fourteen:
- (B) The councillor who is elected for each of the said wards by the largest number of votes on the first day of November nineteen hundred and sixteen:
- (C) The other councillor who is elected for each of the said wards on the first day of November nineteen hundred and fifteen.

(2) Subject to the provisions of the last preceding section of this Act the aldermen elected for the borough in the year nineteen hundred and thirteen shall retire as follows:—

- (A) The aldermen elected by the smallest number of votes on the ninth day of November nineteen hundred and sixteen:
- (B) The other aldermen on the ninth day of November nineteen hundred and nineteen.

(3) Provided that if for any reason it is doubtful which of the councillors or aldermen ought to retire on the dates specified in this section the council shall on the tenth day of November nineteen hundred and thirteen or at the next following quarterly meeting and not later by a majority of votes or in case of an equality of votes on the casting vote of the chairman determine which of the councillors or aldermen shall go out of office on the dates so specified respectively.

15. Subject to the provisions of this Act all elections A.D. 1913.
vacations of office and rotation of the aldermen and councillors
shall be governed and regulated by the Municipal Corporations
Acts. Municipal Corporations Acts to apply to all elections &c.

16. Subject to the provisions of this Act the unrepealed Local Acts
provisions of the local Acts (including Light Railway Orders) and and Orders.
of the Confirmation Acts mentioned in the First Schedule to this
Act so far as the last-mentioned Acts respectively relate to the
Provisional Orders mentioned in that schedule and of any other
local Act or Provisional Order duly confirmed by Parliament
affecting the existing borough or the Corporation as the same
respectively are in force within the existing borough at the
commencement of this Part of this Act shall extend and apply
to the borough and any reference therein to the existing borough
and the Corporation shall be deemed to refer to the borough
and the Corporation.

17.—(1) Subject to the provisions of this section all bye- Byelaws &c.
laws orders and regulations and every list of tolls and table of
fees and payments and scale of charges made by the Corporation
whether as sanitary authority municipal authority education
authority burial authority or otherwise which at the commence-
ment of this Part of this Act are in force in the existing
borough shall thenceforth apply to the borough until or except
in so far as any such byelaws orders or regulations or list of
tolls or table of fees and payments or scale of charges may be
altered or repealed.

(2)—(A) Except as provided by this subsection byelaws orders
and regulations made by the urban council or the rural council
or their predecessors and in force immediately before the com-
mencement of this Part of this Act in any part of the added
areas and all orders made by the county council which are in
force therein (so far as the same or similar orders have been or
could be made by the Corporation) shall on that date cease to
be in force except as regards any work commenced before that
date or any work for which plans shall either have been
approved by the urban council or the rural council before that
date or shall have been sent to the surveyor or clerk to the
urban council or the rural council one month at least before
that date and shall not have been disapproved by the council
to whose surveyor or clerk they shall have been sent As

A.D. 1913. — regards any such work as aforesaid the byelaws in force immediately before the commencement of this Part of this Act shall continue to apply until the completion of such work in like manner and with the like effect as if such byelaws had been made by the Corporation and as if the Corporation the borough the town clerk the surveyor or medical officer were referred to therein instead of the urban council the urban district the rural council the rural district the clerk surveyor or medical officer of health of the urban council or the rural council respectively Provided that any proceedings which might have been taken by the urban council or the rural council against any person for any offence committed before the commencement of this Part of this Act against any byelaws and regulations made by the urban council or the rural council or their predecessors and in force immediately before the commencement of this Part of this Act in any part of the added area may be taken by the Corporation as if those byelaws and regulations had remained in force and the Corporation had been substituted therein for the urban council or the rural council as the case may be.

(B) All byelaws made by the urban council under the provisions of section 55 (Byelaws for use of wharf &c.) of the Leigh-on-Sea Urban District Council Act 1899 and all lists of tolls rents rates duties dues or charges made by that council under the provisions of section 56 (Tolls for use of wharf &c.) of that Act and all regulations and lists of fees made by the urban council as the burial authority for the urban district shall continue to apply and be in force in all respects as if such byelaws regulations and lists had been made by the Corporation until or except in so far as they may from time to time be altered or repealed by the Corporation.

(3) Any byelaws and regulations made by the county council in relation to the existing borough shall remain in force and be extended so as to apply to the borough until the appointed day but shall on that date cease to be in force and any byelaws and regulations made by the county council in relation to the added areas shall cease to be in force upon the commencement of this Part of this Act Provided that any proceedings which might have been taken by the county council against any person for any offence committed before the appointed day against any byelaws and regulations made by the county council or their predecessors and in force immediately before the appointed day

in any part of the borough may be taken by the Corporation as if those byelaws and regulations had remained in force and the Corporation had been substituted therein for the county council. A.D. 1913.

18.—(1) As from the commencement of this Part of this Act the scheme for the establishment of an education committee under the Education Act 1902 for the purposes of Part III. of that Act which is in force within the added areas shall be and the same is hereby revoked so far as it affects the added areas and the scheme under that Act which is in force within the existing borough shall be extended and applied to the added areas. Provisions as to education.

(2) As from the appointed day the scheme made by the county council for the establishment of an education committee under the Education Act 1902 for the purposes of Part II. thereof which is in force within the borough shall be and the same is hereby revoked so far as it affects the borough.

(3) All public elementary schools (including the sites and buildings) provided by the local education authority in the added areas with the furniture fittings books and apparatus in such schools and also in non-provided public elementary schools in the added areas so far as such furniture fittings books and apparatus are the property of the local education authority are hereby transferred to and vested in and shall attach to the Corporation as local education authority to the extent of the interest for which the same are held and all rights powers duties and liabilities connected with public elementary schools in the added areas and exerciseable by or attaching to the local education authority within the added areas and also all lands acquired in connexion with any such schools or their sites are (to the extent of the interest of the local education authority therein) hereby vested in and shall attach to the Corporation as local education authority.

(4)—(A) All schools for education other than elementary including the sites and buildings provided by the county council and any other lands acquired and held by them for purposes of education other than elementary and situate within the borough and (without prejudice to the provisions of paragraph 7 of the heads of agreement dated the eighth day of September nineteen hundred and ten and signed by W. R. King

A.D. 1913. on behalf of the Corporation and by E. N. Buxton on behalf of the county council) the furniture fittings books and apparatus of the schoolhouses shall upon the appointed day be transferred to and vested in the Corporation as local education authority to the extent of the interest for which the same are held by the county council as local education authority upon such terms and conditions as to the rights of the county council to send pupils or scholars to any such school and as to the contributions and other payments to be made by the county council in respect of any such schools and in respect of such rights as may be determined by agreement between the Corporation and the county council or in default of agreement (and subject to the provisions of this subsection) in manner provided by section 62 of the Act of 1888 upon the application of either of those bodies and all rights duties and liabilities which at the appointed day are existing or owing by or attached to the county council in respect of the said schools lands furniture fittings books or apparatus or of any other building or school for the provision of education other than elementary situate in the borough or with respect to any of the said schools shall (subject to any necessary or proper financial or other adjustment) by virtue of this Act enure to and be carried into effect by and be discharged and satisfied by the Corporation as local education authority.

(B) Except as provided by this subsection the above-mentioned heads of agreement dated the eighth day of September nineteen hundred and ten shall be annulled as from the appointed day.

(5) Any managers of public elementary schools in the Leigh added area appointed by the county council or the urban council shall vacate office as from the commencement of this Part of this Act.

(6) Subject to any adjustment which may hereafter be made the liability for repayment of so much of any loan raised exclusively in respect of any school (including the site and schoolhouse and all other land furniture and fittings transferred to and vested in the Corporation by virtue of this Act) as will be owing at the commencement of this Act and the liability for the payment of the interest on that part of the said loan shall by virtue of this Act be transferred to and attach to the Corporation as the local education authority

and so much of any such loan as will be owing at the commencement of this Part of this Act shall be charged on the borough fund and borough rate and shall be repaid by the Corporation within the period if any for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable. A.D. 1913.

19. The town clerk and all other officers and servants of the Corporation of the existing borough who hold office at the commencement of this Part of this Act shall continue to be the town clerk and officers and servants of the Corporation of the borough and shall hold their offices by the same tenure as at that date. Town clerk and other officers continued.

20. If at the commencement of this Part of this Act any action or proceeding or any cause of action or proceeding is pending or existing by or against the urban council the rural council or the Eastwood Parish Council in relation exclusively to any part of the added areas the same shall not be in anywise prejudicially affected by reason of the passing of this Act but may be continued prosecuted and enforced by or against the Corporation. Actions &c. not to abate.

21. Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the commencement of this Part of this Act) entered into or made by the urban council or the rural council or the Eastwood Parish Council or their respective predecessors in relation exclusively to any part of the added areas shall be of as full force and effect against or in favour of the Corporation and may be continued and enforced as fully and effectually as if instead of the urban council the rural council the Eastwood Parish Council or their respective predecessors (as the case may be) the Corporation had done or suffered the same or been a party thereto. Saving for contracts &c.

22. All property vested in the Corporation at the commencement of this Part of this Act for the benefit of the existing borough shall 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 at the date aforesaid are exerciseable by or vested in Corporation property &c.

A.D. 1913. — the Corporation for the benefit of the existing borough and all liabilities which on the date aforesaid attached to the Corporation in respect of the existing borough shall from and after that date attach to them in respect of the borough.

Liquidation of
current debts
and liabilities
of urban
council.

23. The urban council shall liquidate so far as possible before the commencement of this Part of this Act all current debts and liabilities incurred or payable by them.

Property &c.
of urban
rural and
parish coun-
cils.

24. Subject to the provisions of this Act—

- (1) (A) All property vested in the urban council at the commencement of this Part of this Act whether as urban district council or otherwise for the benefit of the urban district shall be transferred to the Corporation and held by them for the benefit of the borough and there shall be transferred to the Corporation all the powers (including the powers conferred upon the urban council by the Leigh-on-Sea Urban District Council Act 1899 the Leigh-on-Sea Order 1910 and the Leigh-on-Sea Order 1911) which at the date aforesaid are exerciseable by or vested in the urban council for the benefit of the urban district and they shall hold enjoy and exercise the same for the benefit of the borough and all liabilities which at the date aforesaid attached to the urban council in respect of the urban district shall from and after that date and subject to the provisions of this Act be transferred to and attach to the Corporation in respect of the borough Provided that all sums of money borrowed by the urban council in respect of their public offices and in respect of their wharf undertaking and respectively outstanding at the commencement of this Part of this Act shall be by virtue of this Act charged upon and repayable out of the borough fund and borough rate Provided also that the said wharf undertaking shall from the commencement of this Part of this Act for all purposes form part of the pier and foreshore undertaking of the Corporation ;
- (B) The gas undertaking transferred to the urban council by the Leigh-on-Sea Urban District Council

Act 1899 and thereby authorised to be carried on by that council shall be held maintained and carried on by the Corporation and the limits of supply for gas shall continue to be the limits prescribed by that Act and the provisions of that Act as amended by the Leigh-on-Sea Order 1910 shall be read and have effect as if the Corporation were referred to therein instead of the urban council and as if the district fund and general district rate were referred to therein instead of the district fund and general district rate of the urban district ;

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- (c) All arrears of rates made by the urban council and all other payments (including gas rates rents and charges) which at the commencement of this Part of this Act are due or owing to that council shall be collected and recovered by the Corporation ;
- (D) It shall not be lawful for the urban council to make or recover any rate in respect of the half-year ending on the thirty-first day of March nineteen hundred and fourteen or in respect of any part of that half-year for the urban district but any such rate shall at or after the commencement of this Part of this Act be made and recovered by the Corporation and the Corporation may take all necessary steps (preliminary to the making and recovery of any such rate) before the commencement of this Part of this Act ;
- (E) The urban council shall at the commencement of this Part of this Act cease to exist ;
- (F) The accounts of the urban council and of the committees and officers of that council shall be made up to the commencement of this Part of this Act and shall be audited in like manner and subject to the like incidents and consequences as if this Act had not been passed Provided that the audit may be held as soon as practicable after that date notwithstanding any statutory provision or regulation as to the time of holding the audit Provided also that any sum certified by the district auditor to be due from any person to the urban council shall be paid to the treasurer :

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- (2) Sections 29 and 32 to 34 both inclusive of the Leigh-on-Sea Urban District Council Act 1899 shall be repealed as from the commencement of this Part of this Act :
- (3) (A) All property and liabilities which immediately before the commencement of this Part of this Act are vested in or attach to the rural council or the Eastwood Parish Council in relation exclusively to any part of the Eastwood added area shall by virtue of this Act be transferred to vested in and shall attach to the Corporation as urban sanitary authority and any property and liabilities vested in or attached to the rural council or the Eastwood Parish Council in relation to any part of the Eastwood added area conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888 ;
- (B) The rural council shall at the commencement of this Part of this Act cease to exercise any powers or have any duties within any part of the Eastwood added area ;
- (C) The Corporation may take all necessary steps preliminary to the making and recovery of the general district rate in the Eastwood added area before the commencement of this Part of this Act :
- (4) For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Act that section shall have effect as if in subsections (5) (6) and (7) thereof the expression "council" included any authority affected by this Act or by anything done in pursuance thereof and as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to

the requirement that all money so borrowed shall be repaid within such period as the Local Government Board may sanction: A.D. 1913.

- (5) For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Act so far as it relates to the amalgamation of the Eastwood added area with the parishes of Prittlewell Southchurch and Leigh that section shall have effect—

(A) As if the overseers of the parishes of Prittlewell Southchurch Leigh and Eastwood or where the circumstances of the case so require any persons who may be substituted for those persons by an Order of the Local Government Board were within the meaning of the said section as applied by this section authorities affected by this Act;

(B) As if the poor rate or any other rate leviable in pursuance of the said section as applied by this section were substituted for any fund mentioned in the said section; and

(C) As if for subsections (6) and (7) of the said section there were substituted the subsections hereunto appended (that is to say):—

“(6) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part of a parish only the agreement or award may authorise the making of such a separate rate as if it were a poor rate and as if the part of the parish on which it is to be levied were a whole parish:

“(7) Any capital sum paid for the purposes of any adjustment or in pursuance of any order or award of an arbitrator shall be applied by such person in such manner and for such purpose as the Local Government Board may authorise or direct.”

A.D. 1913.

Mortgage
debts of
Corporation
and urban
council.

25. So much of any sums borrowed by the Corporation or the urban council as will at the commencement of this Part of this Act be owing and charged on the district fund and general district rate of the existing borough or of the urban district shall (except as provided by the section of this Act of which the marginal note is "Property &c. of urban rural and parish councils") be charged upon the district fund and general district rate of the borough and so much of any sums borrowed by the Corporation as will at the commencement of this Part of this Act be owing and charged upon the borough fund and borough rate of the existing borough shall be charged upon the borough fund and borough rate of the borough and all such sums shall together with the interest to accrue due thereon 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.

As to im-
provement
of Broad-
way.

26. The Corporation shall with all reasonable despatch take steps to acquire such of the lands described in the schedule to the Leigh-on-Sea Order 1911 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1911) as have not been acquired by the urban council and as may be necessary for the purpose of widening opening enlarging or otherwise improving the street called Broadway in the urban district and shall widen open enlarge or otherwise improve that street.

Adoptive
Acts.

27.—(1) The following Acts shall be in force in and apply to the borough as if the same had been adopted therein (namely):—

The Baths and Washhouses Acts 1846 to 1899 ;

The Public Health Acts Amendment Act 1890 ;

The Infectious Disease (Prevention) Act 1890 ;

The Public Libraries Acts 1892 to 1901 ; and

The Private Street Works Act 1892.

(2)—(A) The Order of the Local Government Board of the twenty-third day of January nineteen hundred and nine putting in force certain provisions of the Public Health Acts Amendment Act 1907 in the existing borough and any further Order made by that board or by the Secretary of State under

section 3 of that Act before the commencement of this Part of this Act putting in force further provisions of that Act in the existing borough shall extend and apply to the borough. A.D. 1913.

(B) The Order of the Local Government Board of the twenty-ninth day of May nineteen hundred and nine and the Order of the Secretary of State dated the twenty-sixth day of July nineteen hundred and nine putting in force certain provisions of the said Act of 1907 in the urban district shall be annulled as from the commencement of this Part of this Act.

28.—(1) The existing burial board for so much of the parish of Prittlewell as is not within the ecclesiastical parish of St. John shall be abolished and cease to exist as from the commencement of this Part of this Act and all property debts and liabilities then belonging to or incurred by the said burial board shall by virtue of this Act vest in and be transferred and attach to the Corporation. Abolition of existing burial board.

