



CHAPTER clxxvii.

An Act to confirm a Provisional Order of the Local Govern- A.D. 1889.
ment Board relating to the Isle of Wight.

[26th August 1889.]

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 Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

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 Short title.
Provisional Order Confirmation (No. 2) Act, 1889.

[Ch. clxxvii.] *Local Government Board's* [52 & 53 VICT.]
Provisional Order Confirmation (No. 2) Act, 1889.

A.D. 1889.

*Isle of
Wight
Order.*

SCHEDULE.

COUNTY OF THE ISLE OF WIGHT.

*Provisional Order made in pursuance of Sections 12 and 54 of the
Local Government Act, 1888.*

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

To the County Council for the Administrative County of Southampton ; —

To the Isle of Wight Highway Commissioners ; —

And to all others whom it may concern.

51 & 52 Vict.
c. 41.

WHEREAS by virtue of Section 54 of the Local Government Act, 1888 (which Act is herein-after referred to as "the Act"), the Local Government Board have power to make a Provisional Order for the alteration of the boundary of any County or for the division of any County ;

And whereas the Isle of Wight is part of the administrative County of Southampton ;

53 Geo. 3.
c. xcii.
46 & 47 Vict.
c. ccxxvi.
41 & 42 Vict.
c. 77.

And whereas Section 12 of the Act provides that after the First day of April, One thousand eight hundred and eighty-nine, tolls shall cease to be taken on any road maintained and repaired by the Isle of Wight Highway Commissioners, under the Isle of Wight Highway Acts, 1813 and 1883, and that the Highways and Locomotives (Amendment) Act, 1878, as amended by the Act, shall apply to the Isle of Wight and to every such road, and that the repair and maintenance of the said roads shall continue to be undertaken by the Commissioners, and that payments shall be made by the County Council for the County of Southampton to the said Commissioners in respect of the said repairs and maintenance, and of the expenses of the Commissioners until provision is otherwise made as therein mentioned ;

And whereas the Local Government Board, by an Order dated the Fourteenth day of August, One thousand eight hundred and eighty-eight, and made in pursuance of the Act, determined that the number of County Councillors for the administrative County of Southampton should be seventy-five, and apportioned two Councillors to each of the Boroughs of Newport and Ryde, in the Isle of Wight ;

And whereas in pursuance of the Act the Isle of Wight, exclusive of the Boroughs of Newport and Ryde, has been formed into nine electoral divisions, and thirteen Councillors have been elected to represent those Boroughs and electoral divisions on the County Council for the administrative County of Southampton ;

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 12, 54, and 59 of the Act, and by any other enactments

[52 & 53 VICT.] *Local Government Board's* [Ch. clxxvii.]
Provisional Order Confirmation (No. 2) Act, 1889.

A.D. 1889.

in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the date of the " Confirming Act"), the following provisions shall take effect:—

Isle of Wight Order.

Art. I. Any provision of this Order relating to the registration of electors or to the elections, or to any matter required to be done for the purpose of bringing this Order and the Act into full operation on the First day of April, One thousand eight hundred and ninety, shall take effect on the date of the Confirming Act; but save as aforesaid, and save so far as there may be anything in the subject-matter or context inconsistent therewith, every provision of this Order shall come into operation on the First day of April, One thousand eight hundred and ninety.

Commencement of the Order.

Art. II. The several terms in this Order shall, so far as is consistent with the context, have the same meanings respectively as are assigned to them by Section 100 of the Act.

Definitions.

Art. III. The administrative County of Southampton as constituted by the Act shall be divided and the boundaries thereof shall be altered in such a manner that the Isle of Wight shall cease to form part thereof, and that the Isle of Wight and the remainder of the County of Southampton shall, subject as herein-after mentioned, be separate administrative Counties for the purposes of the Act, to be called the administrative County of the Isle of Wight (herein-after referred to as "the Isle of Wight"), and the administrative County of Southampton respectively.

Division of County of Southampton.

Constitution of County of the Isle of Wight.

Art. IV. The provisions of Sections 103 to 108, both inclusive, of the Act shall apply to the Isle of Wight as if the Isle of Wight had been made an administrative County by the Act, but subject to the provisions of this Order, and in particular to the following modifications in—

Application of provisions of 51 & 52 Vict. c. 41., with modifications.

