CHAPTER cxxxix.

An Act to confirm a Provisional Order of the Local Government Board relating to Dewsbury. A.D. 1912.

[7th August 1912.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the First Schedule hereto under the provisions of the Local Government Act 1888: 51 & 52 Vict. c. 41.

And whereas it is requisite that the said 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:—

Order in First Schedule confirmed.

1. The Order as amended and set out in the First Schedule hereto (herein-after referred to as "the Order") shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Provisions as to adjustments made otherwise than by agreement.

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

(*a*) Provision shall be made for the payment to any council or other authority affected by the Order of such sum as seems equitable in accordance with the rules contained in Part I. of the Second Schedule hereto in respect of any increase of burden which will properly be thrown on the ratepayers of the area

A.D. 1912.

of that council or other authority in meeting the cost incurred by that council or other authority in the execution of any of their powers and duties as a consequence of any alteration of boundaries effected by the Order or other change in relation to which the adjustment takes place:

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

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

Short title.

3. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 14) Act 1912.

SCHEDULES.

FIRST SCHEDULE.

BOROUGH OF DEWSBURY.

Provisional Order made in pursuance of Sections 54 *and* 59 *of the Local Government Act* 1888 *and for altering certain Confirming Acts.* *Dewsbury Order.*

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

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

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

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

To the West Riding of Yorkshire Rivers Board;—

To the Lord Mayor Aldermen and Citizens of each of the Cities of Bradford Leeds and Sheffield;—

To the Mayor Aldermen and Burgesses of each of the Boroughs of Barnsley Halifax Huddersfield and Rotherham;—

And to all others whom it may concern.

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

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

And whereas by virtue of an Order of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and

A.D. 1912.

Dewsbury Order.

eighty-eight as altered by the Borough of Rotherham Order (No. 2) 1902 (herein-after referred to as "the Rotherham Order of 1902") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1902 (herein-after referred to as "the Confirming Act of 1902") by an Order of the Local Government Board dated the Thirtieth day of December One thousand nine hundred and three and by the Dewsbury (Extension) Order 1909 (herein-after referred to as "the Dewsbury Order of 1909") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1909 (herein-after referred to as "the Confirming Act of 1909") the number of County Councillors for the Administrative County of the West Riding of Yorkshire (herein-after referred to as "the Administrative County") is ninety and the Borough comprises three electoral divisions of the Administrative County and accordingly three County Councillors are apportioned to the Borough;

2 Edw. 7. c. ccx.

9 Edw. 7. c. clxii.

And whereas by Article V. of the County Borough of Barnsley Order 1912 (herein-after referred to as "the Barnsley Order of 1912") which is a Provisional Order made by the Local Government Board for constituting the Borough of Barnsley a County Borough it is provided as follows:—

"Art. V.—(1) Subject to the provisions of Section 54 of the "Act—

"(*a*) the number of County Councillors for the Administrative County shall be reduced from ninety to eighty-eight and the said Order dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered as aforesaid shall be further altered and shall have effect accordingly * * * * *; and

"(*b*) the number of Aldermen for the Administrative County shall be reduced from thirty to twenty-nine and at the ordinary election of Aldermen in the year one thousand nine hundred and thirteen fourteen Aldermen only shall be elected in place of those who then go out of office."

* * * * *

And whereas by virtue of a Provisional Order of the Local Government Board dated the Seventeenth day of May One thousand eight hundred and ninety-three (herein-after referred to as "the Order of 1893") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 16) Act 1893 (herein-after referred to as "the Confirming Act of 1893") of the West Riding of Yorkshire Rivers Act 1894 (herein-after referred to as "the Act of 1894") and of the Rotherham Order of 1902 a Joint Committee (herein-after

56 & 57 Vict. c. cxxxii.

57 & 58 Vict. c. clxvi.

referred to as "the Joint Committee") consisting of representatives of the Administrative County and of the County Boroughs of Bradford Halifax Huddersfield Leeds Rotherham and Sheffield has been constituted and incorporated by the name of the West Riding of Yorkshire Rivers Board with jurisdiction in relation to so much of every river or tributary thereof as passes through or by the Administrative County or through or by any of the said County Boroughs;

And whereas by subdivision (1) of Article VII. of the Barnsley Order of 1912 it is provided as follows:—

"Art. VII.—(1) The Confirming Act of 1893 so far as it relates to the Order of 1893 and the Confirming Act of 1902 so far as it relates to the Rotherham Order of 1902 shall be altered as is herein-after provided that is to say:—

"(*a*) Article II. of the Order of 1893 (which relates to the constitution of the Joint Committee) as altered by the Rotherham Order of 1902 shall have effect as if the County Borough of Barnsley were one of the County Boroughs named in subdivision (1) of the said Article:

"(*b*) Article XIII. of the Order of 1893 (which relates to the contributions of Constituent Authorities) as altered by the Rotherham Order of 1902 shall have effect as if for the words—

