CHAPTER ccxxiv.

An Act to confirm a Provisional Order of the Local Government Board relating to the Improvement Act District of West Hartlepool. [25th August 1883.]

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WHEREAS the Local Government Board have made a Provisional Order relating to the Improvement Act District of West Hartlepool, under the provisions of the Public Health Act, 1875:

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 thereto:

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 said Order, as amended and set forth in the schedule hereto (in this Act referred to as "the Order") 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.

Proviso for continuing powers of the West Hartlepool Improvement Commissioners and the Seaton Carew Local Board till 25th April 1884.

2. (1.) The West Hartlepool Improvement Commissioners and the members of the Seaton Carew Local Board who shall be in office on the twenty-fifth day of March one thousand eight hundred and eighty-four (which Commissioners are herein referred to as "the old Commissioners") shall, notwithstanding the provisions of the Order, continue to exercise the powers vested in them until the twenty-fifth day of April one thousand eight hundred and eighty-four, but no longer.

Provided that from and after the date of this Act no proceedings for election shall be taken between such date and the commencement of the Order either by the old Commissioners under the Local Act or by the said local board under the Public Health Act, 1875, except so far as may be required for the purposes of filling up casual

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vacancies among the old Commissioners and the members of the said local board.

(2.) Such of the old Commissioners as would under the provisions of the West Hartlepool Extension and Improvement Act, 1870 (in this Act referred to as "the Local Act"), go out of office in the years 1885 and 1886 respectively (herein-after referred to as "the continuing Commissioners"), shall, after the commencement of the order, severally represent the following wards; that is to say, the north-east ward, the north-west ward, the central ward, the south-east ward, and the south-west ward, so that each ward may be represented by two of the continuing Commissioners, one of whom shall retire in 1885 and the other in 1886, and the continuing Commissioners, or their successors in office, to represent each of the said wards, shall be determined by ballot at a meeting of the Commissioners then in office, to be held in the month of January 1884, on such day and at such time and place as the Chairman of the Commissioners shall appoint, of which meeting not less than three days notice in writing shall be given to each Commissioner then in office by the Clerk to the Commissioners.

Special provisions as to the first election of Commissioners for extended district.

3. (1.) An election of three Commissioners for Seaton Ward, and of one Commissioner for each of the other five wards, shall be held within one month after the commencement of the Order, and such person as the Local Government Board shall by their order appoint shall be the returning officer at such election.

(2.) Fourteen days public notice of such election shall be given within seven days after the commencement of the Order by the returning officer in the manner prescribed by section 31 of the Local Act, and such notice shall state the following particulars:

(*a.*) The qualification of the persons to be elected in each ward as prescribed by the Local Act as altered by the Order, and the number of such persons:

(*b.*) The place (to be fixed by the returning officer) where nominations and notices of withdrawal from candidature shall, under Article V. (4), (5), and (6) of the Order, be delivered, given, or sent, and the date and time (to be fixed as aforesaid) after which such nominations and notices respectively cannot be received:

(*c.*) The time when and place where the election will, in accordance with the provisions of the Local Act as altered by the Order, be held, if in any ward the number of persons nominated and not withdrawn exceeds the number of persons to be elected:

(*d.*) The qualification of persons entitled under the Local Act and this Act to vote at the election of Commissioners.

Provided that the returning officer shall fix such dates as will enable him to give his certificate of election under Article V. (7) of the Order, and to publish, in accordance with the provisions of section 38 of the Local Act, a list of the persons elected not later than three days before the twenty-fifth day of April one thousand eight hundred and eighty-four.

(3.) For the purposes of the election under this section, in the ward which comprises the area which formed the Local Government District of Seaton Carew, any person who would have been qualified to vote at an election of a member of a local board shall be deemed to be qualified in accordance with the provisions of section 14 of the Local Act as altered and amended by the Order.

(4.) All the provisions of the Local Act and of the Order shall, mutatis mutandis, and so far as they are applicable, apply to the election under this section, except that it shall not be obligatory to comply with the provisions of Article IX. of the Order before such election.