(1.) Section 103—

- (a.) The expression "after the passing of this Act" in sub-section (1) shall be deemed to mean "after the date of the Confirming Act";
- (b.) The expression "the sheriff of each County" and "the sheriff" in sub-section (2) shall mean "the sheriff of the entire County of Southampton";
- (c.) The expression "the clerk of the peace" in sub-sections (4) and (5) shall mean the clerk of the peace for the entire County of Southampton;
- (d.) The words "who will by virtue of this Act become the clerk of the County Council when elected" in sub-section (4), and the words "who will by virtue of this Act become the clerk of the County Council" in sub-section (5) shall be deemed to be omitted; and
- (e.) In sub-section (9) the quarter sessions shall mean the quarter sessions of the entire County of Southampton; and any sum advanced as in that sub-section mentioned shall after the First day of April, One thousand eight hundred and ninety, be repaid by the Isle of Wight County Council.

(2.) Section 105—

In sub-section (4) the expression "the appointed day" shall be deemed to mean "the First day of April, One thousand eight hundred and ninety."

[Ch. clxxvii.] *Local Government Board's* [52 & 53 VICT.]
Provisional Order Confirmation (No. 2) Act, 1889.

A.D. 1889.

*Isle of
Wight
Order.*

(3.) Section 106—

(a.) In sub-section (1) the expression "the appointed day or days" shall be deemed to mean "the First day of April, One thousand eight hundred and ninety," and that sub-section shall be construed so as to enable the Provisional Council for the Isle of Wight to make the necessary arrangements therein referred to with the Council of the administrative County of Southampton as well as with the quarter sessions for the entire County of Southampton ;

(b.) Sub-section (3) shall be construed as if the words relating to the use of buildings belonging to the quarter sessions by the Provisional Council were omitted therefrom ;

(c.) Sub-section (4) shall be construed as if the words "to be repaid by the Isle of Wight County Council" were inserted after the word "remuneration," and as if the words "this Order and the Act into operation" were substituted for "this Act into operation," and as if all the words after "operation" were omitted therefrom.

(4.) Section 108—

Sub-sections (1) and (3) shall be construed as if the words "and the provisions of this Order" were inserted—

(a.) After the words "enactments applied by this Act" in sub-section (1), and

(b.) After the words "local and personal" in sub-section (3).

Limitation of jurisdiction of Southampton County Council.

Art. V. Subject to the provisions of this Order, the Southampton County Council shall, from and after the First day of April, One thousand eight hundred and ninety, cease to exercise jurisdiction in the Isle of Wight, and the Isle of Wight County Council shall, from and after that date, hold, exercise, enjoy, and be subject to the powers, rights, duties, and liabilities of a County Council as if the Isle of Wight had been made an administrative County by the Act.

Saving for powers of sheriff, lieutenant, &c.

Art. VI. Notwithstanding anything in the Act or this Order, the entire County of Southampton shall, subject to the provisions of this Order, continue to be so far as at present one County for the purposes of the sheriff, lieutenant, custos rotulorum, assizes, quarter sessions, justices, juries, judicial arrangements generally, militia, and clerk of the peace.

Clerk of Isle of Wight County Council.

Art. VII.—(1.) The clerk of the peace for the entire County of Southampton shall not, by virtue of his office, be clerk of the Isle of Wight County Council, but that County Council shall from time to time appoint a clerk of the County Council, to whom the provisions of the Act with respect to the clerk of a County Council, as distinct from the clerk of the peace, shall apply.

Treasurer.

(2.) The Isle of Wight County Council shall appoint a treasurer, who shall be the county treasurer for the purposes of the county fund of the Isle of Wight, but he shall not have the powers or duties of county treasurer with reference to assizes or quarter sessions.

County property.

Art. VIII. All the property which is vested in or held in trust for the Southampton County Council as constituted by the Act (which property is herein-after referred to as "county property") shall, on and after the First day

[52 & 53 VICT.] *Local Government Board's* [Ch. clxxvii.]
Provisional Order Confirmation (No. 2) Act, 1889.

of April, One thousand eight hundred and ninety, pass to, vest in, and be held as follows :

A.D. 1889.

*Isle of
Wight
Order.*

- (1.) All county property situate in the Isle of Wight shall pass to, vest in, and be held in trust for the Isle of Wight County Council.
- (2.) The county hall, assize courts, judges' lodgings, and the other buildings used in connexion with the assizes or quarter sessions, shall pass to, vest in, and be held in trust for the Southampton and Isle of Wight County Councils jointly ; provided that the County Council of Southampton shall have the right to continue to use as offices for the clerk of the peace and clerk of the County Council of Southampton, and for the county treasurer, and for other administrative purposes, the part of the County Hall which is now so used.
- (3.) The County Lunatic Asylum at Fareham, in the County of Southampton, shall pass to, vest in, and be held in trust for the Southampton and Isle of Wight County Councils jointly.
- (4.) All other county property shall continue to be vested in and held in trust for the Southampton County Council.

Art. IX.—(1.) The standing joint committees for the County of Southampton and the Isle of Wight shall each consist of such a number of justices appointed by the quarter sessions of the entire County of Southampton (selected, in the case of the standing joint committee of the Isle of Wight, from among the justices resident in and acting for the Isle of Wight,) and of a like number of members of the respective County Council appointed by the Council, as may from time to time be agreed upon, or, in default of agreement, as may be determined by a Secretary of State.

Standing Joint
Committees.

(2.) Any matter arising under the Act or this Order with respect to the clerk of the peace, or to the provision of accommodation for the quarter sessions, or to the use by them or the said clerk of any buildings, rooms, or premises, shall be referred to and determined by the standing joint committee of the County of Southampton and not the standing joint committee of the Isle of Wight.

(3.) Each of the said standing joint committees shall be the standing joint committee under section 30 of the Act, and shall, subject to the provisions herein-before contained, have all the powers of such a Committee for the purposes of the County for which it acts.

Art. X.—(1.) On the first day of April, One thousand eight hundred and ninety, such of the members of the police force of the entire County of Southampton as shall be selected by agreement between the standing joint committee for that County and the Provisional Council for the Isle of Wight, or in default of agreement as shall be determined by a Secretary of State, shall be transferred to and become part of the police force of the Isle of Wight, and any members of the police force so transferred to the police force of the Isle of Wight shall hold their office by the same tenure and upon the same terms and conditions as if this Order had not been made, and while performing the same duties shall receive not less remuneration, and be entitled to not less pensions (if any) than if this Order had not been made. Provided that no member of the police force of the entire County of Southampton shall be transferred to the police force of the Isle of Wight without his consent.

Joint Police
Committee.

[Ch. clxxvii.] *Local Government Board's* [52 & 53 VICT.]
Provisional Order Confirmation (No. 2) Act, 1889.

A.D. 1889.

*Isle of
Wight
Order.*

(2.) In the event of the retirement of the present chief constable of the entire County of Southampton, the Isle of Wight County Council shall be liable to pay such portion as may be determined by a Secretary of State of any pension which may be awarded to such chief constable by the standing joint committee for the County of Southampton.

Art. XI.—(1.) The Southampton County Council shall have full power to manage, alter, and enlarge the buildings mentioned in sub-division (2) of Article VIII. of this Order, but not to alienate any part thereof without the consent of the Isle of Wight County Council.

(2.) If in order to enlarge or improve the offices of the clerk of the peace and clerk of the Southampton County Council or of the county treasurer, or the other administrative offices at the County Hall, an alteration of the County Hall, or an arrangement whereby some part thereof not now used as aforesaid may be so used, shall appear to the Southampton County Council to be desirable, the consent of the Isle of Wight County Council shall first be obtained, or, in default of such consent, the question whether any such alteration or arrangement shall be made, or to what extent, and on what terms as between the two Counties, shall be settled by the Local Government Board.

(3.) The two Counties shall be deemed to be respectively interested in the capital value of the land and buildings mentioned in sub-division (2) of Article VIII. of this Order, in proportion to their respective rateable value as shown by the bases for the County rates for the time being in force.

(4.) Any expenses incurred in the management, alteration, and enlargement of the said buildings, except the parts of the County Hall for the time being used as offices for the clerk of the peace and clerk of the County Council of Southampton and for the county treasurer, and for other administrative purposes, shall be borne by the counties in the like proportions.

Salary and
appointment
of clerk of
the peace.

Art. XII.—(1.) Separate salaries shall be paid to the clerk of the peace of the entire County of Southampton in respect of that office, and in respect of the office of clerk of the Council of the administrative County of Southampton.