"'By the Council of the County of the West Riding of Yorkshire - Seventeen-thirtieths'

there were substituted the words—

"'By the Council of the County of the West Riding of Yorkshire and the Council of the County Borough of Barnsley - - Seventeen-thirtieths'

and as if the following paragraphs were added to that Article:—

"'The proportion to be contributed by the County Council and the Council of the County Borough of Barnsley as aforesaid shall be apportioned between those Councils upon a basis to be determined by agreement between those Councils or in default of agreement within the period of six months from the date of the Act of Parliament confirming the County Borough of Barnsley Order 1912 by the Local Government Board and the basis so determined shall be adopted by the Joint Committee for the purposes of any precept issued by them under Article XIV.

A.D. 1912.

Dewsbury Order.

" ' of this Order and that Article shall apply as if
" ' the Council of the County Borough of Barnsley were
" ' a Constituent Authority:

" ' Provided that if at the expiration of any period
" ' of three years from the date of any previous deter-
" ' mination of the said basis either the Council of the
" ' County of the West Riding of Yorkshire or the
" ' Council of the County Borough of Barnsley shall by
" ' resolution declare that in their opinion the basis of
" ' contribution settled as aforesaid has become inequitable
" ' the two Councils shall then proceed to make a fresh
" ' agreement for settling the basis on which their
" ' respective contributions to the expenses of the Joint
" ' Committee shall be apportioned and in default of
" ' agreement within six months from the date of such
" ' resolution the basis shall be determined by the Local
" ' Government Board: ' "

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

Commencement of Order.

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

Provided that for the purposes of all proceedings preliminary or relating to the next triennial election of County Councillors for the Administrative County this Order shall operate from such earlier date as may be necessary.

Constitution of County Borough.

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

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

A.D. 1912.

Dewsbury Order.

Adjustment between new County Borough and County or County and other County Boroughs.

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

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

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

(2) Any such adjustment as is authorised by subdivision (1) of this Article may be made by agreement between the Councils of the Administrative County the Borough and the County Boroughs affected and if such adjustment has not been made before the Thirtieth day of September One thousand nine hundred and thirteen then on the application of any Council interested the Local Government Board may if they think fit either make the adjustment themselves or appoint an arbitrator to make it.

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

A.D. 1912.

Dewsbury Order.

Provided—

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

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

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

Art. IV.—(1) An equitable adjustment shall be made between the Administrative County and the Borough respecting the interest of the Borough in any compensation fund constituted under Section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the Compensation Authorities as defined by the Licensing (Consolidation) Act 1910 for the Administrative County and for the Borough within twelve months from the commencement of this Order or in default of agreement by an arbitrator appointed by the Secretary of State.

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

Alteration in County Councillors and County Aldermen.

Art. V.—(1) Subject to the provisions of Section 54 of the Act—

(*a*) the number of County Councillors for the Administrative County as reduced by the Barnsley Order of 1912 shall be further reduced from eighty-eight to eighty-five and the said Order dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered as aforesaid shall be further altered and shall have effect accordingly and any casual vacancy occurring in the office of County Councillor for any of the electoral divisions of the Borough between the date of the Act of Parliament confirming this Order and the commencement of this Order shall not be filled up; and

(*b*) the number of Aldermen for the Administrative County as reduced by the Barnsley Order of 1912 shall not be further altered until the ordinary day of election of Aldermen in the year one thousand nine hundred and sixteen but at that election fourteen Aldermen only shall be elected in place of those who then go out of office Provided that no election to fill a casual vacancy among the Aldermen who will go out of office in the year one thousand nine hundred and sixteen shall be held until their number has been reduced to less than fourteen.

(2) Save as aforesaid no other County Councillor or County Alderman shall be deemed to lose his qualification or to vacate his office by reason of the constitution of the County Borough.

A.D. 1912.

Dewsbury Order.

Art. VI.—(1) Every officer or servant of or paid by the Council of the Administrative County or of or paid by the Standing Joint Committee of the Administrative County and every other officer or servant who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him by the Corporation for that pecuniary loss and in determining the said compensation regard shall be had to the conditions and other circumstances required by subsection (1) of Section 120 of the Act to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid out of the borough fund and borough rate of the Borough and the provisions of subsections (2) to (7) of that section shall apply with the necessary modifications Provided that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

Compensation to existing officers.

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

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

Art. VII.—Nothing contained in Article XXVIII. (Differential rating) of the Dewsbury Order of 1909 as confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1909 shall have effect so as to apply in relation to any of the added areas within the meaning of that Order any limit upon the amount of a rate leviable for the purpose of defraying any expenses of the Corporation which would or might have been payable or repayable out of the county fund of the County Council of the West Riding of Yorkshire if the

As to rates.

A.D. 1912.

Dewsbury Order.

Alteration of Confirming Act of 1893 and Confirming Act of 1902.

