CHAPTER xcviii.

An Act to confirm a Provisional Order of the Local Government Board relating to the Local Government District of Workington. [12th July 1882.]

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WHEREAS the Local Government Board have, as regards the district herein mentioned, made the Provisional Order set forth in the Schedule hereto, under the provisions of the Public Health Act, 1875: 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Order should be confirmed by Parliament, and that the provisions herein contained should be enacted with reference to such Order:

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:

The Order in Schedule confirmed.

1. The Order as set out in the Schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Division of district.

2. The said Workington Local Board shall divide their district as extended by the Order hereby confirmed into three parts for all the purposes of the Public Health Act, 1875, other than those mentioned in the said Order. One part shall consist of the north ward, another part of the south ward, and the other part of the east ward, as each of the said wards is defined in such Order; and the said Local Board shall make separate assessments for all expenditure to be incurred in respect of each of such wards for all the purposes for which the same is formed: Provided always, that the establishment charges and salaries of officers of the said Local Board shall be defrayed and paid by all the said three wards proportionately to their respective rateable value.

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Apportionment of costs of waterworks and gasworks.

41 & 42 Vict. c. clxii.

3. The provisions of Article XIV. of the Provisional Order of the eleventh day of April one thousand eight hundred and seventy-eight, which was confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act, 1878, shall not apply to works to be hereafter constructed; and in respect of such works where the capital cost thereof is for the benefit of the whole or any part of the district, and is borne by the three wards or any of them, the rents, revenue, income, and profits arising or accruing therefrom shall be carried to the credit of the wards respectively in the proportion they may have contributed the said capital, but the Local Board shall, if the members representing the north ward by resolution so require, charge the rates leviable in the district of the town of Workington, as defined by the Local Act mentioned in the Order hereby confirmed, and as such district existed prior to the Confirmation of the said Provisional Order of the eleventh day of April one thousand eight hundred and seventy-eight, with all capital moneys expended in any extension or enlargement within the district of Workington as extended by the Order hereby confirmed of the existing gasworks and waterworks, and thereupon such district as so defined by the said Local Act shall receive and be credited with the whole of the rents, revenue, income, and profits arising or accruing therefrom. But in default of such requirement, and in the event of capital moneys being expended on any extension or enlargement of such gasworks and waterworks as aforesaid, the several wards shall participate in the rents, revenues, income, and profits arising from such extension or enlargement in proportion to the amount of the capital moneys contributed by such wards respectively.

Short title.

4. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 11) Act, 1882.

SCHEDULE.

LOCAL GOVERNMENT DISTRICT OF WORKINGTON.

Workington Order.

Provisional Order for extending the Local Government District of Workington, and for altering and extending the provisions of a Local Act, and for other purposes.

To the Workington Local Board, being the Sanitary Authority for the Urban Sanitary District of Workington, in the County of Cumberland;—

To the Guardians of the Poor of the Cockermouth Union, in the same County, being the Sanitary Authority for the Rural Sanitary District of that Union;—

And to all others whom it may concern.

WHEREAS by Section 270 of the Public Health Act, 1875, the Local Government Board are empowered, by Provisional Order, to declare the whole or any portion of a Rural Sanitary District immediately adjoining a Local Government District to be included in such last-mentioned District, and it is enacted that thereupon the included area shall, for the purposes of that Act, be deemed to form part of the District in which it is included by such Order;

And whereas by Section 275 of the Public Health Act, 1875, it is enacted that every Order made by the Local Government Board under Part VIII. of that Act, which includes Section 270 above recited, shall specify the day on which such Order shall come into operation (in that Act referred to as the commencement of the Order); that from and after the commencement of the Order all the powers, rights, duties, capacities, liabilities, obligations, and property which under that Act are exerciseable by or attaching to or vested in the Sanitary Authority having, under that Act, jurisdiction in any District or part of a District, which is by such Order included in such other District, shall (so far as the same relate to the District or part of a District so included) pass to and vest in the Sanitary Authority of such other District, and that any Order made in pursuance of that part of the Act may, if necessary, provide for the settlement of any differences, or the adjustment of any accounts or apportionment of any liabilities arising between districts, parishes, or other places in consequence of the exercise of any powers conferred by that part of the Act, and may direct the persons by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and that where any Local Government District is increased in extent under that part of the Act, the Order shall prescribe the number of members to be elected for the District when altered;

And whereas by Section 297 of the Public Health Act, 1875, it is enacted that any Act confirming any Provisional Order made in pursuance of any of

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the Sanitary Acts or of that Act, may be repealed, altered, or amended by any Provisional Order made by the Local Government Board and confirmed by Parliament;

And whereas by Section 303 of the Public Health Act, 1875, the Local Government Board are empowered, on the application of the Sanitary Authority of any Sanitary District, by Provisional Order, wholly or partially to repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such District, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject-matters as the Public Health Act, 1875;

And whereas by the same section it is enacted that any such Provisional Order may provide for the extension of the provisions of the Local Act referred to therein beyond the District or Districts within the limits of such Act, or for the exclusion of the whole or a portion of any such District from the application of such Act; and may provide what Sanitary Authority shall have jurisdiction for the purposes of the Public Health Act, 1875, in any area which is by such Order included in or excluded from such District;

And whereas the provisions of a Local Act of Parliament passed in the third year of the reign of Her present Majesty Queen Victoria, intituled "An Act "for paving, cleansing, watching, and otherwise improving the Town of "Workington, in the County of Cumberland" (herein-after referred to as "the Local Act"), were in force within the limits of the Town of Workington, as defined by section 1 of that Act;

And whereas the area within the limits of the Town of Workington as defined by the Local Act was a Local Government District within the meaning of the Public Health Act, 1875, and the Local Act was a Local Act within the meaning of Section 303 of the Public Health Act, 1875;

And whereas by a Provisional Order of the Local Government Board dated the Eleventh day of April, One thousand eight hundred and seventy-eight, which was duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act, 1878 (which Order and Act are herein after respectively referred to as "the Order" and "the Confirming Act"), the portion of the Rural Sanitary District of the Cockermouth Union described in the Schedule thereto was included in and for the purposes of the Public Health Act, 1875, now forms part of the Local Government District of Workington;

And whereas by the Order certain provisions of the Local Act were repealed, and it was ordered that Section 1 of the Local Act should be altered so as to include within the limits of the Town of Workington, for the purposes of that Act, the said part of the Rural Sanitary District of the Cockermouth Union;

And whereas by Art. VI. of the Order it was provided that nine persons, who should have the qualification prescribed by the law in force for the time being with regard to the election of members of a Local Board, should be elected in the manner provided by the Public Health Act, 1875, with respect to such

election, as members of the Workington Local Board, within two calendar months after the said Twenty-ninth day of September, One thousand eight hundred and seventy-eight; that all the provisions of the Public Health Act, 1875, relating to the qualification, nomination, election, continuance in office, and retirement of the members of Local Boards, should apply to the qualification, nomination, election, continuance in office, and retirement of the members so to be elected; and that the said nine members should, together with the Lord of the Manor of Workington, and the persons named by him under the provisions of the Local Act, constitute the Workington Local Board;

And whereas by Art. VIII. of the Order it was (inter alia) provided that all the provisions of the Public Health Act, 1875, relating to Local Boards should apply to the said Local Board as thereby constituted;

And whereas by Art. XI. of the Order it was provided that the unrepealed provisions of the Local Act should be altered so as to extend beyond the District theretofore within the limits of the Local Act, and should apply to and be in force within the part of the Rural Sanitary District of the Cockermouth Union described in the Schedule thereto; and that the purposes of such unrepealed provisions of the Local Act should, in all respects be deemed to be purposes of the Public Health Act, 1875;

And whereas the sum of eight thousand seven hundred pounds was, at the date when the Order was issued, owing from the said Workington Local Board in respect of loans contracted under the provisions of the said Local Act for the purposes of street improvements and of gasworks in their District;

