CHAPTER cxv.

An Act to confirm a Provisional Order of the Local Government Board relating to Portsmouth. A.D. 1904.

[22nd July 1904.]

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

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

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

Order in schedule confirmed.

1. The Order 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.

Provision for payment of compensation to local authorities affected.

2.—(1) Provision shall be made by an adjustment under Article XIV. of the said Order for the payment by the Corporation to the Fareham Rural District Council and the Fareham Board of Guardians and the Cosham Parish Council of such compensation as shall be fair and reasonable for any loss of rateable value rights or income from rating or from contributions in lieu of rating caused to such authority by the separation of the added area from the district or union of the authority affected including income to be derived from the rating of any works or buildings now in course of construction in the added area on the completion thereof regard being had to all the circumstances of the case including any expenditure which if this Order had not been confirmed would

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have been required to be made by such authority for the purposes of providing an efficient system of drainage and sewerage for the added area and for the maintenance and repair of roads vested in such authority and otherwise in relation to the added area.

(2) The costs of and in relation to any arbitration which may be necessary for the purposes of this section shall be borne and paid as the arbitrator shall direct.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 4) Act 1904.

SCHEDULE.

BOROUGH OF PORTSMOUTH.

Provisional Order made in pursuance of Sections 54 *and* 59 *of the Local Government Act* 1888. *Portsmouth Order.*

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

To the Court of Quarter Sessions for the said Borough;—

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

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

To the County Council of Southampton;—

To the Guardians of the Poor of the Parish of Portsmouth;—

To the Guardians of the Poor of the Fareham Union;—

To the Rural District Council of Fareham;—

To the Parish Council of Cosham;—

To the Overseers of the Poor of each of the Parishes of Cosham and Portsmouth;—

And to all others whom it may concern.

WHEREAS by Section 54 of the Local Government Act 1888 the Local Government Board are empowered to make a Provisional Order for altering the boundary of any borough and by such Order to divide or alter any electoral division; 51 & 52 Vict. c. 41.

And whereas the Borough of Portsmouth is a County Borough within the meaning of the Local Government Act 1888 and the inhabitants are a body corporate by the name of the Mayor Aldermen and Burgesses of the Borough of Portsmouth and act by the Council of the said Borough which now consists of the Mayor (who is also a Councillor) fourteen Aldermen and forty-one other Councillors and the said Borough is for the purpose of the election of Councillors divided into fourteen wards;

And whereas the said Borough is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the Council are the Urban Sanitary Authority;

And whereas in pursuance of the Education Act 1902 the Council of the said County Borough are the local education authority;

And whereas the said Borough has a separate Court of Quarter Sessions commission of the peace police force recorder and coroner;

And whereas the unrepealed provisions of the Local Acts mentioned in Part I. of the schedule to this Order and of the Confirmation Acts mentioned

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in Part II. of the said schedule so far as the last-mentioned Acts relate to the Provisional Orders mentioned in that schedule are in force in the said Borough;

And whereas the Urban Sanitary Authority have adopted the provisions of—

53 & 54 Vict. c. 34. (*a*) The Infectious Disease (Prevention) Act 1890; and

53 & 54 Vict. c. 59. (*b*) The Public Health Acts Amendment Act 1890;

and those provisions are accordingly in force in the said Borough;

9 & 10 Vict. c. 74. 10 & 11 Vict. c. 61. 41 & 42 Vict. c. 14. 45 & 46 Vict. c. 30. 59 & 60 Vict. c. 59. 62 & 63 Vict. c. 29. 55 & 56 Vict. c. 53. 56 Vict. c. 11. 1 Edw. 7. c. 19. And whereas the Baths and Washhouses Acts 1846 to 1899 and the Public Libraries Acts 1892 to 1901 are in force in the said Borough;

And whereas the said Borough is co-extensive with the Parish of Portsmouth and that Parish is for the purpose of the election of guardians divided into three wards described respectively as Ward No. 1 Ward No. 2 and Ward No. 3;

And whereas the Parish of Cosham is a contributory place in the Rural District of Fareham and is subject to the jurisdiction of the Rural District Council of Fareham;

And whereas the said Parish of Cosham is included in the Fareham Union and is within the meaning of the Local Government Act 1894 a Rural Parish for which a Parish Council has been established;

And whereas in pursuance of the Education Act 1902 the said Parish of Cosham forms part of the area of the County Council of Southampton as the local education authority;

And whereas the said Parish of Cosham is included in the Wickham Electoral Division of the County of Southampton:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 54 and 59 of the Local Government Act 1888 and by any other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:—

51 & 52 Vict. c. 41.

