CHAPTER cxxxiv.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Carlisle and Scarborough. [15th August 1913.]

A.D. 1913.

WHEREAS the Local Government Board have made the Provisional Orders set forth in the First Schedule hereto under the provisions of the Local Government Act 1888:

51 & 52 Vict. c. 41.

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

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

Orders in First Schedule confirmed.

1. The Orders set out in the First Schedule hereto (hereinafter referred to as "the Orders.") shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force.

Provision as to adjustments made otherwise than by agreement.

2. On any adjustment made otherwise than by agreement for the purposes of either of the Orders or of this Act under section thirty-two or section sixty-two of the Local Government Act 1888 or under either of those sections as modified or adapted by such Order—

(*a*) Any adjustment of the local taxation licences the estate duty grant and the residue under section one of the Local Taxation (Customs and Excise) Act 1890 in pursuance of the Order relating to Carlisle shall be carried out in accordance with the rules contained in Part I. of the Second Schedule hereto:

(*b*) Provision shall be made for the payment to any council or other authority affected by either of the Orders of such

A.D. 1913.

sum as seems equitable in accordance with the rules contained in Part II. of the Second Schedule hereto 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 effected by the Order or other change in relation to which the adjustment takes place:

In this section and in Part II. of the said Second Schedule the expression "council or other authority affected by the Order" includes any council authority or persons entitled to make an adjustment under section sixty-two of the Local Government Act 1888 or that section as modified or adapted by the Order in question.

Provision as to insurance committee for County Borough of Carlisle.

3.—(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 County Borough of Carlisle as constituted by the Order relating to Carlisle and pending the constitution of such a committee may constitute a committee as nearly as may be in accordance with the provisions of section fifty-nine of the said Act to act temporarily as the insurance committee for the said county borough.

(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 said county borough shall for all the purposes of that Act be deemed to be the insurance committee for the borough.

Short title.

4. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 10) Act 1913.

SCHEDULES.

A.D. 1913.

FIRST SCHEDULE.

CITY OF CARLISLE.

Provisional Order made in pursuance of the Local Government Act 1888 *for constituting a County Borough.*

Carlisle Order.

To the Mayor Aldermen and Citizens of the City of Carlisle;—

To the Court of Quarter Sessions for the said City;—

To the Justices of the Peace for the said City;—

To the County Council of Cumberland;—

To the Justices of the Peace for the County of Cumberland in Quarter Sessions assembled;—

And to all others whom it may concern.

WHEREAS by Section 54 of the Local Government Act 1888 (which Act is herein-after referred to as "the Act") the Local Government Board are empowered to make a Provisional Order for constituting any Borough having a population of not less than fifty thousand into a County Borough; 51 & 52 Vict. c. 41.

And whereas the City of Carlisle (herein-after referred to as "the City") in the County of Cumberland is a Borough within the meaning of the Act and has a population exceeding fifty thousand and is subject to the jurisdiction of the Mayor Aldermen and Citizens of the City of Carlisle acting by the Council (herein-after referred to as "the Corporation");

And whereas by virtue of an Order of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered by divers Orders made by the Local Government Board and by the Workington Corporation Act 1899 the number of County Councillors for the Administrative County of Cumberland (herein-after referred to as "the Administrative County") is sixty-seven and the City comprises eight electoral divisions of the Administrative County and accordingly eight County Councillors are apportioned to the City: 62 & 63 Vict. c. cclx.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 54 and 59 of the Act and by any

A.D. 1913.

Carlisle Order.

other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:—

Commencement of Order.

Art. I. This Order shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the First day of April One thousand nine hundred and fourteen (which date is herein-after referred to as "the commencement of this Order").

Constitution of County Borough.

Art. II. The City shall be constituted a County Borough and all the provisions of the Act respecting County Boroughs shall apply to the City as if the City had been named in the Third Schedule to the Act and as if Cumberland had been specified in that schedule as the County in which the City should be deemed for the purposes of the Act to be situate:

Provided that for the purposes of the said provisions "the appointed day" shall be deemed to mean the First day of April One thousand nine hundred and fourteen.

Adjustment between new County Borough and County.

Art. III.—(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 Administrative County and the City:

For the purposes of this subdivision or of anything done or to be done in pursuance of this subdivision any reference in the said subdivision 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.

7 Edw. 7. c. 13.
8 Edw. 7. c. 16.
10 Edw. 7. c. 8.
1 Geo. 5. c. 2.

(2) Any such adjustment as is authorised by subdivision (1) of this Article may be made by agreement between the Councils of the Administrative County and the City 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 either of those Councils 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 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

A.D. 1913.

Carlisle Order.

be shall be substituted in those provisions for the Commissioners appointed under the Act and notwithstanding anything in the provisions of this Order or of the Act 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 and the provisions of the Act shall apply accordingly:

Provided—

(*a*) that in lieu of subsection (6) of Section 61 of the Act subsections (1) and (5) of Section 87 of the Act shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of those inquiries; and

(*b*) that subsection (6) of Section 32 of the Act shall apply to any agreement or any award made under this Article.

Adjustment for purposes of Licensing (Consolidation) Act 1910. 10 Edw. 7. & 1 Geo. 5. c. 24.

Art. IV.—(1) An equitable adjustment shall be made between the Administrative County and the City respecting the interest of the City 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 Administrative County and for the City within twelve months from the commencement of this Order 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 and the provisions of the Act shall apply accordingly.

Alteration in County Councillors and County Aldermen.

Art. V.—(1) The eight County Councillors representing the electoral divisions of the City who are in office at the commencement of this Order 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—

(*a*) The number of County Councillors for the Administrative County shall be reduced from sixty-seven to fifty-nine and the said Order dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered as aforesaid shall be further altered and shall have effect accordingly and any casual vacancy occurring in the office

A.D. 1913.

Carlisle Order.

of County Councillor for any electoral division of the City between the date of the Act of Parliament confirming this Order and the commencement of this Order shall not be filled up:

(*b*) the number of Aldermen for the Administrative County may remain unaltered until the ordinary day of election of Aldermen in the year one thousand nine hundred and sixteen but at that election and at the election on the ordinary day of election in the year one thousand nine hundred and nineteen ten Aldermen only shall be elected in place of those who then go out of office Provided that no election to fill a casual vacancy among the Aldermen who will go out of office either in the year one thousand nine hundred and sixteen or one thousand nine hundred and nineteen shall be held until their number has been reduced to less than ten.

(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 County Borough.

Compensation to existing officers.

Art. VI.—(1) Every officer or servant of or paid by the Council of the Administrative County or of or paid by the Standing Joint Committee of the Administrative County and every other officer or servant who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office 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 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid out of the City fund and City rate of the City and the provisions of subsections (2) to (7) of that section shall apply with the necessary modifications Provided that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

(2) For the purposes of subdivision (1) of this Article any officer or servant to whom that subdivision applies and whose services are dispensed with or whose salary is reduced by the Council of the Administrative County or the Standing Joint Committee of the Administrative County or any other authority including the Corporation within five years from the commencement of this Order because his services are not required or his duties are diminished in consequence

of this Order and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order. A.D 1913. *Carlisle Order.*

(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.

Art. VII. This Order may be cited as the County Borough of Carlisle Order 1913. Short title.

Given under the Seal of Office of the Local Government Board this Sixth day of May One thousand nine hundred and thirteen.

(L.S.)

John Burns President.
H. C. Monro Secretary.

BOROUGH OF SCARBOROUGH.

Provisional Order made in pursuance of the Local Government Act 1888 *for extending a Borough.* *Scarborough Order.*

To the Mayor Aldermen and Burgesses of the Borough of Scarborough;—

To the Court of Quarter Sessions for the said Borough;—

To the Justices of the Peace for the said Borough;—

To the Justices of the Peace for the County of the North Riding of Yorkshire in Quarter Sessions assembled;—

To the County Council of the North Riding of Yorkshire;—

To the Urban District Council of Scalby;—

To the Guardians of the Poor of the Scarborough Union;—

To the Overseers of the Poor of each of the Parishes of Scalby and Scarborough;—

To the Scarborough Burial Board;—

And to all others whom it may concern.

WHEREAS by Section 54 of the Local Government Act 1888 the Local Government Board are empowered to make a Provisional Order for altering the boundary of any Borough and by such Order to divide or alter any electoral division; 51 & 52 Vict. c. 41.

And whereas the Borough of Scarborough in the County of the North Riding of Yorkshire is a Borough within the meaning of the Local Government Act 1888 and the inhabitants are a body

A.D. 1913.

Scarborough Order.

corporate by the name of the Mayor Aldermen and Burgesses of the Borough of Scarborough and act by the Council of the said Borough which now consists of the Mayor six Aldermen and eighteen Councillors and the said Borough is for the purposes of the election of Councillors divided into six wards two of which are termed respectively the North Ward and the West Ward;

And whereas the said Borough is co-extensive with the Parish of Scarborough and is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council are the Urban District Council;

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

2 Edw. 7. c. 42.

And whereas in pursuance of the Education Act 1902 the Council of the said Borough are the local education authority for the purposes of Part III. of that Act and the County Council of the North Riding of Yorkshire are the local education authority for the other purposes of that Act;

And whereas the unrepealed provisions of the Local Acts specified in Part I. of the Schedule to this Order and of the Confirmation Acts specified in Part II. of the said schedule so far as the last-mentioned Acts relate to the Orders specified in that schedule are in force in the said Borough;

53 & 54 Vict. c. 34. 53 & 54 Vict. c. 59.

And whereas the provisions of Section 4 of the Infectious Disease (Prevention) Act 1890 and the provisions of the Public Health Acts Amendment Act 1890 are in force in the said Borough;

15 & 16 Vict. c. 85. 6 Edw. 7. c. 44.

And whereas the Scarborough Burial Board are the authority for the execution of the Burial Acts 1852 to 1906 for the Parish of Scarborough;

And whereas the Urban District of Scalby in the County of the North Riding of Yorkshire immediately adjoins the said Borough and is co-extensive with the Parish of Scalby and is subject to the jurisdiction of the Urban District Council of Scalby;

And whereas certain of the provisions of Part III. of the Public Health Acts Amendment Act 1890 are in force in the Urban District of Scalby;

And whereas the Parishes of Scalby and Scarborough are included in the Scarborough Union and the Parish of Scarborough is for the purpose of the election of guardians divided into six wards which are respectively co-extensive with and bear the same names as the municipal wards of the said Borough;

And whereas in pursuance of the Education Act 1902 the Parish of Scalby forms part of the area of the County Council of the North Riding of Yorkshire as the local education authority;

A.D. 1913.

Scarborough Order.

And whereas six County Councillors for the County of the North Riding of Yorkshire are apportioned to the said Borough and the said Borough has accordingly been divided into six Electoral Divisions two of which are known as the Scarborough North Electoral Division and the Scarborough West Electoral Division and the Urban District of Scalby is included in the Scalby Electoral Division of the said County:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 54 and 59 of the Local Government Act 1888 and by any other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:— 51 & 52 Vict. c. 41.

Art. I. In this Order— Definitions.

(1) The expression "the commencement of this Order" means the First day of April One thousand nine hundred and fourteen;

(2) The expression "the existing Borough" means the Borough of Scarborough as it existed immediately prior to the commencement of this Order;

(3) The expression "the Borough" means the existing Borough as extended by this Order;

(4) The expression "the Corporation" means as the context requires the Mayor Aldermen and Burgesses of the existing Borough or of the Borough acting by the Council;

(5) The expressions "the County" and "the County Council" mean respectively the Administrative County of the North Riding of Yorkshire and the County Council of that County;

(6) The expressions "the Urban District" and "the Urban Council" mean respectively the Urban District of Scalby and the Urban District Council of that district;

(7) The expression "the maps" means the two maps each marked "Map of the Borough of Scarborough as extended by the Scarborough (Extension) Order 1913" and sealed with the official seal of the Local Government Board;

(8) The expression "the added area" means that part of the Urban District which is added to the existing Borough by this Order and part of which is coloured blue and the remainder yellow on the maps;

A.D. 1913.

Scarborough Order.

(9) The expressions "the existing Parish of Scalby" and "the existing Parish of Scarborough" mean in each case the Parish as it existed immediately prior to the commencement of this Order and the expressions "the Parish of Scalby" and "the Parish of Scarborough" mean in each case the Parish as altered by this Order;

(10) The expressions "the Act of 1888" and "the Act of 1894" mean respectively the Local Government Act 1888 and the Local Government Act 1894;

(11) The expression "the Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same;

(12) The expression "the Burial Acts" means the Burial Acts 1852 to 1906;

(13) The expression "the Local Act of 1805" means the Local Act passed in the forty-fifth year of the reign of His late Majesty King George the Third (c. xciv.) intituled "An Act for paving and otherwise improving the streets "and other places in the Township of Scarborough in "the North Riding of the County of York and for "licensing Hackney Coaches and establishing other "regulations in the said Township."

Commencement of Order.

Art. II. This Order shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the First day of April One thousand nine hundred and fourteen.

Extension of Borough.

Art. III.—(1) The boundary of the existing Borough the area whereof is coloured pink on the maps shall be altered so as to include in addition to that area so much of the Urban District as comprises the added area.

(2) The boundary of the Borough shall be that shown by the red line on the maps and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the Borough.

Deposit of maps.

Art. IV.—(1) One of the maps shall be deposited in the office of the Local Government Board and the other shall be deposited by the town clerk of the existing Borough at his office within fourteen days after the date of this Order Copies of the map deposited with the town clerk certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council to the clerk to the Urban Council to the

Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade and to the Board of Agriculture and Fisheries.

A.D. 1913.

Scarborough Order.

(2) Copies of or extracts from the map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as primâ facie evidence of the contents of the map so far as it relates to the boundaries of the Borough and the map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the Borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation All fees so received shall be carried to the credit of the borough fund.

Copies of map to be evidence.

Art. V. The powers and duties of the quarter sessions clerk of the peace and coroner of the existing Borough of the justices of the peace appointed for the existing Borough and of the clerk to those justices and of the police constables and other peace officers of the existing Borough shall extend to and apply throughout the Borough:

Powers and duties of justices &c. extended.

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

Provided also that every proceeding which prior to the commencement of this Order has been begun by or before any justice or justices or coroner in relation to any matter arising in or concerning any part of the added area 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 Order had not been made.

Art. VI.—(1) For the purposes of the parish burgess lists and burgess roll and the other lists to be made under the Municipal Corporations Acts and of all matters connected with incidental to or consequent upon those purposes the added area shall be deemed to have always been part of the Borough.

Parish burgess lists &c.

(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 Order.

(3) Where any difficulty arising in the year One thousand nine hundred and fourteen in giving effect to the provisions of this Order can be obviated or removed by any alteration in or re-arrangement of or any other action affecting the said lists roll and registers that

A.D. 1913.

Scarborough Order.

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 of the existing Borough or the clerk to the County Council as the case may require and the Overseers of the Poor shall render such assistance as may be requisite for the purpose of the said alteration re-arrangement or action by the town clerk or clerk to the County Council as the case may be and that alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to the said 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 Order and may vary so far as is requisite the provisions in force with regard to the said lists roll and registers.

Division into wards.

Art. VII. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the following provisions shall have effect:—

(1) For the purposes of the election of Councillors the Borough shall continue to be divided into six wards:

(2) So much of the added area as is coloured blue on the maps shall be included in the North Ward and so much of the added area as is coloured yellow on the maps shall be included in the West Ward:

(3) The Councillors representing the North Ward and the West Ward respectively who are in office at the commencement of this Order shall be deemed from and after that date to represent those Wards as altered by this Order.

Local Acts and Orders.

Art. VIII.—(1) The unrepealed provisions of the Local Act of 1805 shall be repealed.

(2) Section 60 of the Scarborough Corporation Act 1900 shall not be in force within or apply to any part of the added area.

(3) Subject to the provisions of this Order the unrepealed provisions of the Local Acts and of the Confirmation Acts specified in the Schedule to this Order so far as the last-mentioned Acts respectively relate to the Provisional Orders specified in that Schedule and of any other Local Act (including any Local Act passed or to be passed during the present Session of Parliament) or of any other Provisional Order duly confirmed by Parliament and affecting the existing Borough or the Corporation as the same respectively are in force within the existing Borough at the commencement of this Order 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 thereof.

A.D. 1913.

Scarborough Order.

(4) Notwithstanding the transfer by the Corporation to the Scarborough Electric Supply Company Limited of the undertaking authorised by the Scarborough Corporation Electric Lighting Order 1891 the Corporation shall be the undertakers for the purposes of the said Order within the added area and may if they think fit transfer the undertaking within that area with the consent of and on such terms and conditions as may be approved by the Board of Trade by deed approved by that Board.

Construction of Scarborough Public Market Act 1854 17 Vict. c. xix.

(5) The Scarborough Public Market Act 1854 shall be construed and have effect as if the expressions therein "the Municipal Borough of Scarborough" "the Borough of Scarborough" "the Borough" and "the said Borough" meant the Borough as extended by this Order.

Byelaws &c.

Art. IX. Subject to the provisions of this Order—

(1) All byelaws and regulations and every list of tolls and table of fees and payments and scale of charges made by the Corporation which at the commencement of this Order are in force in the existing Borough shall thenceforth apply to the Borough until or except in so far as any such byelaws regulations list of tolls table of fees and payments or scale of charges may be altered or repealed:

(2) All byelaws and regulations made by the Urban Council or their predecessors and in force immediately before the commencement of this Order in any part of the added area shall on that date cease to be in force except as regards any work which has been begun before that date or as regards any work which has not been so begun but for which plans have been approved before that date by the Urban Council or have been sent to the surveyor or clerk to the Urban Council one month at least before that date and have not been disapproved by that Council As regards any such work as aforesaid the byelaws in force immediately before the commencement of this Order shall continue to apply until the completion of the work in like manner and with the like effect as if those byelaws had been made by the Corporation and as if the Corporation and the Borough were referred to therein instead of the Urban Council and the Urban District respectively Provided that any proceedings which if this Order had not been made might have been taken by the Urban Council for any offence committed before the commencement of this Order against any byelaws

A.D. 1913.

Scarborough Order.

and regulations made by the Urban Council or their predecessors and in force immediately before the commencement of this Order 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:

Education byelaws.

(3) For the purposes and subject to the provisions of the Education Acts 1870 to 1910 and the Education (Administrative Provisions) Act 1911 any byelaws in force in the existing Borough immediately before the commencement of this Order shall from and after that date apply to the Borough until revoked or altered and from and after that date any byelaws then in force in the added area shall cease to be in force.

Town clerk and other officers continued.

Art. X.—(1) The town clerk and all other officers and servants of the Corporation of the existing Borough who hold office at the commencement of this Order 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.

Borough auditors.

(2) The auditors of the existing Borough who are in office at the commencement of this Order shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the next ordinary day of election of borough auditors.

Compensation to existing officers.

Art. XI.—(1) Every clerk to justices and county coroner and every 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 Order 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 exceed the limit therein mentioned and shall be paid in the case of any such officer or servant whose office or employment relates wholly or partly to sanitary purposes as defined by the Public Health Act 1875 out of the district fund and general district rate of the Borough and in every other case out of the borough fund and borough rate of the Borough and the provisions of subsections (2)

to (7) of Section 120 of the Act of 1888 shall apply with the necessary modifications Provided that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

(2) For the purposes of subdivision (1) of this Article any clerk to justices county coroner officer or servant to whom that subdivision applies and whose services are dispensed with or whose salary is reduced by the Secretary of State or 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 this Order because his services are not required or his duties are diminished in consequence of this Order and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

(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.

Actions &c. not to abate.

Art. XII.—(1) Any action or proceeding or any cause of action or proceeding which at the commencement of this Order is pending or existing by or against the Urban Council in relation exclusively to any part of the added area shall not be in anywise prejudicially affected by reason of the making of this Order but may be continued prosecuted and enforced by or against the Corporation of the Borough.

Saving for contracts &c.

(2) Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the commencement of this Order) entered into or made by the Urban Council or their predecessors in relation exclusively to any part of the added area shall be of as full force and effect against or in favour of the Corporation of the Borough and may be continued and enforced as fully and effectually as if instead of the Urban Council or their predecessors the Corporation had done or suffered the same or been a party thereto.

Corporation property &c.

Art. XIII. Subject to the provisions of this Order all property vested in the Corporation at the commencement of this Order for the benefit of the existing Borough shall by virtue of this Order be held by the Corporation for the benefit of the Borough and the Corporation shall hold enjoy and exercise for the benefit of the Borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing Borough and all liabilities which on the date aforesaid attach to the Corporation in respect of the existing Borough shall from and after that date attach to them in respect of the Borough.

A.D. 1913.

Scarborough Order.

Property &c. of Urban Council.

Art. XIV. Subject to the provisions of this Order—

(1) All property and liabilities which immediately before the commencement of this Order are vested in or attach to the Urban Council in relation exclusively to any part of the added area shall by virtue of this Order be transferred to and vest in and attach to the Corporation as Urban District Council and any property and liabilities vested in or attached to the Urban Council in relation to any part of the added area conjointly with any other area shall be a matter for adjustment under Section 62 of the Act of 1888:

Cesser of jurisdiction of Urban Council.

(2) The Urban Council shall cease to exercise any powers or have any duties within any part of the added area:

Arrears of rates &c.

(3) All arrears of rates made by the Urban Council and all other payments which at the commencement of this Order are due or owing to the Urban Council in respect of hereditaments in the added area may be collected and recovered by the Corporation:

Adjustment of balances.

(4) Any balances in the hands of the Overseers of the Parish of Scalby at the commencement of this Order and any sums collected by them after the commencement of this Order in respect of any rate made before that date and levied upon any rateable hereditament in the added area shall be a matter for adjustment under Section 62 of the Act of 1888:

Adaptation of provisions as to adjustment.

(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 Order that section shall have effect as if in subsections (5) (6) and (7) thereof the expression "Council" included any authority affected by this Order or by anything done in pursuance of this Order 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.

Scarborough Order.

(6) 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 Order so far as it relates to the amalgamation of the added area with the existing Parish of Scarborough that section shall have effect—

(*a*) As if the Overseers of the Parishes of Scalby and Scarborough were within the meaning of the said section as applied by this Article authorities affected by this Order;

(*b*) As if the poor rate or any other rate leviable in pursuance of the said section as applied by this Article were substituted for any fund mentioned in the 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 adjust-"ment 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."

Mortgage debts of Corporation.

Art. XV.—(1) The liability for repayment of any moneys borrowed by the Scarborough Burial Board or of so much of any of those moneys as is owing at the commencement of this Order and for the payment of the interest thereon shall by virtue of this Order be transferred and attach to the Corporation.

(2) So much of any sums borrowed by the Corporation as at the commencement of this Order is owing and charged upon the district fund and general district rate of the existing Borough shall by virtue of this Order be charged upon the district fund and general district rate of the Borough.

(3) So much as at the commencement of this Order is outstanding in respect of the moneys borrowed by the Scarborough Burial Board

A.D. 1913.

Scarborough Order.

as aforesaid together with so much of any sums borrowed by the Corporation as at the commencement of this Order is owing and charged upon the borough fund and borough rate of the existing Borough shall by virtue of this Order be charged upon the borough fund and borough rate of the Borough.

(4) All borrowed moneys to which this Article applies 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.

(5) Nothing in this Order shall prejudice or affect any mortgage or other security which has been granted in respect of any sum borrowed as aforesaid or the powers of any person entitled under any such mortgage or other security to enforce the same as if this Order had not been made and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Order the power may continue to be exercised as if this Order had not been made and the general district rate of the Borough or the borough rate of the Borough as the case may be shall for any such purpose be levied and have effect in substitution for the rate which would have been leviable if this Order had not been made.

Adoptive Acts.

Art. XVI. The provisions of Section 4 of the Infectious Disease (Prevention) Act 1890 and the provisions of the Public Health Acts Amendment Act 1890 shall be in force in and apply to the Borough as if the same had been adopted therein.

Art. XVII. Subject to the provisions of any Order which the Local Government Board or a Secretary of State may hereafter make—

Powers under Section 33 of Act of 1894.

(1) The provisions of any Order heretofore made by the Local Government Board and conferring upon the Council of the existing Borough any of the matters mentioned in Section 33 of the Act of 1894 and in that Order shall be deemed to have effect as if any reference in those provisions to the existing Parish of Scarborough extended and applied to the Parish of Scarborough:

Powers under Public Health Acts Amendment Act 1907. 7 Edw. 7. c. 53.

(2) The provisions of any Order made by the Local Government Board or by the Secretary of State and declaring to be in force in the existing Borough any Parts or Sections of the Public Health Acts Amendment Act 1907 shall have and shall be deemed always to have had effect as if any reference in those provisions to the existing Borough extended and applied to the Borough and as if the said Parts and Sections were accordingly declared to be in force in the Borough.

A.D. 1913.

Scarborough Order.

Corporation to be Burial Board for Borough.

Art. XVIII.—(1) The Corporation shall be the Burial Board for the Borough and shall have within the Borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts Provided that no approval sanction or authorisation of the vestry of the Parish of Scarborough shall be required in respect of any act of the Corporation as the Burial Board as aforesaid.

Abolition of Scarborough Burial Board.

(2) All property and liabilities of the Scarborough Burial Board shall by virtue of this Order vest in and be transferred and attach to the Corporation as the Burial Board for the Borough and the Scarborough Burial Board shall be abolished and cease to exist.

Burial fees &c.

(3) Subject to the provisions of the Burial Act 1900 all fees payments and sums fixed and settled and receivable by the Scarborough Burial Board immediately prior to the commencement of this Order shall thenceforth be receivable by the Corporation acting as a Burial Board until or except in so far as any such fees payments or sums may be altered or varied in pursuance of the statutory provisions in that behalf.

Electoral Divisions and County Councillors.

Art. XIX.—(1) Subject to the provisions of Section 54 of the Act of 1888 so much of the added area as is by this Order included in the North Ward of the Borough shall be transferred from the Scalby Electoral Division to the Scarborough North Electoral Division of the County and so much of the added area as is by this Order included in the West Ward of the Borough shall be transferred from the Scalby Electoral Division to the Scarborough West Electoral Division of the County.

(2) The persons who immediately before the commencement of this Order are the County Councillors representing the above-mentioned Electoral Divisions of the County shall continue to represent the same divisions as if they had been originally elected to represent those divisions as hereby altered.

Alteration of parishes.

Art. XX. The added area shall be separated from the existing Parish of Scalby and shall be amalgamated with the existing Parish of Scarborough.

Guardians.

Art. XXI. Subject to the provisions of Section 60 of the Act of 1894 the following provisions shall have effect:—

(1) For the purposes of the election of Guardians the Parish of Scarborough shall continue to be divided into six wards:

(2) So much of the added area as is by this Order included in the North Ward of the Borough shall be included in the North Ward of the Parish of Scarborough and so much of the added area as is by this Order included in the West Ward of the Borough shall be included in the West Ward of the

A.D. 1913.

Scarborough Order.

Parish of Scarborough and the persons who at the commencement of this Order are the Guardians elected for the existing North Ward and West Ward respectively shall in each case be deemed to have been elected for the ward as altered by this Order and shall represent the altered ward until the date on which they would have retired if this Order had not been made as if they had originally been elected to represent the ward as so altered:

(3) The persons who at the commencement of this Order are the Guardians elected for the existing Parish of Scalby shall be deemed to have been elected for the Parish of Scalby and shall represent that Parish until the date on which they would have retired if this Order had not been made as if they had originally been elected to represent that Parish.

Ecclesiastical divisions and charities.

Art. XXII. Nothing in this Order 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 existing parish affected by this Order.

Valuation lists.

Art. XXIII. Until new valuation lists are in force the portion of the valuation list of the existing Parish of Scalby which relates to hereditaments in the added area shall be deemed to form part of the valuation list of the Parish of Scarborough and the remaining portion of the valuation list of the existing Parish of Scalby shall be deemed to be the valuation list of the Parish of Scalby.

County rate basis.

Art. XXIV.—(1) Subject to any future revision the basis or standard of the county rate for the County shall be deemed to be altered by the deduction from the amount appearing therein as the total annual value of the property in the existing Parish of Scalby of such a sum as will represent the annual value of the property in the added area and by the addition of that sum to the amount appearing therein as the total annual value of the property in the existing Parish of Scarborough.

(2) For the purposes of this Article the annual value of the property in the added area shall be the amount which bears the same relation to the total annual value of the existing Parish of Scalby as the assessable value of the property in the added area bears to the total assessable value of property in the existing Parish and the total annual value of the existing Parish shall be the amount appearing as such in the basis or standard of the county rate.

A.D. 1913.

Scarborough Order.

(3) For the purposes of this Article 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 Scalby or in the added area as the case may require.

Saving for existing lists of parliamentary voters &c.

Art. XXV. 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 Order shall be deemed to continue unaltered until the new registers and lists come into operation:

Provided that for the purposes of any election under the Act of 1894 to be held for any area affected by this Order the town clerk or the clerk of the County Council as the case may require shall if and when necessary cause the register of parochial electors to be altered in such manner as may be requisite to give effect to the provisions of this Order.

Settlement and removal of the poor.

Art. XXVI. For any purposes connected with the settlement and removal of the poor in relation to cases affected by this Order the following provisions shall have effect that is to say:—

(1) Every person who at the commencement of this Order has acquired or is in the course of acquiring a settlement in either of the existing Parishes of Scalby or Scarborough by reason of any residence completed or in the course of completion or of any act or thing done or in the course of being done or of any status condition right or privilege acquired or created or in the course of acquisition or creation—

(i) in the existing Parish of Scarborough; or

(ii) in the added area; or

(iii) in that part of the existing Parish of Scalby which by virtue of this Order will form the Parish of Scalby

shall be deemed to have acquired or to be in the course of acquiring in the first and second cases a settlement in the Parish of Scarborough and in the third case a settlement in the Parish of Scalby and in each case as if the existing parish or the added area or the specified part of the existing parish were and had always been the parish or a part of the parish in which by virtue of this Article the person shall be deemed to have acquired or to be in the course of acquiring a settlement:

A.D. 1913.

Scarborough Order.

(2) Every person who at the commencement of this Order has acquired or is in the course of acquiring a status of irremovability from the Scarborough Union by reason of residence—

(i) in the existing Parish of Scarborough; or

(ii) in the added area; or

(iii) in that part of the existing Parish of Scalby which by virtue of this Order will form the Parish of Scalby

shall be deemed to have acquired or to be in the course of acquiring the like status by reason of residence in the first and second cases in the Parish of Scarborough and in the third case in the Parish of Scalby.

Saving for contribution orders and precepts.

Art. XXVII. Notwithstanding the alteration in the areas of parishes effected by this Order all contribution orders made by the Guardians of the Poor of the Scarborough Union before the commencement of this Order shall be as valid in law as if this Order had not been made.

Arrears of rates.

Art. XXVIII. All sums in respect of rates made by the Overseers of the Poor of the existing Parish of Scalby and due or owing at the commencement of this Order in respect of hereditaments in the added area shall be collected and recovered by the Overseers of the Poor of the Parish of Scalby as if this Order had not been made.

Borrowing powers for purposes of Order.

Art. XXIX. For the purpose of defraying the cost of obtaining this Order and any expenses under this Order which in the opinion of the Local Government Board are properly chargeable to capital the Corporation may borrow according and subject to the provisions and restrictions of the Public Health Act 1875 and may mortgage the borough fund and borough rate or the district fund and general district rate of the Borough for the purpose of securing the repayment of any moneys so borrowed and the interest thereon Provided that all such moneys shall be repaid within such period not exceeding thirty years from the date of borrowing the same as the Corporation with the sanction of the Local Government Board determine.

Short title.

Art. XXX. This Order may be cited as the Scarborough (Extension) Order 1913.

The SCHEDULE above referred to.

Part I.—Local Acts.