And whereas the said Local Board had borrowed under the provisions of the Sanitary Acts the sum of twenty-one thousand four hundred and fifty pounds for the construction of sewers and of works of water supply in their District, of which the sum of seventeen thousand eight hundred pounds remained unpaid at the date when the Order was issued;

And whereas by Art. XII. of the Order the Local Board were required, within one month after the said Twenty-ninth day of September, to divide their District as thereby extended into two parts, one to comprise the part which formerly constituted the Workington Local Government District, and the other to comprise the remainder of the District;

And whereas by Art. XIII. of the Order the Local Board were required, after such division, from time to time to make separate assessments, and levy and make such a rate or rates, in the nature of a General District Rate, upon the first-mentioned part of their District, as should be sufficient to defray in the manner provided by Section 234 of the Public Health Act, 1875, the said sum of seventeen thousand eight hundred pounds, or so much thereof as should be due and owing, and the said sum of eight thousand seven hundred pounds, together with the interest due or to become due on the said two sums respectively; and it was provided that the said sum of seventeen thousand eight hundred pounds, or so much thereof as should be due and owing, should be repaid within the period or periods for which the same was originally sanctioned, and that the said sum of eight thousand seven hundred pounds should be repaid

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within a period not exceeding thirty years, commencing from the said Twenty-ninth day of September; and that all the provisions of the Public Health Act, 1875, with respect to moneys borrowed thereunder, including the provisions with regard to the re-borrowing of moneys so borrowed, should apply to the said sum of eight thousand seven hundred pounds as if it were a loan contracted under that Act;

And whereas by Art. XIV. of the Order it was provided that after such division of the said Local Government District, all the rents, revenue, income, and profits arising or accruing to the Local Board from the gasworks and waterworks constructed or purchased by the Trustees under the said Local Act, or by the said Local Board, should be carried to the credit of the first-mentioned part of the said Local Government District: Provided that the sums to be charged by the said Local Board for the supply of gas and water should be uniform throughout the said Local Government District as extended by the Order;

And whereas the Workington Local Board have since the Twenty-ninth day of September, One thousand eight hundred and seventy-eight, borrowed certain sums of money for the construction of permanent works in their District;

And whereas application having been made to the Local Government Board to issue a Provisional Order to include in the Local Government District of Workington all or part of that portion of the Township of Workington which is comprised in the Rural Sanitary District of the Cockermouth Union, all or part of the Parish of Cloffocks, and a portion of the Township of Seaton also comprised within the said Rural Sanitary District, and also to alter and amend the Local Act and the Confirming Act as herein-after mentioned, the Local Government Board directed Local Inquiry to be held on the subject, which Inquiry was held, after due public notice, and report has been made to them thereon:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do hereby Declare that, from and after the commencement of this Order, all that part of the Township of Workington which is comprised in the Rural Sanitary District of the Cockermouth Union, together with the whole of the Parish of Cloffocks within the said Rural Sanitary District shall be included in, and shall, for the purposes of the Public Health Act, 1875, be deemed to form part of, the Local Government District of Workington.

And We do hereby Order as follows; viz.—

Art. I. This Order shall come into operation on the Twenty-ninth day of September, One thousand eight hundred and eighty-two (herein referred to as "the commencement of this Order.")

Art. II. The Local Government District of Workington as extended by this Order shall, for the purposes of the election of the elective members of the Local Board for such District, be divided into three Wards, which shall be termed respectively the North Ward, the South Ward, and the East Ward.

Art. III. The North Ward shall consist of the area which, before the commencement of this Order, formed the Local Government District of Workington

together with the Parish of Cloffocks; the South Ward shall consist of the portion of the Township of Workington lying to the south of the North Ward, and bounded on the west by the sea, and on the east by an imaginary line commencing at a point situate in the centre of the late Whitehaven Turnpike Road and opposite the Travellers Rest Inn, and running thence in a southerly direction along the centre of that road to its junction with the road leading past Stonyhough to the Old Poorhouse, thence along the centre of such last-mentioned road to the south end thereof, and from thence in a straight line in a south-westerly direction to the nearest point of the boundary dividing the Township of Workington from the Parish of Harrington, and from thence following the said boundary in a south-westerly direction to the sea; the East Ward shall consist of the remainder of the Township of Workington.

Art. IV. Three persons, who shall have the qualification prescribed by the law in force for the time being with regard to the election of members of a Local Board, shall be elected as members of the Local Board by the persons qualified to vote in the South Ward. Three persons, qualified as aforesaid, shall be elected as members of the Local Board by the persons qualified to vote in the East Ward.

Art. V. For the purposes of the first elections for such South and East Wards the Chairman of the Local Board, or if the Chairman be unable or unwilling to act, or the office of Chairman be vacant, such person as the Local Government Board shall, by their Order, appoint, shall be the Returning Officer.

Such elections shall respectively be conducted in accordance with the Rules, excepting Rule 55, contained in Schedule II. to the Public Health Act, 1875, as if they were the first election of a Local Board constituted after the passing of that Act, and the members then elected shall come into office on the day on which the first meeting of the Local Board shall be held after the Returning Officer shall have made his certificate of election in accordance with Rule 42 or Rule 52, as the case may require, of the said Schedule, and such members shall continue in office until the days herein-after fixed for their retirement.

Provided that the Returning Officer shall publish notice of the said elections, in accordance with Rule 36 of the said Schedule, within fourteen days after the commencement of this Order, and shall specify in such notice the dates on which the several proceedings necessary to complete such elections respectively shall be taken.

Art. VI. The three members so elected for the South Ward, and the three members so elected for the East Ward, shall go out of office in the following order; viz., one from each Ward to be selected by the Local Board by ballot on the Fifteenth day of April, one thousand eight hundred and eighty-four; one from each Ward of the remaining two members representing each Ward, to be selected as aforesaid, on the Fifteenth day of April, one thousand eight hundred and eighty-five; and the remaining member representing each Ward on the Fifteenth day of April, one thousand eight hundred and eighty-six.

Art. VII. Any casual vacancy in the places of the members representing the South and East Wards respectively which may occur prior to the Fifteenth

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day of April, one thousand eight hundred and eighty-six, shall be filled up like casual vacancies in the places of other members of the Local Board.

Art. VIII. The nine elective members representing the Local Board at the commencement of this Order shall, after the persons to be elected to represent the South and East Wards shall have come into office, represent the North Ward in like manner as if they had been elected for that Ward.

Art. IX. The number of members elected to represent the Local Government District of Workington as hereby extended shall from and after the day when the persons to be elected to represent the South and East Wards shall have come into office, be increased from nine to fifteen, and such fifteen members shall, together with the Lord of the Manor of Workington, and the persons named by him under the provisions of the Local Act, constitute the Workington Local Board.

Art. X. Section 1 of the Local Act shall be altered so as to include within the limits of the Town of Workington, for the purposes of that Act, the parts of the Rural Sanitary District of the Cockermouth Union which are hereby included in the Local Government District of Workington, and the unrepealed provisions of the said Local Act shall be altered so as to extend beyond the District heretofore within the limits of such Local Act, and shall apply to and be in force within the whole of the Local Government District of Workington as extended by this Order.

Art. XI. The said Workington Local Board shall from time to time make separate assessments, and levy and make such a rate or rates, in the nature of a general district rate, upon the part of their District which constituted the Local Government District of Workington immediately before the commencement of this Order, or upon some part or parts of such part as shall be sufficient to defray, in the manner provided by Section 234 of the Public Health Act, 1875, the balance of the moneys borrowed by them as aforesaid since the commencement of the Order which remains unpaid at the commencement of this Order, and the interest due or to become due thereon, within the respective periods for which the loans, in respect of which the said moneys are owing, were originally sanctioned.

Art. XII. Nothing in this Order contained shall alter or affect the provisions contained in Arts. XII., XIII., and XIV. of the Order: Provided that the sums to be charged by the said Local Board for the supply of gas and water shall be uniform throughout the Local Government District of Workington as hereby extended.

Given under the Seal of Office of the Local Government Board, this Twenty-fifth day of May, in the year One thousand eight hundred and eighty-two.

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Printers to the Queen's most Excellent Majesty. 1882.