Definitions.

Art. I. In this Order—

(1) The expression "the commencement of this Order" means the Ninth day of November One thousand nine hundred and four;

(2) The expression "the existing Borough" means the Borough of Portsmouth as it existed immediately prior to the commencement of this Order;

(3) The expression "the Borough" means the existing Borough as extended by this Order;

(4) The expression "the Corporation" means the Mayor Aldermen and Burgesses of the existing Borough or of the Borough (as the context may require) acting by the council;

(5) The expressions "the County" and "the County Council" mean respectively the County of Southampton and the County Council of that County;

(6) The expressions "the Rural District" and "the Rural Council" mean respectively the Rural District of Fareham and the Rural District Council of that district;

(7) The expression "the Borough maps" means the two maps each marked "Map of the Borough of Portsmouth as extended 1904" and sealed with the official seal of the Local Government Board;

(8) The expression "the added area" means the part of the Rural District of Fareham which is added to the existing Borough by this Order;

(9) The expressions "the Act of 1888" and "the Act of 1894" mean respectively the Local Government Act 1888 and the Local Government Act 1894; and

(10) The expression "the Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same.

Commencement of Order.

Art. II. This Order shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the Ninth day of November One thousand nine hundred and four:

Date of operation of Order for parish burgess lists &c. 51 Vict. c. 10.

Provided that for the purposes of the parish burgess lists and burgess roll and other lists to be made for the Borough under the Municipal Corporations Acts of the lists of county electors and the county register to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act of the lists and registers of parochial electors and any other lists or registers to be made in pursuance of the Act of 1894 of all proceedings preliminary or relating to any municipal election to be held on the ordinary day of election in the year one thousand nine hundred and four and of the revision of the basis or standard of county rate this Order shall operate from the date of the Act of Parliament confirming this Order:

Date of operation for grants from Local Taxation Account. 53 & 54 Vict. c. 60.

Provided also that for the purposes of Sections 20 22 23 24 and 26 of the Act of 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 the Borough shall be deemed not to have been altered until after the Thirty-first day of March One thousand nine hundred and five.

Extension of existing Borough

Art. III.—(1) The boundary of the existing Borough the area whereof is coloured pink on the Borough maps shall be altered so as to include in addition to that area so much of the Rural District as comprises the part of the Parish of Cosham which is coloured purple on the Borough maps.

(2) The boundary of the Borough shall be that shown by the red line on the Borough maps and the whole of the area within such boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the Borough and shall be the County Borough for the purposes of the Act of 1888.

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Deposit of maps.

Art. IV.—(1) One of the Borough maps shall be deposited in the office of the Local Government Board and the other shall be deposited by the town clerk of the existing Borough at his office within fourteen days after the date of this Order Copies of the Borough map deposited with the town clerk certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council to the clerk to the Rural Council to the Board of Inland Revenue and to the Board of Agriculture and Fisheries.

Copies of map to be evidence.

(2) Copies of or extracts from the Borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as primâ facie evidence of the contents of such map so far as relates to the boundary of the Borough and such map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the Borough and any such person shall be entitled to a copy of or extract from such map certified by the town clerk to be true on payment of a reasonable fee to be demanded by the Corporation All fees so received shall be carried to the credit of the borough fund.

Powers and duties of justices &c. extended.

Art. V. The powers and duties of the quarter sessions recorder clerk of the peace and the coroner of the existing Borough of the justices of the peace appointed for the existing Borough of the clerk to such justices and of the police constables and other peace officers of the existing Borough shall extend to and apply throughout the Borough:

Provided that every person committing an offence in any part of the added area prior to the commencement of this Order shall be tried adjudicated on and dealt with as if this Order had not been made:

Provided also that every proceeding which prior to the commencement of this Order has been begun by or before any justice or justices in relation to any matter arising in or concerning any part of the added area may be carried on continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Order had not been made.

Parish burgess lists &c.

Art. VI.—(1) For the purposes of the parish burgess lists and burgess roll and other lists to be made under the Municipal Corporations Acts and all matters in relation thereto the added area shall be deemed to have always been part of the Borough and the town clerk of the existing Borough shall be the town clerk of the Borough.

(2) In making out revising or otherwise dealing with the said lists and roll or the lists of county electors and the county register to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act or the lists and registers of parochial electors effect shall be given so far as the circumstances require or allow to the provisions of this Order.