(2.) Any future appointment of the clerk of the peace of the entire County of Southampton (who shall also be clerk of the Southampton County Council) shall be made, and any matters arising under the Act with respect to the said clerk of the peace shall be referred to and determined by the standing joint committee of the County of Southampton.

County
Lunatic
Asylum.

Art. XIII.—(1.) The County Lunatic Asylum at Fareham shall be the County Lunatic Asylum both for the administrative County of Southampton and for the Isle of Wight, and the provisions of the "Lunatic Asylums Act, 1853" (including Section 39), and of the Acts amending the same, shall apply as if the Counties had agreed to unite for the purposes of that Act, and as if the said Asylum had been provided in pursuance of such agreement.

(2.) The number of members of the Committee of Visitors to be appointed by each County, shall be such as shall be agreed upon, or in default of agreement, as may be determined by a Secretary of State.

(3.) The proportions in which the expenses attending the providing, building, fitting up, repairs and maintenance of such Asylum shall be deemed to have been contributed, and shall, after the First day of April, One thousand eight hundred and

[52 & 53 VICT.] *Local Government Board's* [Ch. clxxvii.]
Provisional Order Confirmation (No. 2) Act, 1889.

A.D. 1889.

ninety, be contributed, shall be such as may be agreed upon by the Councils, or in default of agreement, as may, upon the application of either Council, be determined by arbitration in the manner provided by the Act.

*Isle of
Wight
Order.*

Art. XIV. An equitable adjustment shall be made by agreement within four months after the First day of April, One thousand eight hundred and ninety, between the Southampton and the Isle of Wight County Councils, and in default of such agreement by the Commissioners appointed under Section 61 of the Act,—

Adjustment.

- (a.) With respect to the proportion of debts and liabilities of the Southampton County Council as constituted by the Act to be taken over by the Isle of Wight County Council ;
- (b.) With respect to the distribution of the proceeds of the local taxation licenses and probate duty grant ;
- (c.) With respect to the Police Superannuation Fund ;
- (d.) With respect to all other financial relations between the Southampton and Isle of Wight County Councils which are not otherwise provided for by the Act or this Order.

Art. XV. The separate salary of the clerk of the peace for the entire County of Southampton and the separate salary payable to the treasurer of the administrative County of Southampton as provided in sub-division (1) of Article XVII. of this Order, and the costs of the assizes and quarter sessions shall be apportioned between the administrative County of Southampton and the Isle of Wight in such manner as may be from time to time agreed upon by the Southampton and Isle of Wight County Councils, or, in default of agreement, as may, upon the application of either Council, be determined by arbitration as aforesaid.

Apportionment
of salaries,
costs of assizes
&c.

Art. XVI. The moneys received in respect of assizes and quarter sessions shall be paid into the county fund of the administrative County of Southampton, but shall be apportioned between that County and the Isle of Wight in such manner as may from time to time be agreed upon by the Councils of those Counties, or, in default of agreement, as may, upon the application of either Council, be determined by arbitration as aforesaid. Such proportion as shall be payable to the Isle of Wight shall be credited to that County and go in reduction of the sums due from the Council of that County.

Moneys
received in
respect of
assizes.

Art. XVII.—(1.) The treasurer of the administrative County of Southampton shall act as treasurer of the entire county for the purpose of all receipts and payments in connexion with assizes and quarter sessions, and he shall be entitled to a separate salary in respect of those duties. The treasurer of the entire County of Southampton shall from time to time make orders on the Isle of Wight County Council for the payment to him of the sum or sums due from that Council in pursuance of Articles XI., XV., and XVI. of this Order, or otherwise.

Treasurer of
Southampton.

(2.) All the costs of assizes and quarter sessions, and all other expenditure determined to be required for the purposes mentioned in sub-division (2) of Article IX. of this Order, shall be defrayed out of the county fund of the administrative County of Southampton, but that fund shall be recouped the proportion of such expenditure paid on account of the Isle of Wight in manner hereiu-after provided.

Costs of
assizes, &c.

[Ch. clxxvii.] *Local Government Board's* [52 & 53 VICT.]
Provisional Order Confirmation (No. 2) Act, 1889.

A.D. 1889.

*Isle of
Wight
Order.*

Payment of
sums due from
Isle of Wight
County
Council.

Compensation
to existing
officers.

Number of
Councillors for
the Isle of
Wight.