(2) The Corporation may for the purpose of meeting any expenses or liabilities of the said existing burial board incurred before the commencement of this Part of this Act exercise any powers which might (but for the passing of this Act) have been exercised by that burial board.

(3) Subject to the provisions of this section the burial ground or cemetery and property of the said burial board transferred to the Corporation by virtue thereof shall be held maintained and managed by them as if it were a cemetery and property acquired and constructed under the powers of the Public Health (Interments) Act 1879 and the provisions of that Act and of all enactments applicable to a cemetery and property so acquired or constructed shall extend and apply to the said burial ground or cemetery and property.

(4) Until the Corporation make any byelaws regulations table of fees or charges in relation to the said burial ground or cemetery the fees payable and sums fixed and settled and receivable by the said existing burial board immediately before the commencement of this Part of this Act shall continue to be charged and shall be receivable by the Corporation Provided that in the event of the Corporation prescribing a table of fees or charges the amount of such fees or charges shall be so prescribed that the fees or charges payable in respect

A.D. 1913. — of an inhabitant of the said portion of the parish of Prittlewell shall bear the same ratio to the fees or charges payable in respect of an inhabitant of the remainder of the borough as the corresponding fees or charges bore to each other respectively immediately before the commencement of this Part of this Act.

(5) In relation to the burial ground or cemetery of the said existing burial board transferred to and vested in the Corporation by virtue of this Act—

(i) Nothing in this Act shall prejudice or affect any such right of burial or of constructing a place of burial or of erecting and placing any monument gravestone tablet or monumental inscription as a parishioner or inhabitant or any person has had or acquired before the commencement of this Part of this Act;

(ii) The condition subject to which after the commencement of this Part of this Act any such right may be acquired enjoyed or exercised by a person who is not an inhabitant of the area for which the burial ground was provided shall be in all respects such as to safeguard and give full effect to the preferential enjoyment or exercise of the like right by a person who had or acquired the right before the commencement of this Part of this Act;

(iii) In the sale of any such right after the commencement of this Part of this Act the council shall so far as practicable entertain and give effect to an application to purchase the right by an inhabitant of the area for which the burial ground was provided in preference to a like application by any other person;

(iv) Nothing in this Act shall prejudicially affect any right privilege authority or duty which immediately before the commencement of this Part of this Act will be exerciseable by or will attach to any incumbent or sexton under the Burial Acts who is living at the date of this Act.

Police force
of borough.

29.—(1) As from the appointed day the area of the borough shall be excluded from the area of the county of Essex for the purposes of the county police force of that county and a separate police force shall notwithstanding any-

thing contained in section 215 (Provisions as to police force in new borough) of the Municipal Corporations Act 1882 be established in and for the borough. A.D. 1913.

(2) The Corporation and the standing joint committee for the county may agree together for the temporary or permanent consolidation of the police establishments of the county and the borough.

(3) Subject to the provisions of this section the provisions of the Police Acts 1839 to 1909 so far as the same are applicable shall extend and apply to the police force established for the borough in accordance with the provisions of this section.

(4) As from the appointed day such members (if any) of the police force of the county as shall have been determined by agreement between the standing joint committee of the county and the Corporation not less than three months before the appointed day (or in default of such agreement by a Secretary of State not less than two months before that day) shall be transferred to and become part of the separate police force of the borough and any member of the police force so transferred shall hold office upon the same tenure and upon the same terms and conditions as if this Act had not been passed and while he performs the same or similar duties his remuneration emoluments allowances and pension (if any) to which he is entitled shall be not less than they would have been if this Act had not been passed. Provided always that no member of the police force of the county shall be transferred to or become part of a separate police force of the borough under the provisions of this section unless such member consents to being so transferred.

(5) Any member of the police force of the county who is transferred to or becomes part of a separate police force of the borough under the provisions of this section shall be entitled to include for the purposes of superannuation under the Police Acts 1839 to 1909 the whole of the period of approved service during which he shall have served as a member of the police force of the county and in the event of any such member who has been so transferred at any time thereafter rejoining the police force of the county he shall be entitled to include for the purposes of superannuation under the said Acts the

A.D. 1913. — whole of the period of approved service during which he shall have previously served as a member of the police force of the county and as a member of the separate police force of the borough.

(6) Subject to the foregoing provisions of this section the provisions of section 15 (2) of the Police Act 1890 shall extend and apply to and in relation to any member of the county police force transferred under the provisions of this section as if that member had removed with the written sanction of the chief constable of the county.

(7)—(A) All courthouses and county police stations situate in any part of the borough with the residences for constables and cells connected therewith and the fittings and furniture thereof respectively and all lands situate in the borough which shall have been acquired and shall before the date of the passing of this Act be held or used by the county council or the standing joint committee of the county for police purposes shall by virtue of this section be transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council and there shall be paid by the Corporation to the county council out of the borough fund and borough rate in consideration of the transfer such sum as is agreed upon or as in default of agreement is settled by arbitration in manner provided by the Act of 1888.

(B) In the event of the amount of the consideration for the transfer of the property which by virtue of this section is transferred to and vested in the Corporation not being ascertained before the appointed day the date of the final ascertainment of that amount shall for the purposes of the stamp duty (if any) which may be payable under section 12 of the Finance Act 1895 be treated as the date of vesting. But nothing herein contained shall prejudice any question as to whether stamp duty is payable under the provisions of that section in respect of such transfer and vesting.

(8) An equitable adjustment respecting the police superannuation fund of the county in so far as such fund is affected by this section shall be made within twelve months after the appointed day by agreement between the county council and the Corporation or in default of agreement by

an arbitrator appointed by a Secretary of State and any arbitrator appointed in pursuance of this subsection shall be deemed to have been made or appointed in pursuance of section 62 of the Act of 1888 and that section and any other provisions of the Act of 1888 with respect to any matter requiring adjustment shall apply accordingly. A.D. 1913.

(9) The Corporation may at any time before the appointed day appoint a chief constable for the borough and take such other steps as they may deem necessary with a view to the establishment on the appointed day of a separate police force for the borough and any expenses incurred by them in so doing may be paid out of the borough fund and borough rate.

30.—(1) The general district rate to be levied and charged upon the owners or occupiers (as the case may be) of lands houses and other hereditaments in the Leigh added area during the half-year ending on the thirty-first day of March nineteen hundred and fourteen shall be of such amount in the pound as will together with the amount in the pound of the poor rate levied therein during the same half-year and the amount in the pound of the general district rate and the poor rate actually levied therein during the preceding half-year make the total rates levied in the Leigh added area during the year ending on the thirty-first day of March nineteen hundred and fourteen equal to the sum of six shillings and tenpence in the pound. Differential
rating in
Leigh added
area.

(2) During each of the three financial years ending on the thirty-first day of March nineteen hundred and fifteen nineteen hundred and sixteen and nineteen hundred and seventeen the Corporation shall include and raise in the Leigh added area (in addition to any rate or rates levied and charged throughout the borough) an amount equivalent to a rate of sixpence in the pound in the total general district rates for any year levied and charged upon the owners or occupiers (as the case may be) of lands houses and other hereditaments in that area Provided that in any of the said years in which the total of the poor rates and the general district rates levied and charged throughout the borough exceeds the sum of six shillings and fourpence but does not amount to the sum of six shillings and tenpence in the pound the said rate of sixpence shall be reduced by the amount by which the said

A.D. 1913. — total exceeds the said sum of six shillings and fourpence and in any of the said years in which the said total of the poor rates and the general district rates is equivalent to or exceeds the sum of six shillings and tenpence no such additional rate as is provided for by this subsection shall be levied in the Leigh added area.

Differential
rating in
Eastwood
added area.

31. The total amount in the pound of the general district rate to be levied by the Corporation in any one year in respect of any hereditament in the Eastwood added area shall during a period of ten years from the commencement of this Part of this Act be less by sixpence than the total amount in the pound of the general district rate levied by the Corporation in the same year in respect of any hereditament of the like kind situate within the area of the existing borough.

As to county
councillors.

32.—(1) The county councillors who at the date of the commencement of this Part of this Act represent the existing borough upon the county council shall continue to represent that area until the appointed day and shall then go out of office as is provided by the section of this Act of which the marginal note is "Alteration in county councillors."

(2) Subject to the provisions of section 54 of the Act of 1888 the county councillor who at the date of the commencement of this Part of this Act represents the electoral division of the county which contains the added areas shall continue to represent the whole of that division until the appointed day and after that date shall continue to represent the remainder of that division exclusive of the added areas until the date at which he would have retired if this Act had not been passed.