(3) Where any difficulty in giving effect to the provisions of this Order can be obviated or removed by any alteration in or re-arrangement of or any other action affecting the said lists roll and registers such alteration re-arrangement or action so far as the same may be necessary for giving effect to the said provisions shall be made or taken by the town clerk or the clerk

to the County Council as the case may require and the Overseers of the Poor shall render such assistance as may be requisite for the purpose of such alteration re-arrangement or action by the town clerk or clerk to the County Council as the case may be and such alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to such lists roll and registers.

(4) Where in the opinion of the Local Government Board the circumstances so require the Local Government Board may make such order as appears to them to be necessary to give effect to the provisions of this Order and may vary so far as is requisite the provisions in force with regard to such lists roll and registers.

Division into wards.

Art. VII. Subject as regards any future alteration of wards to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the following provisions shall have effect :—

(1) For the purposes of the election of Councillors the Borough shall continue to be divided into fourteen wards:

(2) The added area shall be included in the No. 4 or North End Ward:

(3) The Councillors representing the No. 4 or North End Ward who will not go out of office on the First day of November One thousand nine hundred and four shall be deemed from and after the commencement of this Order to represent that ward as altered hereby.

Local Acts and Orders.

Art. VIII. Subject to the provisions of this Order the unrepealed provisions of the Local Acts and of the Confirmation Acts mentioned in the schedule to this Order so far as the last-mentioned Acts respectively relate to the Provisional Orders mentioned in that schedule and of any other Local Act or Provisional Order duly confirmed by Parliament affecting the existing Borough or the Corporation as the same respectively are in force within the existing Borough at the commencement of this Order shall extend and apply to the Borough and any reference therein to the existing Borough and the Corporation shall be deemed to refer to the Borough and the Corporation thereof.

Byelaws &c.

Art. IX.—(1) All byelaws and regulations and every list of tolls and table of fees and payments and scale of charges made by the Corporation which at the commencement of this Order are in force in the existing Borough shall thenceforth apply to the Borough until or except in so far as any such byelaws or regulations or list of tolls or table of fees and payments or scale of charges may be altered or repealed.

(2) All byelaws and regulations made by the County Council or the Rural Council or their predecessors and in force immediately before the commencement of this Order in any part of the added area shall on that date cease to be in force except as regards any work commenced before that date or any work for which plans shall either have been approved by the Rural Council before that date or shall have been sent to the surveyor or clerk to the Rural Council one month at least before that date and shall

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not have been disapproved by that council As regards any such work as aforesaid the byelaws in force immediately before the commencement of this Order shall continue to apply until the completion of such work in like manner and with the like effect as if such byelaws had been made by the Corporation and as if the Corporation and the Borough were referred to therein instead of the Rural Council and the Rural District respectively Provided that any proceedings which might have been taken by the County Council or the Rural Council against any person for any offence committed before the commencement of this Order against any byelaws and regulations made by the County Council or the Rural Council or their predecessors and in force on that date in any part of the added area may be taken by the Corporation as if those byelaws and regulations had remained in force and the Corporation had been substituted therein for the County Council or the Rural Council as the case may be.

Education byelaws.

(3) For the purposes and subject to the provisions of the Education Acts 1870 to 1902 any byelaws in force in the existing Borough at the commencement of this Order shall thenceforth apply to the Borough until revoked or altered and from and after that date any byelaws then in force in the Parish of Cosham shall cease to be in force in the added area.

Town clerk and other officers continued.

Art. X.—(1) The town clerk and all other officers and servants of the Corporation of the existing Borough who hold office at the commencement of this Order shall continue to be the town clerk and officers and servants of the Corporation of the Borough and shall hold their offices by the same tenure as at that date.

Borough auditors.

(2) The auditors who are in office at the commencement of this Order shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the next ordinary day of election of borough auditors for the said purposes.

Compensation to existing officers.

Art. XI.—(1) Every officer and 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 such pecuniary loss and in determining such compensation regard shall be had to the conditions and other circumstances required by sub-section (1) of Section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid in the case of any such officer or servant whose office or employment relates wholly or partly to sanitary purposes as defined by the Public Health Act 1875 out of the district fund and general district rate of the Borough and in the case of any other such officer or servant out of the borough fund and borough rate of the Borough and the provisions of sub-sections (2) to (7) of the said Section 120 shall apply with such modifications (if any) as may be required Provided that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

(2) For the purposes of subdivision (1) of this Article any such officer or servant whose services are dispensed with by the Corporation because his services are not required and not on account of misconduct or whose salary is reduced on the ground that his duties have been diminished in consequence hereof in either case within five years from the commencement of this Order shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

Actions &c. not to abate.

Art. XII.—(1) If at the commencement of this Order any action or proceeding or any cause of action or proceeding is pending or existing by or against the Rural Council in relation exclusively to any part of the added area the same shall not be in anywise prejudicially affected by reason of the making of this Order but may be continued prosecuted and enforced by or against the Corporation of the Borough.

Saving for contracts &c.

(2) Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the commencement of this Order) entered into or made by the Rural Council or their predecessors in relation exclusively to any part of the added area shall be of as full force and effect against or in favour of the Corporation of the Borough and may be continued and enforced as fully and effectually as if instead of the Rural Council or their predecessors the Corporation had done or suffered the same or been a party thereto.

Corporation property &c.

Art. XIII. Subject to the provisions of this Order all property vested in the Corporation at the commencement of this Order for the benefit of the existing Borough shall be held by the Corporation for the benefit of the Borough and the Corporation shall hold enjoy and exercise for the benefit of the Borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing Borough and all liabilities which on the date aforesaid attached to the Corporation in respect of the existing Borough shall from and after that date attach to them in respect of the Borough.

Property &c. of Rural Council.

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

(1) All property and liabilities which immediately before the commencement of this Order are vested in or attach to the Rural Council in relation exclusively to any part of the added area shall be transferred to vested in and attach to the Corporation as Urban Sanitary Authority and any property and liabilities vested in or attached to the Rural Council in relation to any part of the added area conjointly with any other area shall be a matter for adjustment under Section 62 of the Act of 1888:

Cesser of jurisdiction of Rural Council.

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

Arrears of rates &c.

(3) All arrears of rates made by any Overseers of the Poor for the purposes of the Public Health Acts or for highway expenses which at the commencement of this Order are due or owing in respect of hereditaments in the added area may be collected

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and recovered as if this Order had not been made and when collected and recovered shall be applied towards the discharge of any precept of the Rural Council which at that date shall be in force and not satisfied and the balances if any shall be paid to the Corporation :

Adjustment of balances.

(4) Any balance in the hands of the Overseers of the Parish of Cosham at the commencement of this Order shall be a matter for adjustment under Section 62 of the Act of 1888 :

Adaptation of provisions as to adjustment.

(5) For the purposes of the application of Section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Order that section shall have effect as if in sub-sections (5) (6) and (7) thereof the expression "Council" included any authority affected by this Order or by anything done in pursuance of this Order and as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said sub-section (6) that sub-section empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Local Government Board may sanction :

Provided that where the authority affected by this Order or by anything done in pursuance of this Order are the Board of Guardians of a Poor Law Union Section 62 of the Act of 1888 shall apply with respect to any necessary adjustment with the modifications specified in the First Schedule to the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.

Mortgage debts of Corporation.

Art. XV. So much of any sums borrowed by the Corporation as will at the commencement of this Order be owing and charged on the district fund and general district rate of the existing Borough shall be charged upon the district fund and general district rate of the Borough and so much of any sums borrowed by the Corporation as will at the commencement of this Order be owing and charged upon the borough fund and borough rate of the existing Borough shall be charged upon the borough fund and borough rate of the Borough and all such sums shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Adoptive Acts.

Art. XVI. The provisions of the Baths and Washhouses Acts 1846 to 1899 the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 and the Public Libraries Acts 1892 to 1901 shall be

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in force in and apply to the Borough as if the same had been adopted therein.

Powers of Borough Council under Section 33 of Act of 1894.

Art. XVII. Subject to the provisions of any order which the Local Government Board may hereafter make the provisions of any order heretofore made by the Local Government Board and conferring upon the Council of the existing Borough any of the matters mentioned in Section 33 of the Act of 1894 and in such order shall as affected by the Portsmouth Corporation Act 1899 and to the extent to which the orders as so affected are in pursuance of that Act in force in and applicable to the existing Parish of Portsmouth apply and have effect with respect to the Parish of Portsmouth as altered by this Order.

County police.

Art. XVIII.—(1) At the commencement of this Order such members if any of the police force of the County as shall be determined by agreement to be made as soon as practicable after the date of the Act of Parliament confirming this Order between the Standing Joint Committee for the purpose of the police of the County and the County Borough of Bournemouth and the Watch Committee of the existing Borough or in default of such agreement as shall be determined by a Secretary of State shall be transferred to and become part of the police force of the Borough and any member of the county police force so transferred shall hold office upon the same tenure and upon the same terms and conditions as if this Order had not been made and while he performs the same or similar duties his remuneration emoluments and allowances and the pension (if any) to which he is entitled shall not be less than they would have been if this Order had not been made.

53 & 54 Vict. c. 45.

(2) The provisions of Section 15 (2) of the Police Act 1890 shall extend and apply to and in relation to any member of the police force transferred under the powers of this Article as if such member had removed with the written sanction of the Chief Constable.

County police stations.

(3) All the county police stations situate in any part of the added area with the residences for constables and cells connected therewith and the fittings and furniture thereof respectively shall be transferred to and vest in the Corporation as from the commencement of this Order for all the estate and interest therein of the County Council and there shall be paid by the Corporation to the County Council out of the borough fund in consideration of such transfer such sum as shall be agreed upon or as in default of agreement shall be settled by arbitration in manner provided by the Act of 1888.

Compensation to existing county officers.

(4) Every clerk to justices and county coroner and every officer or servant of or paid by the County Council or of or paid by the Standing Joint Committee for the purpose of the police of the County and the County Borough of Bournemouth 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 shall be entitled to have compensation paid to him by the Corporation for such pecuniary loss and in determining such compensation regard shall be had

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to the conditions and other circumstances required by sub-section (1) of Section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid out of the borough fund and the provisions of sub-sections (2) to (7) of that section shall apply with the necessary modifications and any such officer or servant whose services are dispensed with or whose salary shall be reduced by the County Council or the Standing Joint Committee for the purpose of the police of the County and the County Borough of Bournemouth within five years from the commencement of this Order because his services are not required or his duties are diminished in consequence hereof and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

Adjustment of financial relations between County and County Boroughs.

Art. XIX.—(1) In any case where the extension of the Borough by this Order shall affect the distribution of the proceeds of the local taxation licences of the estate duty and of the Local Taxation (Customs and Excise) duties between the County and the Borough or between the County or the Borough 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 such distribution and financial relations or questions equitable adjustments may be made between the areas interested.

(2) Any such adjustment may be made by agreement between the Council of the County and the Councils of the County Boroughs affected before the Thirtieth day of September One thousand nine hundred and five and in default of such agreement by the Local Government Board or if that Board think fit by an arbitrator appointed by them.

(3) For the purposes of such adjustments the provisions of the Act of 1888 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 such provisions for the Commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Order or of the Act of 1888 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 of 1888 and the provisions of the Act of 1888 shall apply accordingly:

Provided—

(*a*) that in lieu of sub-section (6) of Section 61 of the Act of 1888 sub-sections (1) and (5) of Section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of such inquiries; and

(*b*) that sub-section (6) of Section 32 of the Act of 1888 shall apply to any agreement or award made under this Article.

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Art. XX.—(1) Subject to the provisions of Section 54 of the Act of 1888 the Wickham Electoral Division of the County as diminished by the extension of the existing Borough shall continue to be an electoral division of the County and the person who immediately before the commencement of this Order is the County Councillor representing that electoral division shall continue to represent that division as if he had been originally elected to represent that division as hereby altered.

Electoral Divisions and County Councillors.

(2) No County Alderman or County Councillor in office immediately before the commencement of this Order shall be deemed to lose his qualification by reason of the transfer of the added area to the Borough by this Order.

Art. XXI.—(1) The added area shall be separated from the Parish of Cosham and shall be amalgamated with the Parish of Portsmouth and shall for the purposes of the election of Guardians of the Poor for that parish be included within the Ward No. 3 thereof.

Alteration of parishes.

(2) The persons who immediately before the commencement of this Order represent the existing Parish of Cosham on the Board of Guardians of the Fareham Union and the Rural Council shall continue to represent the parish as if they had originally been elected to represent that parish as hereby altered and the persons who immediately before the commencement of this Order represent the said Ward No. 3 upon the Board of Guardians of the Parish of Portsmouth shall continue to represent that ward as if they had originally been elected to represent that ward as hereby altered.