Electoral
divisions.

Borough
electoral
divisions.

Retirement of
existing
Councillors
for the Isle of
Wight.

(3.) The sums lawfully ordered to be paid as aforesaid shall be debts due from the Isle of Wight County Council to the Southampton County Council, and may be recovered accordingly. The Isle of Wight County Council shall forthwith, on receiving the order, direct the sum or sums so appearing to be due to be paid to the treasurer of the County of Southampton out of the county fund of the Isle of Wight, and any sums so paid shall be deemed to be paid for the general County purposes of the Isle of Wight.

Art. XVIII. Every officer who, by, or in consequence of this Order, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to compensation under Section 120 of the Act, and the County Council in that section shall for that purpose mean the County Council of the Isle of Wight.

Art. XIX.—(1.) Within seven days from the date of the Confirming Act the Local Government Board shall, by Order, determine the number of County Councillors to be elected for the Isle of Wight, and their apportionment between the Boroughs of Newport and Ryde and the rest of the Isle of Wight.

(2.) The justices of the peace resident in and acting for the Isle of Wight shall, immediately after the issue of the last-mentioned Order, prepare a scheme showing the boundaries of the electoral divisions into which the Isle of Wight, exclusive of those Boroughs, should, in their opinion, be divided, and shall submit the same to the Local Government Board, who may confirm the same with such alterations, if any, as they shall think fit to make therein.

(3.) The town councils of the Boroughs of Newport and Ryde shall, immediately after the date of the Confirming Act, determine the electoral divisions in those Boroughs respectively.

(4.) The electoral divisions so confirmed and determined shall, subject to the provisions of the Act, be the electoral divisions of the Isle of Wight.

(5.) A copy of the Order of the Local Government Board confirming such scheme, and of the Orders of the Town Councils determining the electoral divisions of the said Boroughs, shall be sent to the overseers of the poor of each parish interested by the clerk of the peace for the County of Southampton and the town clerks of the said Boroughs respectively within three days after the making thereof.

Art. XX. On the First day of April, One thousand eight hundred and ninety, the following provisions shall apply to the Southampton County Council ; viz.,—

(1.) The thirteen Councillors elected to represent the Isle of Wight shall, notwithstanding the above-mentioned Order of the Local Government Board dated the Fourteenth day of August, One thousand eight hundred and eighty-eight, go out of office, and their places shall not be filled up, and subject to the provisions of Section 54 of the Act, the number of the Southampton County Councillors shall be reduced to sixty-two.

(2.) The aldermen who, on the First day of April, One thousand eight hundred and ninety, lose their qualification by the operation of this Order, shall then go out of office; and, if any one of the present aldermen who, if in office on that date, would then lose his qualification, shall cease to hold office before that date, any person elected in his place shall go out of office on that date.

[52 & 53 VICT.] *Local Government Board's* [Ch. clxxvii.]
Provisional Order Confirmation (No. 2) Act, 1889.

(3.) The number of aldermen for the administrative County of Southampton may exceed twenty-one until they go out of office by effluxion of time or their number is reduced to twenty-one by casual vacancies ; but no election to fill a casual vacancy shall take place until the number has been reduced to less than twenty-one.

A.D. 1889.

*Isle of
Wight
Order.*

Art. XXI. From and after the First day of April, One thousand eight hundred and ninety, "the County Council for the administrative County of the " Isle of Wight " shall be substituted in sub-section (2) of Section 12 of the Act for "the County Council for the County of Southampton."

Alteration of
51 & 52 Vict.
c. 41.

Art. XXII. The Isle of Wight County Council may, if they think fit, pay any taxed costs incurred by or on behalf of the inhabitants of the Isle of Wight in respect of making the Island an administrative County or of obtaining this Order, which in their opinion have been properly incurred, and they shall pay any costs incurred by or on behalf of the Southampton County Council in respect of this Order and the confirmation of the same by Parliament (other than costs of opposing such confirmation) as taxed by the taxing officer of the House of Lords or of the House of Commons.

Costs of Order.

Art. XXIII. This Order may be cited as the Isle of Wight (County) Order, 1889.

Short title.

Given under the Seal of Office of the Local Government Board, this
Thirtieth day of March, One thousand eight hundred and eighty-
nine.

(L.S.)

CHAS. T. RITCHIE, President.
HUGH OWEN, Secretary.

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