Rural district
councillor
and guar-
dian.

33. The rural district councillor and guardian who at the commencement of this Part of this Act represents the parish of Eastwood upon the rural council and the Rochford Board of Guardians respectively shall continue to represent the parish of Eastwood as altered by this Act until the date at which he would have retired if this Act had not been passed.

As to East-
wood Parish
Council.

34. Subject to the provisions of the Act of 1894 the parish council as constituted at the commencement of this Part of this Act for the parish of Eastwood shall continue to have jurisdiction over and to exercise its powers and duties with regard to the said parish as diminished by this Act and the

number of councillors shall not be altered and the existing
councillors shall continue to hold office until the date at which
they would have retired if this Act had not been passed. A.D. 1913.

35.—(1) As from the commencement of this Part of this Act the parish of Leigh and so much of the parish of Eastwood as constitutes the Eastwood added area shall be amalgamated with the existing parishes of Prittlewell and Southchurch so as to form a new parish which shall be called and is in this Act referred to as “the parish of Southend-on-Sea.” Amalgama-
tion of
parishes.

(2) The parish of Southend-on-Sea shall be included in the Rochford Union and all orders in force in that union shall be in force within and apply to the parish of Southend-on-Sea.

(3) Subject to the provisions of section 60 of the Act of 1894 the parish of Southend-on-Sea shall for the purposes of the election of guardians be divided into ten wards which wards shall be respectively coterminous in area with the wards of the borough and shall respectively elect guardians as follows:—

The Westborough Ward	-	-	2 guardians.
The Prittlewell Ward	-	-	3 guardians.
The Victoria Ward	-	-	2 guardians.
The Southchurch Ward	-	-	2 guardians.
The Chalkwell Ward	-	-	2 guardians.
The Milton Ward	-	-	3 guardians.
The Pier Ward	-	-	3 guardians.
The Thorpe Ward	-	-	2 guardians.
The Leigh Ward	-	-	2 guardians.
The Saint Clement's Ward	-	-	1 guardian.

(4)—(A) The persons who represent as guardians the wards of the existing borough (other than the Southchurch Ward and the Thorpe Ward) immediately before the commencement of this Part of this Act shall continue to hold office as guardians for the corresponding wards of the borough until they would go out of office in the ordinary course.

(B) The persons who represent as guardians the portions of the parish of Prittlewell comprised in the Southchurch Ward and the Thorpe Ward respectively of the existing borough immediately before the commencement of this Part of this Act shall continue to hold office as guardians and be deemed to

A.D. 1913. — represent the Southchurch Ward and the Thorpe Ward respectively of the borough until they would go out of office in the ordinary course.

(c) The person who represents as guardian the parish of Southchurch so far as the same is comprised in the Southchurch Ward and the Thorpe Ward of the existing borough immediately before the commencement of this Part of this Act shall continue to hold office as guardian and be deemed to represent the Thorpe Ward of the borough (in addition to the other guardian assigned by the last preceding paragraph to that ward) until he would go out of office in the ordinary course.

(d) One of the persons who represent the parish of Leigh as guardians at the commencement of this Part of this Act shall be assigned by the Local Government Board to the Saint Clement's Ward of the borough and such person shall continue to hold office as guardian for that ward until he would go out of office in the ordinary course.

(e) The remaining two persons who represent the parish of Leigh as guardians at the commencement of this Part of this Act shall be assigned to the Leigh Ward and shall continue to hold office as guardians for that ward until they would go out of office in the ordinary course.

(5) Subject to the provisions of this Act and of the enactments applied thereby as to adjustments all property (other than such as may be held for charitable or ecclesiastical purposes) debts and liabilities of the existing parishes including all property held under any trust for any of such parishes or part of a parish (in this Act referred to collectively as "the existing parishes") or the inhabitants or parishioners thereof respectively shall become the property debts and liabilities of the parish of Southend-on-Sea and in case of property held in trust as aforesaid shall be held in trust for the parish of Southend-on-Sea or for the inhabitants or parishioners thereof for the same purposes as heretofore.

(6)—(A) All arrears of rates made by the overseers of the poor for the parishes of Prittlewell Southchurch and Leigh respectively which at the commencement of this Part of this Act are due or owing in respect of hereditaments in those parishes shall be collected and recovered by the overseers of the parish of Southend-on-Sea and when collected and recovered

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shall be applied (in so far as may be necessary) towards the discharge of any precept or order in respect of expenses incurred prior to that date and which are in force at that date and are not satisfied and (subject to the foregoing) all balances and any other moneys in the hands of the overseers of the parishes of Prittlewell Southchurch and Leigh at the commencement of this Part of this Act shall be handed over by them to the overseers of the parish of Southend-on-Sea.

(B) All arrears of rates made by the overseers of the poor for the parish of Eastwood (for whatever purpose or purposes) which at the commencement of this Part of this Act are due or owing in respect of hereditaments in so much of the parish of Eastwood as constitutes the Eastwood added area shall be collected and recovered by the overseers of the parish of Eastwood as if this Act had not been passed and when collected and recovered shall be applied towards the discharge of any precept or order delivered in respect of any period expiring on or before the thirtieth day of September nineteen hundred and thirteen and (subject to the foregoing) any balance of such arrears or any other balances or other moneys in the hands of such overseers at the commencement of this Part of this Act shall be divided between the overseers of the parish of Southend-on-Sea and the overseers of the parish of Eastwood as diminished by this Act in proportion to the respective rateable values at the commencement of this Part of this Act of the Eastwood added area and the parish of Eastwood as so diminished.

(c) It shall not be lawful for the overseers of the parish of Eastwood to pay out of any balances or any other moneys in or coming into their hands at or before the commencement of this Part of this Act any sum towards the discharge of any precept or order delivered in respect of any period expiring after the thirtieth day of September nineteen hundred and thirteen and in respect of the parish of Eastwood as diminished by this Part of this Act.

(7) It shall not be lawful for the overseers of the parishes of Prittlewell Southchurch Leigh or Eastwood to make or recover any rate in respect of the half-year ending on the thirty-first day of March nineteen hundred and fourteen or in respect of any part of that half-year for the parishes of Prittlewell Southchurch or Leigh or so much of the parish of Eastwood as constitutes the Eastwood added area but any such

A.D. 1913. rate shall be made and recovered by the overseers of the parish of Southend-on-Sea who shall repay to the overseers of the parish of Eastwood any expenses properly incurred by them in respect of the Eastwood added area in respect of that half-year.

(8) All rate-books books of account minutes of proceedings deeds papers and writings belonging to the existing parishes (except the Eastwood added area) shall be deposited in the town hall in the borough or at some office or place appointed by the Corporation and be there kept and preserved by the town clerk or some officer to be appointed by the Corporation and the ratepayers shall at all times have the same right of inspecting and making extracts from such books and minutes as they would have had if they had continued to be ratepayers of the existing parishes.

(9) All valuation lists in relation to hereditaments and premises in the existing parishes and in force on the appointed day shall until new valuation lists are made be and be deemed to be part of the valuation list for the parish of Southend-on-Sea.

(10) All precepts or orders for moneys to be raised by way of rates in the borough for any period ending on any date after the thirtieth day of September nineteen hundred and thirteen (except any precept of the county council to be served by them upon the guardians of the Rochford Union) shall not be served until the commencement of this Part of this Act and shall then be served upon the overseers for the parish of Southend-on-Sea.

(11) Notice of the provisions of this section shall be given by the Corporation to the overseers of the several parishes in question and to the county council the rural council the guardians of the Rochford Union and the Eastwood Parish Council within one month after the date of this Act.

Transfer to
Corporation
of powers of
vestry.

36. As from the commencement of this Part of this Act all and every right custom privilege or power other than in matters ecclesiastical vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of any of the existing parishes shall cease to be so vested or exerciseable and every such right custom privilege or power shall for and within the parish of Southend-on-Sea be vested in and exerciseable by the Corporation.

37.—(1) Subject to the provisions of any order which the Local Government Board may hereafter make the provisions of the orders heretofore made by the Local Government Board and conferring upon the council of the existing borough the power of appointing overseers and of appointing and revoking the appointment of assistant overseers of the parishes of Prittlewell and Southchurch shall extend and apply to the appointment by the council of the borough of overseers and to the appointment and revocation of the appointment by that council of assistant overseers of the parish of Southend-on-Sea.

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Appointment
of overseers
and assistant
overseers and
other officers.

(2) The overseers of the parishes of Prittlewell Southchurch and Leigh shall go out of office at the commencement of this Part of this Act and the overseers of the parish of Eastwood shall on that date cease to exercise any powers within the Eastwood added area but after that date shall continue to hold office as overseers for the parish of Eastwood as diminished by this Act until they go out of office in the ordinary course.

(3) Notwithstanding anything to the contrary in any Act or order contained the Corporation may appoint such number of overseers not exceeding seven for the parish of Southend-on-Sea as they think fit.

(4) The Corporation may appoint and remove such officers as they deem necessary to assist the overseers of the parish of Southend-on-Sea in the discharge of their duties and may fix the remuneration to be paid to such officers.

(5)—(A) All officers appointed or to be appointed by the Corporation to assist in the discharge of the duties of the overseers of the parish of Southend-on-Sea and any assistant overseer appointed by the Corporation shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Local Government Board shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation and not with the board of guardians.

(B) Assistant overseers appointed by the Corporation shall not be required to give security to the guardians of the union under section 61 of the Poor Law Amendment Act 1844.

(6) The first appointment of overseers for the parish of Southend-on-Sea shall be made in the month of October nineteen hundred and thirteen and the overseers shall come into office at the commencement of this Part of this Act.

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(7) Any person holding at the commencement of this Part of this Act the office of assistant overseer for any of the existing parishes (except the parish of Eastwood) shall after the commencement of this Part of this Act hold and perform the duties of the office of assistant overseer of the parish of Southend-on-Sea. The remuneration to which at the commencement of this Part of this Act any such assistant overseer is entitled for performing the duties of his office shall be paid out of the poor rates of the parish of Southend-on-Sea and any such assistant overseer shall continue to hold office by the same tenure and upon the same terms and conditions as heretofore and while performing the same duties shall receive not less remuneration than heretofore.

(8) The office of collector of poor rates for the parish of Leigh shall be abolished at the commencement of this Part of this Act.

Abolition of
office of ves-
try clerk.

38.—(1) The office of vestry clerk for the parish of Prittlewell shall be abolished as from the commencement of this Part of this Act or upon the date upon which the existing vestry clerk for the said parish shall cease to hold office (whichever date shall be the earlier) and upon such date the provisions of the Vestries Act 1850 shall cease to apply to or to be put in force in the said parish and the order of the Local Government Board applying such provisions to the said parish shall be by virtue of this Act revoked.

(2) If the said office of vestry clerk be abolished before the commencement of this Part of this Act the powers and duties incident or attaching to that office shall until the commencement of this Part of this Act be transferred to and exerciseable and performed by the persons who would have been entitled or liable to exercise or perform the same respectively if no vestry clerk were appointed and after the commencement of this Part of this Act or if the said office be abolished at the commencement of this Part of this Act such powers and duties shall be transferred to and exerciseable and performed by the overseers of the parish of Southend-on-Sea.

(3) Any property (real or personal) which immediately before the commencement of this Part of this Act is vested in or held by the churchwardens and overseers (or any of them) for the purposes of the Vestries Act 1850 or in or by any other

persons in trust for the same purposes or is vested in or held by the vestry clerk in connexion with or for the purposes of his office shall as from that date be by virtue of this Act vested in the overseers for the parish of Southend-on-Sea. A.D. 1913.

39. Nothing in this Act shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which now is applicable for the benefit of any of the existing parishes affected by this Act. Ecclesiastical divisions and charities.

40. For any purposes connected with the settlement and removal of the poor in relation to cases affected by this Act the following provisions shall have effect (that is to say):— Settlement and removal of poor.

(1) Every person who at the commencement of this Part of this Act has acquired or is in the course of acquiring a settlement in any of the parishes of Prittlewell Southchurch Leigh and Eastwood by reason of any residence completed or in course of completion or of any act or thing done or in course of being done or of any status condition right or privilege acquired or created or in course of acquirement or creation—

(i) In any of the parishes of Prittlewell Southchurch and Leigh; or

(ii) In the part of the existing parish of Eastwood included by this Act in the parish of Southend-on-Sea; or

(iii) In the part of the existing parish of Eastwood which by virtue of this Act will form the parish of Eastwood

shall be deemed to have acquired or to be in course of acquiring in the first and second cases a settlement in the parish of Southend-on-Sea and in the third case a settlement in the parish of Eastwood and in each case as if the existing parish or the specified part of the existing parish were and had always been the parish or part of the parish in which by virtue of this section the person shall be deemed to have acquired or be in course of acquiring a settlement:

(2) Every person who at the commencement of this Part of this Act has acquired or is in course of acquiring

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a status of irremovability from the Rochford Union by reason of residence—

(i) In any of the parishes of Prittlewell Southchurch and Leigh; or

(ii) In the part of the existing parish of Eastwood included by this Act in the parish of Southend-on-Sea; or

(iii) In the part of the existing parish of Eastwood which by virtue of this Act will form the parish of Eastwood

shall be deemed to have acquired or to be in course of acquiring the like status by reason of residence in the first and second cases in the parish of Southend-on-Sea and in the third case in the parish of Eastwood.

Valuation
lists.

41. Until a new valuation list is in force the portion of the valuation list of the existing parish of Eastwood which relates to hereditaments in that parish which are not within the Eastwood added area shall be deemed to be the valuation list of the parish of Eastwood as diminished by this Act.

County rate
basis.

42.—(1) Subject to any future revision the basis or standard of the county rate for the county shall be altered—

(A) By the omission therefrom of the amount appearing therein as the total annual value of the property in the parishes of Prittlewell Southchurch and Leigh:

(B) By the deduction from the amount appearing therein as the total annual value of the property in the existing parish of Eastwood of such a sum as will represent the total annual value of the property in the Eastwood added area:

(C) By the insertion therein as the total annual value of the property in the parish of Southend-on-Sea of the amount appearing therein as the total annual value of the property in the parishes of Prittlewell Southchurch and Leigh and of such a sum as would represent the total annual value of the property in the Eastwood added area.

(2) For the purposes of this section the sum which will represent the annual value of the property in the Eastwood added area shall be the amount which in relation to the amount

appearing in the basis or standard of the county rate as the total annual value of the existing parish of Eastwood is in the proportion which the assessable value of the property in the said added area bears to the total assessable value of the property of the existing parish of Eastwood. A.D. 1913.

(3) For the purposes of this section assessable value means one-half of the rateable value according to the valuation list for the time being in force of the agricultural land together with the rateable value according to that list of the buildings and other hereditaments not being agricultural land in the existing parish of Eastwood or in the Eastwood added area as the case may require.

43. For the purposes of the registers of persons entitled to vote at an election of Members of Parliament of the registers of parochial electors and of jury lists the parishes affected by this Act shall be deemed to continue unaltered until the new registers and lists come into operation. Saving for existing lists of parliamentary voters &c.

44. Notwithstanding the alterations effected in the areas of parishes by this Act and subject to the foregoing provisions of this Act all contribution orders made by the guardians of the poor of the Rochford Union and all precepts made by the rural council before the commencement of this Part of this Act shall be as valid in law as if this Act had not been passed. Saving for contribution orders and precepts.

45. Subject to the provisions of this Part of this Act all rates and all orders and precepts relating thereto and to matters connected therewith made by the county council before the commencement of this Part of this Act may be enforced collected and recovered as if this Act had not been passed. Saving for county rate.

46. Nothing in this Act shall be deemed to restrict any power conferred upon the Local Government Board by any Act of Parliament relating to the relief of the poor and passed before the commencement of this Part of this Act. Saving for Local Government Board.

PART III.

COUNTY BOROUGH.

47. This Part of this Act shall except so far as is otherwise expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the appointed day. Commencement of Part III. of Act.

A.D. 1913.
Constitution
of county
borough.

48.—(1) The borough shall be constituted a county borough and all the provisions of the Act of 1888 respecting county boroughs shall apply to the borough as if the borough had been named in the Third Schedule to that Act and as if Essex had been specified in that schedule as the county in which the borough should be deemed for the purposes of that Act to be situate.

(2) Provided that for the purposes of the said provisions the expression “the appointed day” shall have the meaning assigned to it by this Act.

Adjustment
for purposes
of Licensing
(Consolida-
tion) Act
1910.

49.—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the borough 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 the Licensing (Consolidation) Act 1910) for the county and for the borough within twelve months from the appointed day or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly.

Alteration
in county
councillors.

50.—(1) The two county councillors representing the electoral divisions of the existing borough who are in office on the appointed day shall go out of office on that date and their places shall not be filled up.

(2) Subject to the provisions of section 54 of the Act of 1888 the number of county councillors for the county shall be reduced from seventy-nine to seventy-seven and the Order dated the fourteenth day of August one thousand eight hundred and eighty-eight as altered by subsequent orders of the Local Government Board shall be further altered and shall have effect accordingly and any casual vacancy occurring in the office of county councillor for any electoral division of the borough between the date of this Act and the appointed day shall not be filled up.

(3) Save as aforesaid no other county councillor or county alderman shall be deemed to lose his qualification or to vacate

his office by reason of the constitution of the borough as a county borough. A.D. 1913.

51. The following provisions for the protection of the county council shall except so far as may be otherwise agreed between the county council and the Corporation apply and have effect (that is to say)—

For protection of
Essex
County
Council.

(1) (A) Any institution situate in the borough and which at the date of the passing of this Act has been provided by the county council under the provisions of or under any authority granted under the National Insurance Act 1911 and any fittings stores and appliances provided in any such institution before the appointed day shall as from that day be transferred to and vested in the Corporation for all the estate and interest therein of the county council and there shall be paid by the Corporation to the county council out of the borough fund and borough rate in consideration of such transfer such sum as shall before the passing of this Act have been or as may thereafter be agreed upon between the county council and the Corporation or as in default of such agreement may be settled by arbitration in the manner provided by the Act of 1888;

(B) In the event of the amount of the consideration for the transfer of any property which by virtue of this section may be transferred to and vested in the Corporation not being ascertained before the appointed day the date of the final ascertainment shall for the purposes of the stamp duty (if any) which may be payable under section 12 of the Finance Act 1895 be treated as the date of vesting but nothing herein contained shall prejudice any question as to whether stamp duty is payable under the provisions of that section in respect of any such transfer and vesting:

(2) Every weekly servant employed on the appointed day by the county council exclusively in the repair or maintenance of any main road in the added areas shall as from that day be taken by the Corporation into their service in the same or a similar capacity

* A.D. 1913.
—

and employment and on the same terms and conditions as those respectively in at and on which such servants were respectively employed by the county council on the appointed day:

- (3) Any difference arising between the county council and the Corporation under the provisions of this section the determination whereof is not otherwise therein expressly provided for shall on the application of either of them be referred to and determined by an arbitrator to be agreed upon between them or failing agreement appointed by the Local Government Board and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

Act not to
affect bor-
rowing
powers of
county
council.

52. For a period of one year from the appointed day in ascertaining for the purposes of section 69 of the Act of 1888 the annual rateable value of the property in the county there shall be added to the total rateable value of the county as appearing in the standard or basis for the county rate for the time being the rateable value at which the parishes in the existing borough and the parish of Leigh were assessed in the standard or basis for the county rate in force immediately preceding the appointed day and the rateable value for the purpose of the last poor rate made prior to the appointed day of the properties in the portion of the parish of Eastwood by this Act added to the borough.

Representa-
tion upon
Sea
Fisheries
Committee.

53.—(1) The Order of the Board of Trade dated the fifth day of May eighteen hundred and ninety for the creation of the Kent and Essex Sea Fisheries District shall take effect as if it provided that on and after the appointed day—

- (i) The local fisheries committee thereby constituted shall be a joint committee of the county councils of Kent and Essex and of the Corporation;
- (ii) Six members of the committee shall be appointed by the county council of Essex and two members by the Corporation;
- (iii) The members to be appointed by the Corporation shall be appointed as and when the Corporation may determine; and
- (iv) The expenses of the committee other than those which may be required to be incurred under section 8 of the

Sea Fisheries Regulation Act 1888 shall be chargeable as follows—one half thereof on the administrative county of Kent as general expenses of the council thereof three eighth parts thereof on the county as general expenses of the county council and one eighth part thereof on the borough fund or borough rate. A.D. 1913.

(2) Upon the appointed day such number of the members of the said committee appointed by the county council as may be necessary in order to reduce the total number appointed by them to six members shall go out of office and any question as to which of the said members is or are to go out of office shall be decided by the county council.

(3) This section shall not affect the power of the Board of Agriculture and Fisheries by order under the Sea Fisheries Regulation Act 1888 to vary the said Order of the Board of Trade as modified by this section.

54.—(1) The Insurance Commissioners may at any time after the passing of this Act by order make such provision as appears to them to be necessary for enabling an insurance committee to be duly constituted under the National Insurance Act 1911 for the borough as soon as practicable after the appointed day and pending the constitution of such a committee may constitute a committee as nearly as may be in accordance with the provisions of section 59 of the National Insurance Act 1911 to act temporarily as the insurance committee for the borough. Provision as to insurance committee.

(2) An order under this section may provide for such financial adjustments and may contain such other consequential or supplemental provisions as appear to the Insurance Commissioners necessary or expedient.

(3) An order under this section shall have effect as if enacted in the National Insurance Act 1911 and a committee acting temporarily as the insurance committee for the borough shall for all the purposes of that Act be deemed to be the insurance committee for the borough.

PART IV.

MOTOR OMNIBUSES.

55.—(1) The Corporation may provide (but shall not manufacture) motor omnibuses and may run the same within the borough demanding and taking such reasonable fares and charges Power to provide and run motor omnibuses.

A.D. 1913. — for the conveyance of passengers therein as may be approved by the Board of Trade.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them for or which they are authorised to appropriate and use for the purpose omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such motor omnibuses but the Corporation shall not create or permit any nuisance on any such lands.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in their motor omnibuses and may by such byelaws appoint penalties Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Corporation shall perform in respect of the motor omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(6) In this section the expression "motor omnibus" means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

Separate
accounts
of omnibus
undertaking
to be kept.

56.—(1) The Corporation shall keep separate accounts of the receipts and expenditure in connexion with the provision equipment and working of omnibuses distinguishing therein capital from revenue.

(2) Save as aforesaid any revenue derived from the omnibus undertaking shall be deemed to be and shall be treated as revenue of the light railway undertaking of the Corporation and any loss incurred upon or in connexion with the omnibus undertaking shall be met out of the revenue of the light railway undertaking or out of the borough fund.

PART V.

A.D. 1913.

STREETS AND BUILDINGS AND SANITARY PROVISIONS.

57.—(1) When a road or lane within the borough is about to become a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force in the borough require such owner to widen such road or lane so as to give a width of not less than one-half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land.

Further provision as to new streets.

(2) Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Corporation.

58. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street.

Continuation of existing streets to be deemed new streets.

59.—(1) Where any street or road in the borough repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage of either side of such street or road. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the

Corporation may define future line of existing streets.

A.D. 1913. premises No new building erection excavation or obstruction being of a permanent character shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and such land when purchased shall vest in the Corporation as part of the highway and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Corporation shall require the line prescribed by them to be observed and kept they shall make full compensation to the owner of and other persons interested in any land for any loss or damage he or they may sustain respectively in consequence of such line being observed and kept and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring such line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to
buildings of
iron steel or
re-inforced
concrete.

60. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the borough regulating the construction of buildings the Corporation shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say):—

(1) Where a person is desirous of erecting an iron steel or re-inforced concrete building or structure he shall make an application to the Corporation accompanied

by complete plans sections and elevations of the proposed building with such details and other particulars as to the construction thereof as may be required by the Corporation : A.D. 1913.

(2) The Corporation if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars :

(3) The Corporation may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Corporation and as to the precautions to be taken in connexion with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

61. The Corporation may make byelaws with respect to the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act. Byelaws as to building materials.

62. The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse shop stall or workshop to provide portable galvanised iron refuse bins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such number size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any ashpits or any ashtubs Regulation bins for refuse &c.

A.D. 1913. or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

Penalty for throwing rubbish into streams.

63. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the borough so as to interfere with the due flow of such watercourse shall be liable to a penalty not exceeding five pounds.

Corporation may require enlarged sewer.

64. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

65. The powers given by section 19 (Extension of 38 & 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Corporation may order houses to be drained by a combined drain.

66.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation. A.D. 1913.

67. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under the foregoing provisions of this Part of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. Penalty on occupier refusing execution of Act.

68. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of the foregoing provisions of this Part of this Act as if those purposes had been mentioned in the said section 102. Power of entry.