Persons who shall be the first Commissioners.

4. The powers of the old Commissioners and of the Seaton Carew Local Board shall be transferred to the continuing Commissioners, together with the other eight persons elected under section 3 of this Act whose names are included in the list published by the returning officer in accordance with the provisions of section 38 of the Local Act, who shall be the Commissioners to carry the Local Act into execution in the Improvement Act District of West Hartlepool after the commencement of the Order, and shall come into office on the twenty-fifth day of April one thousand eight hundred and eighty-four, but for the purposes of retirement, such eight new Commissioners shall be deemed to have come into office on the twenty-fifth day of March one thousand eight hundred and eighty-four.

Retirement of the first Commissioners.

5. The three persons elected under section 3 of this Act for Seaton Ward shall go out of office in the following order; namely, on the twenty-fifth day of March one thousand eight hundred and eighty-five, one of the Commissioners representing such ward to be selected by the Commissioners by ballot, on the twenty-fifth day of March one thousand eight hundred and eighty-six, one of the remaining two to be selected as aforesaid, and on the twenty-fifth day of March one thousand eight hundred and eighty-seven, the remaining Commissioner, and the five persons elected under section 3 of this Act for the other five wards shall go out of office on the

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twenty-fifth day of March one thousand eight hundred and eighty-seven.

6. On the twenty-fifth day of April one thousand eight hundred and eighty-four, the said Local Board shall be dissolved.

7. Nothing in the Hartlepool Borough Extension Act, 1883, contained shall lessen, prejudice, or interfere with the power of the Local Government Board, upon application by the Corporation of Hartlepool or the Commissioners, or without application, to repeal, alter, or amend by Provisional Order, to be confirmed by Parliament, the Local Government Board's Provisional Orders Confirmation (Bath, &c.) Act, 1881, so far as it relates to the Hartlepool Port Sanitary Authority.

Works on sea shore to be previously sanctioned by Board of Trade.

8. The Commissioners shall not construct any works on any part of the shore of the sea, where and so far up the same as the tide flows and reflows, without the previous consent of the Board of Trade, to be signified in writing, and then only according to such plan and under such restrictions and regulations as the said Board approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the Commissioners shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals; and if any such work shall be commenced or completed without such consent or approval, the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Commissioners, and the amount of such costs shall be a debt due to the Crown, and recoverable against the Commissioners accordingly.

Saving rights of North-Eastern Railway Company.

9. Notwithstanding anything contained in this Act, or in the Order, all provisions, exemptions, or privileges affecting the North-Eastern Railway Company, or to which they may be entitled under any special Acts of Parliament, shall apply to the property of that Company in the area added by the Order to the Improvement Act District of West Hartlepool to the same extent as if the same had formed part of such district at the date of the passing of such special Acts or any of them.

Short title.

10. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 2) Act, 1883.

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SCHEDULE.

West Hartlepool Order.

IMPROVEMENT ACT DISTRICT OF WEST HARTLEPOOL.

Provisional Order for partially repealing and altering The West Hartlepool Extension and Improvement Act, 1870, *and for other purposes.*

To the West Hartlepool Improvement Commissioners, being the Sanitary Authority for the Urban Sanitary District of West Hartlepool, in the County of Durham;—

To the Seaton Carew Local Board, being the Sanitary Authority for the Urban Sanitary District of Seaton Carew, in the same County;—

To the Guardians of the Poor of the Hartlepool 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 under the provisions of a Local Act of Parliament, intituled "The West Hartlepool Extension and Improvement Act, 1870" (herein-after called "the Local Act"), certain Commissioners were appointed and incorporated under the name of the West Hartlepool Improvement Commissioners (which Commissioners and the Commissioners to be elected in pursuance of the provisions of the Act confirming this Order as the case may be are herein-after called "the Commissioners"), to carry the Local Act into execution;

And whereas by Section 4 of the Local Act it was enacted that the Schedules to the Local Act should be construed and have effect as part of that Act;

And whereas by Section 7 of the Local Act it was enacted that the limits of that Act (therein and herein called "the Improvement District") comprised the following Districts; namely,—

First the District particularly described in the Second Schedule to that Act, Part I., and therein and herein called "the original District"; and

Secondly, the District described in the same Schedule, Part II., and therein and herein called the "additional District";

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And whereas by a Provisional Order of the Local Government Board, dated the 7th day of May, 1878, and 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 of 1878," and "the Confirming Act of 1878"), the Local Act was partially repealed, altered, and amended;

And whereas by another Provisional Order of the Local Government Board, dated the 29th day of April, 1880, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880 (which Order and Act are herein-after respectively referred to as "the Order of "1880," and "the Confirming Act of 1880"), Section 7 of the Local Act, and Part I. of the Second Schedule to that Act, were altered so as to include within the Improvement District and the Original District that portion of the Rural Sanitary District of the Hartlepool Union, in the County of Durham, which comprised the part of the Township of Stranton therein described; and it was provided that wherever the words "the Improvement District" and "the Original District," were used in the Local Act, they should include the said portion of the said Rural Sanitary District; and that the Commissioners should, for the purposes of the Public Health Act, 1875, have jurisdiction to the exclusion of any other sanitary authority, in the part of the Rural Sanitary District thereby added to the Improvement District;

And whereas the Improvement District, as extended by the Order of 1880, is an Urban Sanitary District, of which the Commissioners are the Urban Sanitary Authority;

And whereas the Local Act is a Local Act within the meaning of Section 303 of the Public Health Act, 1875, and the Commissioners have applied to the Local Government Board to issue a Provisional Order to alter and amend the same:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statute in that behalf, do hereby Order that, from and after the Twenty-fifth day of March, One thousand eight hundred and eighty-four (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect; viz.:—

Art. I. Section 7 of the Local Act shall be altered so as to provide as follows; viz.:—

1. The limits within which the Local Act, as altered and amended by the Orders and Confirming Acts of 1878 and 1880, shall be in force, shall comprise the following areas; viz.:—
   (i.) The areas described in Part I. of the Second Schedule to the Local Act as amended by the Order and Confirming Act of 1880, and in Part II. of the said Schedule.
   (ii.) The area which immediately prior to the commencement of this Order formed the Local Government District of Seaton Carew, and

(iii.) So much of the Rural Sanitary District of the Hartlepool Union as lies between the above-mentioned areas and low-water mark;

all which areas shall together form the Improvement Act District of West Hartlepool, herein-after referred to as "the District."

2. The District shall for the purposes of the election of Commissioners be divided into six wards, which shall be termed respectively,—

The North-East Ward;
The North-West Ward;
The Central Ward;
The South-East Ward;
The South-West Ward; and
The Seaton Ward;

and such wards shall comprise the parts of the District respectively coloured pink, brown, blue, red, yellow, and green, on the map marked A, signed by William Wither Bramston Beach, Esquire, M.P., Chairman of the Committee of the House of Commons to which the Bill to confirm this Order was referred, and deposited in the Private Bill Office of the House of Commons, a copy whereof, signed in like manner, shall be deposited in the Offices of the Commissioners.

Art. II. Section 11 of the Local Act shall be altered so that the number of the Commissioners shall be increased from fifteen to eighteen, and three Commissioners shall be elected to represent each of the said six wards.

Provided that the Local Government Board may, by Order, made on the application of the Commissioners, and after local inquiry, from time to time abolish such wards, or alter the number or boundaries of such wards, and may determine and from time to time alter the proportion of Commissioners to be elected by each ward.

Art. III. The Commissioners shall for the purposes of the Public Health Act, 1875, have jurisdiction in the district to the exclusion of any other sanitary authority.

Art. IV. Section 28 of the Local Act shall be altered by the insertion therein of the words "representing each ward" after the words "one-third of the Commissioners" and by the insertion of the words "for each ward" after the words "a like number of Commissioners."

Art. V. Section 28 shall be further altered so as to provide as follows; viz:—

1. If any Commissioner is elected in more than one ward he shall within three days after receipt of the notice required to be sent to him by the presiding officer under Section 38 of the Local Act choose, or in default of his choosing, the Commissioners, at their meeting next after the expiration of the said three days, shall decide for which one of the wards such Commissioner shall serve, and he shall thereupon be held to be elected in that ward only, and a vacancy shall be held to exist in the other ward or wards, and shall be filled up by the election in the manner prescribed by Section 30 of the Local Act of a person qualified to be a Commissioner in the ward in which such vacancy is held to exist.

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2. No person shall give in the whole of the wards wherein he shall vote a greater number of votes than he would have been entitled to give if the district had not been divided into wards, nor in any one ward a greater number of votes than he is entitled to in respect of property in that ward.

3. Subject, as aforesaid, any person entitled to vote may, by notice in writing delivered to the returning officer not later than seventeen days previous to the twenty-fifth day of March in any year, elect in what ward or wards he will vote for the ensuing year, and determine the proportion of votes which he will give in any one or more of such wards; and if he does not give such notice he shall not be entitled to vote for any ward in which he does not reside.

4. Any person, who shall be qualified in accordance with the provisions of Section 14 of the Local Act as hereby altered and amended, may nominate for the office of Commissioner himself (if qualified to be elected) or any other persons or person so qualified (not exceeding the number of persons to be elected).

5. Every such nomination shall be in writing, and shall state the name and residence and calling or quality of the person or persons nominated, and the ward for which such person is nominated to serve, and shall be signed by the person nominating, and be delivered or sent to the Returning Officer at the Commissioners office, between the hours of ten in the morning and six in the evening, fourteen days at least before the Twenty-fifth day of March in each year.

6. Any person nominated may withdraw from his candidature by giving notice in writing to that effect signed by him, to, or leaving the same at the office of the Commissioners for, the Returning Officer, between the hours of ten in the morning and six in the evening, nine days at least before the Twenty-fifth day of March in each year.

7. If in any ward the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected, such persons (if duly qualified) shall be deemed and shall on the day of election be certified by the Returning Officer under his hand to be elected;

8. If in any ward the number of persons nominated and not withdrawn exceeds the number of persons to be elected, the names and residence and the calling or quality of each of the persons nominated and not withdrawn (but of no other persons) shall be printed in the alphabetical order of the surnames of such persons, at the foot of the voting papers to be furnished to the Returning Officer for the use of the voters, in accordance with the provisions of Section 33 of the Local Act.

Art. VI. Section 31 of the Local Act shall be altered as follows; viz.,—

1. By the insertion therein of the words "If in any ward the number of "persons nominated and not withdrawn exceeds the number of persons "to be elected, an election for such ward shall be held," in lieu of the words "For the purpose of electing Commissioners from time to time in

" the place of those who go out by rotation, a meeting of the persons " entitled to vote at such election shall be held at the principal office " of the Commissioners."

2. By the insertion therein of the words " at such place as the Returning " Officer may appoint, of which election " in lieu of the words " of " which meetings."

3. By the the insertion of the words " the district " in lieu of the words " the improvement district."

4. By the omission therefrom of the words " at such meeting or meetings."

Art. VII. Section 32 of the Local Act shall be altered by the insertion therein of the words " in any ward in which the number of persons nominated and not " withdrawn exceeds the number of persons to be elected," after the words " at the election of Commissioners."

Art. VIII. Section 33 of the Local Act shall be altered by the insertion therein of the words " in any ward in which the number of persons nominated " and not withdrawn exceeds the number of persons to be elected " after the words " for the use of the voters."

Art. IX. Section 34 of the Local Act shall be altered by the omission therefrom of the words " One month," and all the words following those words down to and inclusive of the words " the poll at the election and they," and by the insertion in lieu thereof of the following words; viz., " Before any election " of Commissioners the Commissioners shall cause an alphabetical list to be " made of the names of the persons entitled to vote in each Ward at such " election, as they appear in the rates made for the purposes of this Act, and " one month at least before any such election they shall cause such list to be " deposited at the offices, for the time being, of the Commissioners, to be open " to the inspection of all persons entitled to vote for a period of seven days " from such deposit, notice of which deposit shall be given by advertisement, " placard, or otherwise, not later than the day after such deposit is made.

" A person entitled to vote may object to the keeping of any name on the " list, by notice in writing, delivered or sent to the Commissioners (a copy of " which notice shall on the same day be delivered or sent to the person " objected to) within three days after the expiration of the said period of seven " days, but an objection delivered or sent at any other time shall not be " admitted by the Commissioners.

" The Commissioners shall immediately on the expiration of the said period " of three days, deliver to the Returning Officer the list deposited as aforesaid, " together with any notices of objection received as aforesaid.

" The Returning Officer shall, with the assistance of such persons (if any) as " the Commissioners may appoint, proceed forthwith to revise such list, by " entering therein the names of the persons who are proved to his satisfaction " to be entitled to vote, but whose names may have been omitted therefrom, " by expunging from such list the names of persons who are proved to his " satisfaction to be dead or to have ceased to be entitled to vote, and by making " such other alterations as may be necessary for the correction of the said list.

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"For the purpose of enabling the Returning Officer to determine the validity "of any objections, he may examine such persons and call for such evidence "from the persons making the same, as he may think fit; any person may "tender himself to be examined, but no person shall be entitled to be examined "or to be heard before the Returning Officer in support of an objection.

"Not later than fourteen days previous to the Twenty-fifth day of March "the Returning Officer shall close the revision, and sign the revised list, and "such revised list shall be used by the Returning Officer at any election within "the twelve months next ensuing."

"And the Commissioners."

Art. X. Section 36 of the Local Act shall be altered by the insertion therein of the words "if in any ward a poll shall be required" after the words "election of Commissioners," and of the words "in such ward" after the words "every person entitled to vote," and of the words "for such ward" after the words "then to be chosen."

Art. XI. The names and residences and the calling or quality of each of the persons nominated, and not withdrawn, as provided by Article V. of this Order (but of no other persons), shall be printed in the alphabetical order of the surnames of such persons at the foot of the voting papers to be furnished to the Returning Officer for the use of voters, in accordance with the provisions of section 33 of the Local Act; and the form of voting paper set out in the Ninth Schedule to the Local Act shall be altered so as to make it applicable for use in the wards into which the District is or may be divided.

Art. XII. Sections 46, 48, and 52 of the Local Act shall be altered by the insertion therein of the word "six" in lieu of the word "five"; and section 47 of the Local Act shall be altered by the insertion therein of the words "as soon as may be convenient after the twenty-fifth day of March," in lieu of the words "on the third Thursday in the month of December."

Art. XIII. Sections 112 and 113 of the Local Act shall be altered by the omission therefrom of all reference to the local board for the district of Seaton Carew and to their contribution towards the cost of the works mentioned in those sections, and the Commissioners shall be empowered to carry out the works mentioned in those sections, and to defray the cost thereof out of a highway rate.

Art. XIV. Section 117 of the Local Act shall be altered by the insertion therein of the words "if the public carriage road connecting West Hartlepool "and Seaton Carew mentioned in section 112 of this Act is not completed "within eighteen years," in lieu of the words "if the road and improvement of communication aforesaid are not completed within seven years."

Art. XV. Section 302 of the Local Act shall be wholly repealed.

Art. XVI. Section 367 of the Local Act shall be altered and amended as follows; viz.,—

(1.) From and after the day when the Commissioners to be elected in pursuance of the provisions of the Act confirming this Order shall come into office, all the debts, liabilities, obligations, and property attaching to or vested in the Seaton Carew Local Board shall pass to and vest in the Commissioners

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(2.) The balances remaining unpaid at the commencement of this Order in respect of moneys borrowed by the Seaton Carew Local Board shall be charged upon and payable out of the Improvement Fund and Improvement Rate mentioned in sections 367 and 368 of the Local Act.