Borough had not been constituted into a County Borough by this Order.

Art. VIII.—(1) The Confirming Act of 1893 so far as it relates to the Order of 1893 and the Confirming Act of 1902 so far as it relates to the Rotherham Order of 1902 shall be altered as is hereinafter provided that is to say:—

(*a*) Article II. of the Order of 1893 (which relates to the constitution of the Joint Committee) as altered by the Rotherham Order of 1902 shall have effect as if the County Borough of Dewsbury were one of the County Boroughs named in subdivision (1) of the said Article;

(*b*) Article XIII. of the Order of 1893 (which relates to the contributions of Constituent Authorities) as altered by the Rotherham Order of 1902 shall have effect as if for the words—

" By the Council of the County
" of the West Riding of Yorkshire - Seventeen-thirtieths "

there were substituted the words—

" By the Council of the County
" of the West Riding of Yorkshire
" and the Councils of the County
" Boroughs of Barnsley and Dews-
" bury - - - - - - Seventeen-thirtieths "

and as if the following paragraphs were added to that Article:—

"The proportion to be contributed by the County
" Council and the Councils of the County Boroughs of
" Barnsley and Dewsbury as aforesaid shall be appor-
" tioned between those Councils upon a basis to be
" determined by agreement between those Councils or in
" default of agreement within the period of six months
" from the date of the Act of Parliament confirming the
" County Borough of Dewsbury Order 1912 by the Local
" Government Board and the basis so determined shall
" be adopted by the Joint Committee for the purposes
" of any precept issued by them under Article XIV. of
" this Order and that Article shall apply as if the
" Councils of the County Boroughs of Barnsley and
" Dewsbury were Constituent Authorities:

" Provided that if at the expiration of any period of
" three years from the date of any previous determination
" of the said basis either the Council of the County of
" the West Riding of Yorkshire or the Council of either

" of the County Boroughs of Barnsley or Dewsbury shall " by resolution declare that in their opinion the basis of " contribution settled as aforesaid has become inequitable " the said Councils shall then proceed to make a fresh " agreement for settling the basis on which their respective " contributions to the expenses of the Joint Committee " shall be apportioned and in default of agreement within " six months from the date of such resolution the basis " shall be determined by the Local Government Board."

(2) The provisions of paragraph (*b*) of subdivision (1) of this Article shall supersede the provisions of paragraph (*b*) of subdivision (1) of Article VII. of the Barnsley Order of 1912 and the last mentioned provisions shall not have effect.

(3) So much of subsection (1) of Section 3 of the Act of 1894 as relates to the interpretation of the expression "Rivers" or "River" shall have effect as if the County Borough of Dewsbury were named therein.

(4) Nothing in this Article shall prejudicially affect the operation purposes powers or provisions of the Confirming Act of 1893 so far as it relates to the Order of 1893 as altered by the Rotherham Order of 1902 and by the Barnsley Order of 1912 or of the Act of 1894 or the jurisdiction powers or duties of the West Riding of Yorkshire Rivers Board and the change of name enacted by the Act of 1894 with respect to the Joint Committee and all provisions connected with incidental to or consequential upon the said change shall have full effect notwithstanding the alteration of the constitution of the Joint Committee in pursuance of this Article.

Art. IX. This Order may be cited as the County Borough of Dewsbury Order 1912. Short title.

Given under the Seal of Office of the Local Government Board this Fourteenth day of June One thousand nine hundred and twelve.

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

A.D. 1912.

SECOND SCHEDULE.

PART I.

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

(1) Regard shall be had to—

(*a*) The difference between the burden on the ratepayers which will properly be incurred by the Council or other authority affected by the Order in meeting the cost of executing any of their powers and duties and the burden on the ratepayers which would properly have been incurred by that Council or other authority in meeting such cost had no alteration of boundaries or other change taken place:

(*b*) The length of time during which the increase of burden may be expected to continue.

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

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

PART II.

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

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

(A) There shall be apportioned to the County Council an amount equal to the average annual amounts of the compulsory payments and transfers made by or on behalf of that Council in accordance with sections 24 and 26 of the Local Government Act 1888 for and in respect of the five years ending the Thirty-first day of March One thousand

nine hundred and thirteen less the portion of such average annual amount paid and transferred in respect of the specified area and such last-mentioned amount shall be apportioned to the Corporation:

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

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

(i) if such balance is insufficient to meet the whole of one-half of the cost of such roads the amounts apportioned to the County Council and the Corporation respectively shall be reduced proportionately; and

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

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

A.D. 1912.

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

In this Part of this Schedule—

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

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

(3) The expression "the Corporation" means the Mayor Aldermen and Burgesses of the Borough of Dewsbury acting by the Council;

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

(5) The expression "rateable value" means the rateable value stated in the last poor rate.

Printed by EYRE and SPOTTISWOODE, Ltd.,
FOR
ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN.