



CHAPTER xxxiv.

An Act to confirm a Provisional Order of the Local Government Board relating to Kendal. A.D. 1918.

[8th August 1918.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the schedule hereto under the provisions of the Local Government Act 1888:

51 & 52 Vict.
c. 41.

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

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

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

2. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 5) Act 1918. Short title.

A.D. 1918.

SCHEDULE.

BOROUGH OF KENDAL.

*Kendal
Order.*

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

To the mayor aldermen and burgesses of the borough of
Kendal;—

To the justices of the peace for the said borough;—

To the justices of the peace for the county of Westmorland in
quarter sessions assembled;—

To the county council of Westmorland;—

To the rural district council of South Westmorland;—

To the guardians of the poor of the Kendal Union;—

To the parish council of Scalthwaiterigg;—

To the overseers of the poor of each of the parishes of Kendal
and Scalthwaiterigg;—

And to all others whom it may concern.

51 & 52 Vict. c. 41. 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 whereas the borough of Kendal in the county of Westmor-
land is a borough within the meaning of the Local Government Act
1888 and the inhabitants are a body corporate by the name of the
mayor aldermen and burgesses of the borough of Kendal and act by
the council of the said borough which now consists of the mayor (who
is also a councillor) six aldermen and seventeen other councillors and
the said borough is for the purposes of the election of councillors
divided into three wards:

And whereas the said borough is co-extensive with the parish
of Kendal and is an urban district of which the mayor aldermen and
burgesses acting by the council are the urban district council:

[8 & 9 GEO. 5.] *Local Government Board's* [Ch. xxxiv.]
Provisional Order Confirmation (No. 5) Act, 1918.

And whereas the said borough has a separate commission of the peace and police force :

A.D. 1918.

*Kendal
Order.*

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 Westmorland are the local education authority for the other purposes of that Act :

2 Edw. 7.
c. 42.

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 :

And whereas the provisions of—

- (a) The Infectious Disease (Prevention) Act 1890 ;
- (b) The Public Health Acts Amendment Act 1890 ;
- (c) The Museums and Gymnasiums Act 1891 so far as it relates to museums only ;
- (d) The Private Street Works Act 1892 ;
- (e) The Baths and Washhouses Acts 1846 to 1899 ; and
- (f) The Public Libraries Acts 1892 to 1901 ;

53 & 54 Vict. c. 34.

53 & 54 Vict. c. 59.

54 & 55 Vict. c. 22.

55 & 56 Vict. c. 57.

9 & 10 Vict. c. 74.

10 & 11 Vict. c. 61.

41 & 42 Vict. c. 14.

45 & 46 Vict. c. 30.

59 & 60 Vict. c. 59.

62 & 63 Vict. c. 29.

55 & 56 Vict. c. 53.

56 Vict. c. 11.

1 Edw. 7. c. 19.

are in force in the said borough :

And whereas the Kendal Burial Board are the authority for the execution of the Burial Acts 1852 to 1906 within the parish of Kendal but the council of the said borough have resolved in pursuance of Section 62 of the Local Government Act 1894 that the powers duties property debts and liabilities of that burial board shall be transferred to the mayor aldermen and burgesses of the said borough acting by the council upon the date upon which this Order comes into operation :

15 & 16 Vict. c. 85.

6 Edw. 7. c. 44.

56 & 57 Vict.

c. 73.

And whereas the parish of Scalthwaiterigg in the county of Westmorland immediately adjoins the said borough and is a contributory place in the rural district of South Westmorland and is subject to the jurisdiction of the rural district council of South Westmorland and one rural district councillor is elected for the said parish :

And whereas the provisions of the Infectious Disease (Prevention) Act 1890 and the provisions of Part III. of the Public Health Acts Amendment Act 1890 which are applicable to rural districts are in force in the said rural district :

And whereas the parishes of Kendal and Scalthwaiterigg are included in the Kendal Union and the parish of Kendal is represented on the board of guardians of that union by twelve guardians and for the purpose of the election of guardians is divided into three wards which are co-extensive with the municipal wards of the said

[Ch. xxxiv.] *Local Government Board's* [8 & 9 GEO. 5.]
Provisional Order Confirmation (No. 5) Act, 1918.