Provided that nothing in this Order contained shall prejudice, alter, invalidate, or affect any security, bond, or mortgage which may have been given by the said Local Board upon security of any fund or rate authorised by the laws in force for the time being, but such security, bond, or mortgage shall take effect as if the moneys therein mentioned or thereby secured had been originally charged upon the said Improvement Fund and Improvement Rate.

Art. XVII. Section 368 of the Local Act shall be altered:—

(1.) By the omission therefrom of the following words, namely:

(*a.*) "Every such estimate shall show the amount sufficient for the "payment of such of the said estimated expenses as relate to the "making or maintaining of sewers, and of lighting the streets (except "the road from West Hartlepool to Seaton Carew when the same "shall be made), and providing and keeping in repair for that "purpose lamp-posts, burners, pipes, and other apparatus, which "expenses are referred to in this Act as separate expenses, and the "amount sufficient for the payment of the remainder of such estimated "expenses in this Act referred to as general expenses, and shall "distinguish the sums respectively charged for the payment of "separate expenses in the original district and in the additional "district, and shall further show the value of the property assessable "in each of the said districts."

(*b.*) "and as between the original district and the additional district, "the Commissioners shall apportion the amount to be raised by such "improvement rate in each of the said districts so that there shall "only be raised in each district the money required for separate "expenses in such district, and so much of the money required for "general expenses as is chargeable upon the same. The amount "chargeable upon each district of the money required for general "expenses, shall be ascertained and fixed by the Commissioners "having regard to the value of the property assessable thereto in "such district. The Commissioners shall annually or oftener as and "when they see fit, make, assess, and levy the improvement rate "necessary to raise in each district the amount apportioned and "ascertained by the Commissioners in manner aforesaid, but"

(2.) By the insertion of the words "within the district" after the words "all such kinds of property" in sub-section (1).

(3.) By the omission of the whole of sub-section (3).

Art. XVIII. Section 369 of the Local Act shall be wholly repealed.

Art. XIX. Section 371 of the Local Act shall be altered by the insertion therein of the words "the district" in lieu of the words "the original district or within the additional district" and so much of that Section as follows the words "(that is to say)" shall be repealed except so far as it may have been acted upon, and in lieu thereof it shall be provided that the Commissioners shall apply

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all money levied by means of any highway rate to the purposes to which the same may be lawfully applied within the district.

Art. XX. The Local Act shall be further altered so as to provide that the owner of any tithes or of any tithe commutation rentcharge, or the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, or as a public railway, dock, timber pond, or harbour within that part of the District which immediately prior to the commencement of this Order formed the Local Government District of Seaton Carew, shall be assessed in respect of the same to any improvement rate or highway rate levied under the Local Act as hereby altered and amended, in the proportion of one-fourth part only of the rateable value thereof.

Art. XXI. The proviso to Section 374 of the Local Act shall be altered and amended by the omission therefrom of the following words, viz., "in respect "of property the rateable value of which does not exceed the sum of ten "pounds per annum, then, and in such case, but not in any of the other cases "mentioned in this section."

Art. XXII. Section 422 of the Local Act shall be altered by the insertion therein of the words "the twenty-fifth day of March next" in lieu of the words "a period not less than one month."

Art. XXIII. Section 424 of the Local Act shall be altered and amended by the insertion in sub-section (1) of the words "annual meeting of the Commissioners" in lieu of the words "twenty-fifth day of December."

Art. XXIV. Section 425 of the Local Act shall be wholly repealed, except so far as it may have been acted upon.

Art. XXV. The provisions of Section 456 of the Local Act shall apply to the Commissioners and the district in the same manner and to the same extent as they were applicable to the Commissioners and the Improvement District previous to the commencement of this Order.

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

(L.S.)

Charles W. Dilke, President.
Hugh Owen, Secretary.

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