69. The foregoing provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connexion with their railway under any Act of Parliament. Saving as to railway companies.

70.—(1) Any person being a manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity who within the borough— For regulating manufacture and sale of ice-cream &c.

- (A) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

A.D. 1913.

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4)—(A) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(B) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

(5)—(A) Public notice of the foregoing provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the municipal

buildings and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. A.D. 1913.

(B) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART VI.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

71.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the fourth column thereof (namely):—

1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(A) For the purpose of making any payment to the county council or to any other authority under Parts II. III. and VI. of this Act or under any enactment the provisions of which are applied thereby respectively (including the payment or purchase in the name of the Corporation of any annuity payable by them under any provision contained in the said Parts or the Second Schedule to this Act which annuity the Corporation are hereby empowered to purchase).	The sum requisite.	The borough fund and borough rate.	Thirty years from the date or dates of borrowing.

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1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(B) For the purpose of making any payment under the provisions of the section of this Act of which the marginal note is "Compensation to existing officers."	The sum requisite.	The borough fund and borough rate.	Thirty years from the date or dates of borrowing.
(C) For the provision and equipment of motor omnibuses.	9,600 <i>l</i> .	The revenue of the light railway undertaking of the Corporation and the borough fund and borough rate.	Five years from the date or dates of borrowing.
(D) For the purchase of lands and the erection of buildings in connexion with the motor omnibus undertaking.	5,400 <i>l</i> .	The revenue of the light railway undertaking of the Corporation and the borough fund and borough rate.	Thirty years from the date or dates of borrowing.
(E) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

(2)—(A) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act.

(B) In order to secure the repayment of the money borrowed under this subsection and the payment of the interest thereon the Corporation may mortgage or charge such fund rate or revenue as the Local Government Board may prescribe.

(C) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 49 (Power to use one form of mortgage for all purposes) of the Act of 1909.

Application
of provisions
of Act of
1909.

72. The following provisions of the Act of 1909 shall with any necessary modifications and subject as regards mortgages granted under the provisions of section 49 (Power to use one form of mortgage for all purposes) of the Act of 1909 to the provisions of that section extend and apply to the exercise

of the powers of this Act as if the same were re-enacted in this A.D. 1913.
Act (namely) :—

- Section 37 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);
- Section 38 (Mode of raising money);
- Section 39 (Provisions of Public Health Act 1875 as to mortgages to apply);
- Section 40 (Mode of payment off of money borrowed);
- Section 41 (Sinking fund);
- Section 42 (Protection of lender from necessity of inquiry);
- Section 43 (Corporation not to regard trusts);
- Section 44 (Appointment of receiver);
- Section 47 (Application of money borrowed);
- Section 50 (Expenses of execution of Act);
- Section 51 (Inquiries by Local Government Board);
- Section 53 (Application of section 265 of Public Health Act 1875);
- Section 54 (Powers of Act cumulative).

73.—(1) The Corporation shall have power—

Power to
re-borrow.

- (A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments ; or

(B) By means of a sinking fund ; or

(c) Out of moneys derived from the sale of land ; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) The following sections are hereby repealed but without prejudice to anything done or suffered to be done thereunder (namely) :—

The Southend Local Board Act 1875 section 16 ;

The Southend Local Board Act 1887 section 44 ;

The Southend-on-Sea Corporation Act 1895 section 59 ;

The Act of 1909 section 45.

Power to
use sinking
fund
instead of
borrowing.

74.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein ; or

(B) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by section 49 (Power to use one form of mortgage for all purposes)

of the Act of 1909 and not shown by the deed to be raised in exercise of a particular borrowing power specified therein. A.D. 1913.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund:

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

(C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

75.—(1) The town clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Local Government Board

Returns to
Local
Government
Board as to
sinking
funds.

A.D. 1913. — may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board shall require and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

As to temporary borrowing.

76.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a municipal or sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their pier and foreshore light railways gas or electricity undertakings respectively and after the commencement of such year it shall be lawful

for the Corporation to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in each case an amount equal to one-third of the amount of the before-mentioned expenses for the immediately preceding financial year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Corporation authorising such borrowing *pari passu* with any Corporation stock bond or mortgage affecting the same and it shall further be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have in hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve Provided that—

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- (A) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case the same shall be repaid out of the income on the credit of which the sum was borrowed within two months after the expiration of such financial year:
- (B) The town clerk shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require:
- (c) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

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(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March nineteen hundred and fourteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

Adjustment
between
borough and
county &c.

77.—(1) An equitable adjustment shall be made respecting the distribution of the proceeds of the local taxation licences of the estate duty grant and of the Local Taxation (Customs and Excise) duties and respecting all other financial relations or questions between the county and the borough and in any case where the constitution of the county borough by this Act affects the distribution of the said proceeds between the county on the one hand and any other county borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution and financial relations or questions equitable adjustments may be made between the areas interested.

For the purposes of this subsection or of anything done or to be done in pursuance thereof any reference in the said subsection to the proceeds of licences or duties shall include a reference to the sums which in pursuance of subsection (4) of section 17 of the Finance Act 1907 as amended by section 6 of the Finance Act 1908 section 88 of the Finance (1909-10) Act 1910 the Revenue Act 1911 and any subsequent Act have been paid or will be payable in lieu of those proceeds.

(2) Any such adjustment as is authorised by subsection (1) of this section may be made by agreement between the councils of the county the borough and the county boroughs affected and if such adjustment has not been made before the thirtieth day of September one thousand nine hundred and fourteen then on the application of any of the councils interested the Local Government Board may if they think fit either make the adjustment themselves or appoint an arbitrator to make it.

(3) In any case in which an agreement for equitable adjustment as aforesaid shall not have been made the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in those provisions for the commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Act or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

Provided that—

(A) In lieu of subsection (6) of section 61 of the Act of 1888 subsections (1) and (5) of section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Local Government Board under this section and to the cost of those inquiries; and

(B) Subsection (6) of section 32 of the Act of 1888 shall apply to any agreement or any award made under this section.

78.—(1) Subject to the provisions of this Act the provisions of section 62 of the Act of 1888 shall apply as if this Act were a Provisional Order made by the Local Government Board under the provisions of the Act of 1888.

Provisions
as to adjust-
ments.

(2) On any adjustment made otherwise than by agreement upon the passing of this Act under section 32 or section 62 of the Act of 1888 or under either of those sections as modified or adapted by and for the purposes of this Act—

(A) The adjustment of the local taxation licences the estate duty grant and the residue under section 1 of the Local Taxation (Customs and Excise) Act 1890 in pursuance of this section shall be carried out in accordance with the rules contained in Part I. of the Second Schedule to this Act:

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—

(B) Provision shall be made for the payment to any council or other authority affected by this Act of such sum as seems equitable in accordance with the rules contained in Part II. of the Second Schedule to this Act in respect of any increase of burden which will properly be thrown on the ratepayers of the area of that council or other authority in meeting the cost incurred by that council or other authority in the execution of any of their powers and duties as a consequence of any alteration of boundaries affected by this Act or other change in relation to which the adjustment takes place.

(3) In this section and in Part II. of the said Schedule the expression "council or other authority affected by this Act" includes the county council the Corporation and any council authority or persons entitled to make an adjustment under section 62 of the Act of 1888 or that section as modified or adapted by this Act.

Compensa-
tion to
existing
officers.

79.—(1) Every clerk to the justices officer or servant of or paid by the county council or of or paid by the standing joint committee of the county and every other officer or servant who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him by the Corporation for that pecuniary loss and in determining the said compensation regard shall be had to the conditions and other circumstances required by subsection (1) of section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not unless the Corporation otherwise agree exceed the limit therein mentioned and shall be paid in the case of any such officer or servant whose office or employment relates wholly to sanitary purposes as defined by the Public Health Act 1875 out of the district fund and general district rate and in the case of any other officer or servant out of the borough fund and borough rate and the provisions of subsections (2) to (7) of the said section shall apply with such modifications (including the substitution of the Local Government Board for the Treasury) as may be required

Provided that the non-acceptance of any office shall not be a A.D. 1913.
bar to the right of any officer to compensation.

(2) For the purposes of subsection (1) of this section any officer or servant to whom that subsection applies and whose services are dispensed with or whose salary is reduced by the county council or the standing joint committee of the county or any other authority including the Corporation within five years from the commencement of Part II. of this Act or from the appointed day (as the case may require) because his services are not required or his duties are diminished in consequence of such Part of this Act and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Act.