A.D. 1918. borough and the rural district councillor elected for the parish of
Kendal Scalthwaiterigg is the representative of that parish on the said board
Order. of guardians :

And whereas the parish of Scalthwaiterigg is a rural parish within the meaning of the Local Government Act 1894 for which a parish council has been established :

And whereas in pursuance of the Education Act 1902 the parish of Scalthwaiterigg forms part of the area of the county council of Westmorland as the local education authority :

51 & 52 Vict. Now therefore We the Local Government Board in pursuance of
c. 41. the powers given to Us by Sections 54 and 59 of the Local Govern-
ment 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:—

Definitions.

Art. I. In this Order—

- (1) The expression "the commencement of this Order" means the ninth day of November one thousand nine hundred and eighteen ;
- (2) The expression "the existing borough" means the borough of Kendal 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 Westmorland and the county council of that county ;
- (6) The expressions "the rural district" and "the rural council" mean respectively the rural district of South Westmorland and the rural district council of that district ;
- (7) The expression "the borough maps" means the two maps each marked "map of the borough of Kendal as extended 1918" and sealed with the official seal of the Local Government Board ;
- (8) The expression "the ward maps" means the two maps each marked "map of the wards of the borough of Kendal as extended 1918" and sealed with the official seal of the Local Government Board ;

[8 & 9 GEO. 5.] *Local Government Board's* [Ch. xxxiv.]
Provisional Order Confirmation (No. 5) Act, 1918.

(9) The expression "the added area" means that part of the rural district and of the parish of Scalthwaiterigg which is added to the existing borough by this Order and is coloured blue on the borough maps ;

A.D. 1918.

*Kendal
Order.*

(10) The expressions "the existing parish of Kendal" and "the existing parish of Scalthwaiterigg" mean in each case the parish as it existed immediately prior to the commencement of this Order and the expressions "the parish of Kendal" and "the parish of Scalthwaiterigg" mean in each case the parish as altered by this Order ;

(11) The expressions "the Act of 1888" "the Act of 1894" and "the Act of 1918" mean respectively the Local Government Act 1888 the Local Government Act 1894 and the Representation of the People Act 1918 ;

8 Geo. 5.
c. 64.

(12) The expression "the Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the expression "the Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same.

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 ninth day of November one thousand nine hundred and eighteen :

Commence-
ment of
Order.

Provided that for the purposes of the lists and register of local government electors to be prepared in pursuance of the Act of 1918 of all proceedings preliminary or relating to any municipal election to be held on the ordinary day of election in the year one thousand nine hundred and eighteen and of the revision of the basis or standard of the county rate this Order shall operate from the date of the Act of Parliament confirming this Order.

Date of
operation of
Order for
register of
local govern-
ment electors
&c.

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

Extension of
borough.

(2) The boundary of the borough shall be that shown by the red line on the borough 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.

Art. IV.—(1) One of the borough maps and one of the ward 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

Deposit of
maps.

[Ch. xxxiv.] *Local Government Board's* [8 & 9 GEO. 5.]
Provisional Order Confirmation (No. 5) Act, 1918.

A.D. 1918. the borough map deposited with the town clerk certified by him to
Kendal be true shall be sent within one month after the date of the Act of
Order. Parliament confirming this Order to the clerk of the county council
to the clerk to the rural council to the Registrar-General to the Board
of Inland Revenue to the Commissioners of Customs and Excise to
the Board of Trade and to the Board of Agriculture and Fisheries
and copies of the ward map so deposited and certified in like manner
shall be sent within the said period to the Registrar-General and to
the Board of Agriculture and Fisheries.

Copies of
map to be
evidence.

(2) 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 *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 leviabie 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.

Powers and
duties of
justices &c.
extended.

Art. V. The powers and duties 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 shall extend to
and apply throughout the borough :

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 com-
mencement of this Order has been begun by or before any justice or
justices 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.

Register of
local govern-
ment
electors.

Art. VI.—(1) Unless the register of electors prepared under the
Act of 1918 is so framed as to show the names of the persons who
will be entitled to vote as local government electors at the election of
councillors to be held under this Order on the First day of November
One thousand nine hundred and eighteen it shall be the duty of the
town clerk of the existing borough to prepare in time for that election
registers showing the names of the local government electors who are
entitled to vote at such election in each of the six wards into which
the borough is divided by this Order.

(2) The overseers of any parish affected by this Order shall render
such assistance as may be required for the purpose of preparing

[8 & 9 GEO. 5.] *Local Government Board's* [Ch. xxxiv.]
Provisional Order Confirmation (No. 5) Act, 1918.

altering or re-arranging any registers so that the same may be made available for carrying out the election of councillors on the First day of November One thousand nine hundred and eighteen. A.D. 1918.

Kendal
Order.

(3) 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 registers.

Art. VII. For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added area shall be deemed to have always formed part of the borough. Qualification
for election
on County
or Borough
Councils.
4 & 5 Geo. 5.
c. 21.

Art. VIII. 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 be divided into six wards which shall be named respectively the Castle Ward the Far Cross Ward the Fell Ward the Highgate Ward the Nether Ward and the Strickland Ward: Division into
wards.
- (2) Each of the said wards shall comprise that portion of the borough which is indicated by a separate colour and distinguished by the name of the ward on the ward maps: Boundaries
of wards.
- (3) Three councillors shall be assigned to each of the said wards.

Art. IX. For the purposes of the election of a town council for the borough in pursuance of the Municipal Corporations Acts in the month of November one thousand nine hundred and eighteen the following provisions shall apply:— Provisions
for election
of council-
lors and
aldermen in
1918.

- (a) The town clerk and the mayor of the existing borough or such other persons as the Local Government Board shall appoint shall perform the duties devolving upon the town clerk and mayor respectively under the Municipal Corporations Acts and the mayor of the existing borough shall be the returning officer at the election for all the wards Provided that the mayor of the existing borough may appoint some other person to act as returning officer at the election for any of the wards:
- (b) Eighteen councillors of the borough shall be elected on the first day of November one thousand nine hundred and eighteen and six aldermen of the borough shall be elected on the ninth day of November one thousand nine hundred and eighteen:

[Ch. xxxiv.] *Local Government Board's* [8 & 9 GEO. 5.]
Provisional Order Confirmation (No. 5) Act, 1918.

A.D. 1918.

*Kendal
Order.*

- (c) Notwithstanding anything in the Municipal Corporations Acts to the contrary all the councillors of the existing borough who shall be in office on the first day of November one thousand nine hundred and eighteen shall go out of office on that date and all the aldermen of the existing borough who shall be in office on the ninth day of November one thousand nine hundred and eighteen shall go out of office on that date and all the said councillors and aldermen shall if otherwise qualified be eligible for election as councillors of the borough on the first day of November one thousand nine hundred and eighteen.

Retirement
of coun-
cillors and
aldermen
elected in
1918.

Art. X.—(1) The councillors elected for the borough in the year one thousand nine hundred and eighteen in pursuance of this Order shall retire as follows:—

- (a) The councillor for each ward who is elected by the smallest number of votes on the first day of November one thousand nine hundred and nineteen:
- (b) The councillor for each ward who is elected by the largest number of votes on the first day of November one thousand nine hundred and twenty-one:
- (c) The other councillor for each ward on the first day of November one thousand nine hundred and twenty.

(2) The aldermen elected for the borough in the year one thousand nine hundred and eighteen in pursuance of this Order shall retire as follows:—

- (a) The three aldermen elected by the smallest number of votes on the ninth day of November one thousand nine hundred and twenty-one:
- (b) The other three aldermen on the ninth day of November one thousand nine hundred and twenty-four:

Provided that if for any reason it is doubtful which of the councillors or aldermen as the case may be ought to retire on the dates above specified the council of the borough shall on the ninth day of November one thousand nine hundred and eighteen or at the next following quarterly meeting and not later by a majority of votes or in case of an equality of votes by the casting vote of the chairman determine which of the councillors or aldermen as the case may be shall go out of office on the dates above specified respectively.

Local Acts
and Orders.

Art. XI. 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

[8 & 9 GEO. 5.] *Local Government Board's* [Ch. xxxiv.]
Provisional Order Confirmation (No. 5) Act, 1918.

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. 1918.

Kendal
Order.

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

Byelaws &c.

- (1) All byelaws orders 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 orders or regulations or list of tolls or table of fees and payments or scale of charges may be altered or repealed:
- (2) All byelaws and regulations made by the rural council or their predecessors and in force immediately before the commencement of this Order in the added area 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 have been made by the corporation) shall on that date cease to be in force Provided that any proceedings which if this Order had not been made might have been taken by the rural council for any offence committed before the commencement of this Order against any byelaws and regulations made by the rural council or their predecessors and in force immediately before the commencement of this Order in 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 rural council:
- (3) For the purpose and subject to the provisions of the Education Acts 1870 to 1916 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.

Art. XIII. Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 and in force immediately before the commencement of this Order in any area affected by this Order shall subject to the provisions of the Shops Act 1912 remain in force and

Orders under
Shop Hours Act
1904 and Shops
Act 1912.
4 Edw. 7. c. 31.
2 Geo. 5. c. 3.

[Ch. xxxiv.] *Local Government Board's* [8 & 9 GEO. 5.]
Provisional Order Confirmation (No. 5) Act, 1918.

A.D. 1918.

*Kendal
Order.*

Town clerk
and other
officers con-
tinued.

apply to the area to which it applied immediately before the commencement of this Order.

Art. XIV.—(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.

Compensa-
tion to exist-
ing officers.

Art. XV.—(1) Every clerk to justices 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 or 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 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 diminution

[8 & 9 GEO. 5.] *Local Government Board's* [Ch. xxxiv.]
Provisional Order Confirmation (No. 5) Act, 1918.

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.

A.D. 1918.
Kendal
Order.

Art. XVI.—(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 rural 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.

Actions &c.
 not to abate.

(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 rural 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 rural council or their predecessors the corporation had done or suffered the same or been a party thereto.

Saving for
 contracts &c.

Art. XVII. 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.

Corporation
 property &c.

Art. XVIII. 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 rural 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 rural 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:

Property &c.
 of rural
 council.

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

Cessor of
 jurisdiction of
 rural council.

(3) All arrears of rates made by the overseers of the poor of the parish of Scalthwaiterigg for the purposes of the

Arrears of
 rates.

[Ch. xxxiv.] *Local Government Board's* [8 & 9 GEO. 5.]
Provisional Order Confirmation (No. 5) Act, 1918.

A.D. 1918.

*Kendal
Order.*

Public Health Acts or for highway expenses which at the commencement of this Order are due or owing in respect of hereditaments in the added area may be collected and recovered as if this Order had not been made and when collected and recovered shall be applied towards the discharge of any precept of the rural council which at that date shall be in force and not satisfied and the balances if any shall be paid to the corporation:

Adjustment
of balances.

- (4) Any balances in the hands of the overseers of the poor of the parish of Scalthwaiterigg at the commencement of this Order and any sum 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 adjust-
ment.

- (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:

- (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 Kendal that section shall have effect—

(a) as if the overseers of the parishes of Kendal and Scalthwaiterigg were within the meaning of the said section as applied by this Article authorities affected by this Order;

[8 & 9 GEO. 5.] *Local Government Board's* [Ch. xxxiv.]
Provisional Order Confirmation (No. 5) Act, 1918.

(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

A.D. 1918.
Kendal
Order.

(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.”

Art. XIX. So much of any sums borrowed by the corporation as will at the commencement of this Order be 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 and so much of any sums borrowed by the corporation as will at the commencement of this Order be 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 and all those 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.

Mortgage
debts of cor-
poration.

Art. XX. The provisions of the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 the Museums and Gymnasiums Act 1891 (so far as it relates to museums only) the Private Street Works Act 1892 the Baths and Washhouses Acts 1846 to 1899 and the Public Libraries Acts 1892 to 1901 shall be in force in and apply to the borough as if the same had been adopted therein.

Adoptive
Acts.

[Ch. xxxiv.] *Local Government Board's* [8 & 9 GEO. 5.]
Provisional Order Confirmation (No. 5) Act, 1918.

A.D. 1918.

—
Kendal
Order.

Powers under
sections 33
and 34 of
Act of 1894.

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

(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 or in section 34 of the Act of 1894 and in that order shall as affected by the Kendal Corporation Act 1907 be deemed to have effect as if any reference in those provisions to the existing parish of Kendal extended and applied to the parish of Kendal :

Powers un-
der Public
Health Acts
Amendment
Act 1907.
7Edw.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.

Differential
rating.

Art. XXII. The total amount in the pound of the general district rates to be levied by the corporation in any one year in respect of any hereditament in the added area shall during a period of seven years from the commencement of this Order be less by one shilling and sixpence than the total amount in the pound of the general district rates 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.

Corporation
to be burial
board for
borough.

Art. XXIII. The corporation shall be the burial board for the borough and shall have within the borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906 Provided that no approval sanction or authorisation of the vestry of the parish of Kendal shall be required in respect of any act of the corporation as the burial board as aforesaid.

Alteration of
parishes.

Art. XXIV. The added area shall be separated from the existing parish of Scalthwaiterigg and shall be amalgamated with the existing parish of Kendal.

Parish
council.

Art. XXV.—(1) Subject to the provisions of this Order the parish council of the existing parish of Scalthwaiterigg shall cease to exist and any powers and duties transferred by the Act of 1894 to the said parish council shall so far as regards the added area be vested in exerciseable by and imposed on the persons and authorities in whom

[8 & 9 GEO. 5.] *Local Government Board's* [Ch. xxxiv.]
Provisional Order Confirmation (No. 5) Act, 1918.

they would be vested or by whom they would be exerciseable or on whom they would be imposed if the added area had been included in a parish in the existing borough on the appointed day within the meaning of the Act of 1894 and all property and liabilities held or incurred so far as regards the added area for the purpose or by virtue of the said powers and duties shall by virtue of this Order be transferred to and vest in and attach to the persons and authorities aforesaid Any property or liabilities of the said parish council held or incurred otherwise than by virtue or for the purposes of the powers or duties aforesaid shall so far as regards the added area by virtue of this Order be transferred to and vest in and attach to the corporation.

A.D. 1918.

Kendal
Order.

(2) Subject to the provisions of subsection (1) of section 1 and of section 19 of the Act of 1894 the parish of Scalthwaiterigg shall be a parish not having a separate parish council and the parish meeting of that parish shall as soon as possible after the commencement of this Order choose a chairman of the parish meeting who until the choice of a successor at the next annual assembly of the parish meeting shall have all the powers duties and liabilities of a chairman chosen at the annual assembly and the necessary provisions of the Act of 1894 shall apply accordingly.

(3) The accounts of the parish council of the existing parish of Scalthwaiterigg and of the committees and officers of that council shall be made up to the commencement of this Order and shall be audited by the district auditor in like manner and with the like incidents and consequences as if this Order had not been made :

Provided that the audit may be held as soon as practicable after the commencement of this Order any statutory provision or regulation as to the time of holding the audit to the contrary notwithstanding and that any sum certified by the district auditor at the audit to be due from any person shall be paid to the treasurer of the borough and shall be a matter for adjustment under section 62 of the Act of 1888.

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

Rural dis-
trict coun-
cillors and
guardians.

- (1) The wards of the existing parish of Kendal shall be abolished :
- (2) The persons who at the commencement of this Order are holding the office of guardians of the poor for the wards of the existing parish of Kendal shall be deemed to have been elected for and shall represent the parish of Kendal until the date upon which they would have retired if this Order had not been made :

[Ch. xxxiv.] *Local Government Board's* [8 & 9 GEO. 5.]
Provisional Order Confirmation (No. 5) Act, 1918.

A.D. 1918.
—
Kendal
Order.

(3) The person who at the commencement of this Order is holding the offices of rural district councillor and guardian of the poor for the existing parish of Scalthwaiterigg shall be deemed to have been elected for and shall represent the parish of Scalthwaiterigg as if he had been originally elected to represent the parish of Scalthwaiterigg :

(4)—(a) For the purposes of the ordinary election of guardians in the year one thousand nine hundred and nineteen and of all subsequent elections of guardians the parish of Kendal shall be divided into six wards which shall respectively be co-terminous in area with and shall bear the same names as the wards into which the borough is divided by Article VIII. of this Order for the purposes of the election of councillors ;

(b) Two guardians shall be elected for each of the said wards.

Valuation
lists.

Art. XXVII. Until new valuation lists are in force the portion of the valuation list of the existing parish of Scalthwaiterigg which relates to hereditaments in the added area shall be deemed to form part of the valuation list of the parish of Kendal and the remaining portion of the valuation list of the existing parish of Scalthwaiterigg shall be deemed to be the valuation list of the parish of Scalthwaiterigg.

County rate
basis.

Art. XXVIII.—(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 Scalthwaiterigg 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 Kendal.

(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 Scalthwaiterigg 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.

(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 Scalthwaiterigg or in the added area as the case may require.

[8 & 9 GEO. 5.] *Local Government Board's* [Ch. xxxiv.]
Provisional Order Confirmation (No. 5) Act, 1918.

Art. XXIX.—(1) For the purposes of the register of parliamentary electors and of jury lists the parishes affected by this Order shall be deemed to continue unaltered until the next register after the commencement of this Order comes into force.

A.D. 1918.

*Kendal
Order.*

Saving for
existing
register of
electors &c.

(2) For the purposes of any election under the Act of 1894 to be held for any area affected by this Order which is outside the borough and of the holding of any parish meeting the registration officer shall if and when necessary cause the register of local government electors in force at the commencement of this Order to be altered in such manner as may be requisite to give effect to the provisions of this Order.

Art. XXX. 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):—

Settlement
and removal
of the poor.

(1) Every person who at the commencement of this Order has acquired or is in the course of acquiring a settlement in the existing parish of Kendal or in the existing parish of Scalthwaiterigg 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 Kendal; or

(ii) in the added area; or

(iii) in that part of the existing parish of Scalthwaiterigg which by virtue of this Order will form the parish of Scalthwaiterigg;

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 Kendal and in the third case a settlement in the parish of Scalthwaiterigg 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:

(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 Kendal union by reason of residence—

(i) in the existing parish of Kendal; or

(ii) in the added area; or

[Ch. xxxiv.] *Local Government Board's* [8 & 9 GEO. 5.]
Provisional Order Confirmation (No. 5) Act, 1918.

A.D. 1918.

Kendal
Order.

(iii) in that part of the existing parish of Scalthwaiterigg which by virtue of this Order will form the parish of Scalthwaiterigg ;

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 Kendal and in the third case in the parish of Scalthwaiterigg.

Saving for
contribution
orders and
precepts.

Art. XXXI. Notwithstanding the alteration in the areas of parishes effected by this Order all contribution orders made by the guardians of the poor of the Kendal Union and all precepts made by the rural council before the commencement of this Order shall be as valid in law as if this Order had not been made.

Arrears of
rates.

Art. XXXII. All sums in respect of rates made by the overseers of the poor of the existing parish of Scalthwaiterigg 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 Scalthwaiterigg as if this Order had not been made.

Ecclesiastical
divisions and
charities.

Art. XXXIII. 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.

Consent of
Treasury to
borrowing
during war.

Art. XXXIV. Notwithstanding anything in this Order an authority affected by this Order shall not under the powers of this Order borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Postpone-
ment of
operation of
Order in cer-
tain events.

Art. XXXV. If for any reason the Local Government Board deem it impracticable for the election of Councillors for the borough as extended by this Order to be held in accordance with the provisions herein contained that Board may by order postpone the date for the coming into operation of this Order and make such consequential incidental and supplemental provisions as they may think necessary or expedient and any order made in pursuance of this Article shall have effect as if enacted in this Order.

Short title.

Art. XXXVI. This Order may be cited as the Kendal (Extension) Order 1918.

[8 & 9 GEO. 5.] *Local Government Board's* [Ch. xxxiv.]
Provisional Order Confirmation (No. 5) Act, 1918.

The SCHEDULE above referred to.

A.D. 1918.

*Kendal
Order.*

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
57 & 58 Vict. c. lxxviii.	The Kendal Corporation Gas and Water Act 1894.
7 Edw. 7. c. lxxxii.	The Kendal Corporation Act 1907.

PART II.—CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order thereby confirmed.
63 & 64 Vict. c. xlvi.	The Electric Lighting Orders Confirmation (No. 4) Act 1900.	The Kendal Electric Supply Order 1900.
63 & 64 Vict. c. liv.	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1900.	The Kendal Order 1900.
9 Edw. 7. c. cxxi.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1909.	The Kendal Order 1909.
3 & 4 Geo. 5. c. cxxx.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1913.	The Kendal Order 1913.

Given under the seal of office of the Local Government Board
this Thirteenth day of May one thousand nine hundred and
eighteen.

(L.S.)

W. HAYES FISHER President.
H. C. MONRO Secretary.

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