Session and Chapter.	Title or Short Title.
8 & 9 Vict. c. lxviii. - -	An Act for better supplying with water the Towns of Scarborough and Falsgrave in the Parish of Scarborough in the County of York.
19 Vict. c. xxvii. - -	The Scarborough Waterworks Amendment Act 1856.
26 Vict. c. xi. - - -	The Scarborough Waterworks Amendment Act 1863.
27 & 28 Vict. c. lxviii. - -	The Scarborough Valley Bridge Company's Act 1864.
41 Vict. c. l. - - -	The Scarborough Waterworks Amendment Act 1878.
41 Vict. c. lxxv. - - -	The Scarborough Corporation Water Act 1878.
52 & 53 Vict. c. clxiv. - -	The Scarborough Improvement Act 1889.
63 & 64 Vict. c. cclxxix. -	The Scarborough Corporation Act 1900.

Part II.—Confirmation Acts.

Session and Chapter.	Short Title.	Order thereby confirmed.
23 & 24 Vict. c. 44.	The Local Government Supplemental Act 1860.	Order relating to Scarborough dated 11th May 1860.
54 & 55 Vict. c. lxii.	The Electric Lighting Orders Confirmation (No. 5) Act 1891.	The Scarborough Corporation Electric Lighting Order 1891.
60 & 61 Vict. c. cxli.	The Local Government Board's Provisional Orders Confirmation (No. 14) Act 1897.	The Scarborough Order 1897.
62 & 63 Vict. c. cxlv.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1899.	The Scarborough Order 1899.
2 Edw. 7. c. lxx.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1902.	The Scarborough Order 1902.
4 Edw. 7. c. lxii.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1904.	The Scarborough Order 1904.
5 Edw. 7. c. cvi.	The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1905.	The Scarborough Order 1905.
1 & 2 Geo. 5. c. cxl.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1911.	The Scarborough Order 1911.

Given under the Seal of Office of the Local Government Board this Sixth day of May One thousand nine hundred and thirteen.

(L.S.)

John Burns President.
H. C. Monro Secretary.

A.D. 1913.

SECOND SCHEDULE.

Part I.

Rules for determining Adjustments 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 amounts equal to the average annual amounts of the compulsory payments and transfers made by or on behalf of that Council in accordance with section 24 of the Local Government Act 1888 in respect of the five years ending the Thirty-first day of March One thousand nine hundred and fourteen less the portions of such average annual amounts paid and transferred for and in respect of the specified area and amounts equal to such last-mentioned portions shall be apportioned to the Corporation:

(b) Out of the balance (if any) of the said portion of the local taxation licences and estate duty grant there shall next be apportioned to the County Council amounts equal to the average annual amounts of the compulsory payments made by or on behalf of that Council in accordance with section 26 of the Local Government Act 1888 in respect of the five years ending the Thirty-first day of March One thousand nine hundred and fourteen less the portions of such annual average amounts paid for and in respect of the specified area and amounts equal to such last-mentioned portions shall be apportioned to the Corporation:

(c) Out of the balance (if any) 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 the main roads within the specified area and such last-mentioned amount shall be apportioned to the Corporation:

Provided that if it appears 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:

(D) 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 on the appointed day of the County less the specified area and of that area respectively:

(E) If any difficulty arises in ascertaining for the purposes of paragraph (A) or paragraph (B) the portion of any item paid or transferred for and in respect of the specified area or any part thereof a portion of that item proportionate to the rateable value at the commencement of the financial year in respect of which the payment or transfer was made of that area or part as compared with the rateable value of the whole area for and in respect of which the item was paid or transferred shall be deemed to have been paid or transferred for and in respect of the specified area:

(F) If the amount available for apportionment under any of the preceding paragraphs is insufficient to meet the whole of the amounts apportioned under the paragraph to the County Council and the Corporation those amounts shall be reduced proportionately.

A.D. 1913.

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 on the appointed day of the County less the specified area and of that area respectively.

3. In this Part of this Schedule—

(1) The expression "the appointed day" means the First day of April One thousand nine hundred and fourteen;

(2) The expressions "the County" and "the County Council" mean respectively the Administrative County of Cumberland and the County Council of that County;

(3) The expression "the Corporation" means the Mayor Aldermen and Citizens of the City of Carlisle acting by the Council;

(4) The expression "the specified area" means the area of the City of Carlisle constituted a County Borough by the Order relating to Carlisle;

(5) The expression "rateable value" means (unless the County Council and the Corporation otherwise agree) the rateable value as determined by the last valuation list or if there is no valuation list by 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 between the burden on the ratepayers which will properly be incurred by the Council or other authority affected by the Order 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:

(*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 apportionment under Part I. of the Schedule shall be taken into account.

2. The sum payable to any Council or other authority affected by the Order 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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