(3) No person shall be entitled to claim or receive both compensation for any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

80.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and a daily penalty not exceeding twenty shillings.

Further
powers as
to entry
upon
premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours notice to the owner thereof or if he is unknown to them and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

81. The provisions of the following sections of the Public Health Act 1875 (namely):—

Confirma-
tion of bye-
laws.

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

A.D. 1913. — so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 are applied by this Act.

Evidence
of appoint-
ments
authority
&c.

82. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to
breach of
conditions
of consent
of Corpora-
tion.

83. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

In executing
works for
owner
Corporation
liable for
negligence
only.

84. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges

or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly. A.D. 1913.

85. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

86. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal. As to appeal.

87. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

88. Proceedings for the recovery of any demand made under the authority of this Act or under the authority of the Southend-on-Sea Corporation Act 1895 or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

A.D. 1913.

Informa-
tions by
whom to be
laid.

89. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or the Southend-on-Sea Corporation Act 1895 or of any byelaws made thereunder respectively may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Penalties
to be paid
over to
treasurer.

90. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct.

Compensa-
tion how
to be deter-
mined.

91. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Damages
and charges
to be settled
by justices.

92. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Judges not
disqualified.

93. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Saving for
indictment
&c.

94. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

For pro-
tection of
Port of
London
Authority.

95.—(1) Nothing in this Act contained shall be deemed to extend or apply the provisions of section 45 of the Port of London Act 1908 to the added areas Provided that—

(A) Notwithstanding anything contained in such Act so much of sections 190 and 191 of the Thames Con-

servancy Act 1894 as relates to the regulation of bathing and the fixing of the hours during which persons may bathe shall not apply in the added areas; and A.D. 1913.

- (B) So long as the Corporation make provision by proper depositing tanks and filter beds or otherwise by the best known practicable process for the purification clarifying and disinfecting sewage in the sewage works at Leigh for the time being belonging to them or under their control and if and so long as the effluent water therefrom is clarified and disinfected so as not to be offensive or injurious in the judgment of the Port of London Authority or in case of difference in the judgment of an arbitrator appointed by the Board of Trade on the application of either party the Port of London Authority shall not put in force with respect to such sewage works or any effluent therefrom the provisions of sections 93 94 or 95 of the Thames Conservancy Act 1894.

(2) Subject to the provisions of this section nothing in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Port of London Authority or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of this Act the Port of London Authority did or might lawfully claim use or exercise under and by virtue of the Port of London Act 1908 or otherwise.

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

97. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of money to be borrowed under the powers of this Act for that purpose. Costs of Act.

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The SCHEDULES herein-before referred to.

THE FIRST SCHEDULE.

PART I.

LOCAL ACTS.

Session and Chapter.	Short Title.
10 Geo. 4. c. xlix. -	An Act for making and maintaining a pier at or near Southend in the parish of Prittlewell in the county of Essex and for making convenient approaches to and from the same.
5 & 6 Will. 4. c. xc. -	An Act to explain and amend the powers of an Act of His late Majesty King George the Fourth for making a pier at Southend in the county of Essex.
38 Vict. c. xxix. -	The Southend Local Board Act 1875.
50 & 51 Vict. c. v. -	The Southend Local Board Act 1887.
58 & 59 Vict. c. clviii. -	The Southend-on-Sea Corporation Act 1895.
9 Edw. 7. c. liv. -	The Southend-on-Sea Corporation Act 1909.
	The Southend-on-Sea and District Light Railways Orders 1899 to 1912.

PART II.

CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order thereby Confirmed.
54 & 55 Vict. c. li.	The Electric Lighting Orders Confirmation (No. 3) Act 1891.	The Southend Electric Lighting Order 1891.
60 & 61 Vict. c. lxxii.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1897.	The Borough of Southend-on-Sea Extension Order 1897.
10 Edw. 7 & 1 Geo. 5. c. lxxx.	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1910.	The Southend-on-Sea Order 1910.
1 & 2 Geo. 5. c. clviii.	The Pier and Harbour Orders Confirmation (No. 2) Act 1911.	The Southend-on-Sea Loading Pier Order 1911.
2 & 3 Geo. 5. c. clvii.	The Pier and Harbour Orders Confirmation (No. 4) Act 1912.	The Southend-on-Sea Pier Order 1912.

THE SECOND SCHEDULE.

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PART I.

RULES FOR DETERMINING ADJUSTMENT OF THE LOCAL TAXATION
LICENCES THE ESTATE DUTY GRANT AND THE RESIDUE
UNDER SECTION 1 OF THE LOCAL TAXATION
(CUSTOMS AND EXCISE) ACT 1890.

1. The portion of the local taxation licences and estate duty grant payable or estimated to be payable in respect of the area of the county as it existed immediately before the appointed day shall after the appointed day be divided between the county council and the Corporation and the amount payable to each shall be apportioned on the following basis:—

- (A) There shall be apportioned to the county council an amount equal to the average annual amounts of the compulsory payments and transfers made by or on behalf of that council in accordance with sections 24 and 26 of the Local Government Act 1888 for and in respect of the five years ending the thirty-first day of March nineteen hundred and fourteen less the portion of such average annual amount paid and transferred for and in respect of the area of the borough and such last-mentioned amount shall be apportioned to the Corporation:

Provided that if any difficulty arises in ascertaining the sum to be apportioned in respect of any item the sum shall be divided according to the respective rateable values immediately before the appointed day of the county less the area of the borough and of that area:

- (B) Out of the balance of the said portion of the local taxation licences and estate duty grant there shall next be apportioned to the county council a sum equal to one-half of the average annual cost during the five years preceding the appointed day of the maintenance of main roads within the county (including any payments made in respect of the interest on or of the repayment of the capital of loans raised on account of such main roads) after deducting the amount of one-half of such cost incurred in respect of main roads within the area of the borough and such last-mentioned amount shall be apportioned to the Corporation Provided that—

- (i) If such balance is insufficient to meet the whole of one-half of the cost of such roads the amounts apportioned

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—

to the county council and the Corporation respectively shall be reduced proportionately; and .

(ii) If it appear that the county council have failed to declare any roads in the county to be main roads which ought to have been so declared or have declared any roads to be main roads which ought not to have been so declared proper adjustments shall be made in the calculation of the cost of maintenance of main roads in the county under this rule by the inclusion of the cost of such roads as ought to have been declared to be main roads or the exclusion of the cost of such roads as ought not to have been declared to be main roads as the case may require:

(c) If any balance of the local taxation licences and estate duty grant remains after apportioning between the county council and the Corporation the sums ascertained in accordance with the foregoing rules such balance shall be divided between the county council and the Corporation in proportion to the rateable values immediately before the appointed day of the county less the area of the borough and of that area respectively.

2. The residue under section 1 of the Local Taxation (Customs and Excise) Act 1890 payable or estimated to be payable in respect of the area of the county as it existed immediately before the appointed day shall after the appointed day be divided between the county council and the Corporation in proportion to the rateable values immediately before the appointed day of the county less the area of the borough and of that area respectively.

3. In this part of this schedule the expression "rateable value" means (unless the county council and the Corporation otherwise agree) the rateable value appearing in the last standard or basis for the county rate. Provided that the said rateable value in respect of the parish of Eastwood shall be divided in the proportion which the rateable value for the Eastwood added area as stated in the last poor rate bears to the rateable value for the remainder of the parish of Eastwood as stated in the last poor rate.

PART II.

RULES FOR DETERMINING THE SUM TO BE PAID IN RESPECT OF INCREASE OF BURDEN ON RATEPAYERS.

1. Regard shall be had to—

(A) The difference (based upon the average annual expenditure in respect of the five years preceding the appointed day) between the burden on the ratepayers which will properly

be incurred by the council or other authority affected by this Act in meeting the cost of executing any of their powers and duties and the burden on the ratepayers which would properly have been incurred by that council or other authority in meeting such cost had no alteration of boundaries or other change taken place: A.D. 1913.

- (B) The length of time during which the increase of burden may be expected to continue:

Provided that no alteration of income in consequence of an appropriation under Part I. of this schedule shall be taken into account.

2. The sum payable by or to any council or other authority affected by this Act in respect of the increase of burden shall not exceed or if payable by instalments or by way of annuity the capitalised value of the instalments or annuity shall not exceed the average annual increase of burden multiplied by fifteen.

3. Any sum payable in respect of the cost of maintenance of main roads shall be payable by way of annuity.

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