(3) Any powers and duties transferred by the Act of 1894 to the Parish Council or Parish Meeting of the Parish of Cosham shall so far as regards the added area be vested in exerciseable by and imposed on the persons or authorities in whom they would be vested or by whom they would be exerciseable or on whom they would be imposed if the added area had been included in an Urban District on the appointed day within the meaning of the Act of 1894 and any property or liabilities held or incurred so far as regards the added area by virtue of or for the purposes of the said powers or duties shall pass to and vest in or attach to the persons and authorities aforesaid Any property or liabilities of the said Parish Council held or incurred so far as regards the added area otherwise than by virtue or for the purposes of the said powers or duties shall be transferred to and vest in or attach to the Corporation.

(4) The Parish Council of the Parish of Cosham shall be deemed to have been elected and shall be the Parish Council for that parish as altered by this Order and shall cease to exercise any powers or duties within any part of the added area.

(5) No Parish Councillor in office immediately before the commencement of this Order shall be deemed to lose his qualification by reason of the transfer of the added area to the Borough by this Order.

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Ecclesiastical divisions and charities.

Art. XXII. Nothing in this Order shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which now is applicable for the benefit of any of the existing parishes affected by this Order.

Valuation lists.

Art. XXIII. Until new valuation lists are in force the portion of the valuation list of the existing Parish of Cosham which relates to hereditaments in the added area shall be deemed to form part of the valuation list of the Parish of Portsmouth and the remaining portion of the valuation list of the existing Parish of Cosham shall be deemed to be the valuation list of that parish as altered by this Order.

County rate basis.

Art. XXIV.—(1) Subject to any future revision the basis or standard of county rate for the county shall be deemed to be altered—

(*a*) by the deduction from the amount appearing in such basis or standard as the net annual value of the agricultural land in the Parish of Cosham of such a sum as will represent the net annual value of the agricultural land in the added area; and

(*b*) by the deduction from the amount appearing in such basis or standard as the net annual value of the buildings and other hereditaments not being agricultural land in the Parish of Cosham of such a sum as will represent the net annual value of the buildings and other hereditaments not being agricultural land in the added area.

(2) For the purposes of this Article the sum which will represent the net annual value of the agricultural land in the added area shall be such an amount as in relation to the amount appearing in the basis or standard of county rate as the net annual value of the agricultural land in the Parish of Cosham is in the same proportion as the rateable value of the agricultural land in the added area bears to the total rateable value of the agricultural land in the existing Parish of Cosham.

(3) For the purposes of this Article the sum which will represent the net annual value of the buildings and other hereditaments not being agricultural land in the added area shall be such an amount as in relation to the amount appearing in the basis or standard of county rate as the net annual value of the buildings and other hereditaments not being agricultural land in the Parish of Cosham is in the same proportion as the rateable value of the buildings and other hereditaments not being agricultural land in the added area bears to the total rateable value of the buildings and other hereditaments not being agricultural land in the Parish of Cosham.

(4) For the purposes of this Article rateable value means the rateable value according to the valuation list at the commencement of this Order in force in the Parish of Cosham.

Saving for existing lists of parliamentary voters &c.

Art. XXV. For the purposes of the registers of persons entitled to vote at an election of Members of Parliament of the registers of parochial electors and of jury lists the parishes affected by this Order shall be deemed to continue unaltered until the new registers and lists come into operation:

Provided that for the purposes of any election under the Act of 1894 to be held for any area affected by this Order and of the holding of Parish Meetings in any parish affected by this Order the town clerk or the clerk to the County Council as the case may require shall if and when necessary cause the register of parochial electors to be altered in such manner as may be requisite to give effect to the provisions of this Order.

Settlement of paupers.

Art. XXVI.—(1) Every person who has acquired or who on or before the commencement of this Order shall acquire a settlement in any existing parish affected by this Order shall be deemed to have acquired a settlement in the parish comprising the area in which the acts or circumstances conferring such settlement shall have been done or occurred or if such acts or circumstances shall have been done or occurred in more than one parish such settlement shall be in the parish comprising the place of residence of such person at the time of acquiring such settlement.

Irremovability of paupers.

(2) Any person who shall have acquired a status of irremovability from any existing parish affected by this Order shall be deemed to have acquired a status of irremovability from the parish comprising the area in which he shall reside at the commencement of this Order or (if he shall then be in receipt of relief) from the parish comprising the area in which he was residing at the time of becoming chargeable.

(3) For all purposes of settlement and removal residence prior to the commencement of this Order in any part of the added area shall be deemed to have been residence in the Parish of Portsmouth.

Saving for contributions orders and precepts.

Art. XXVII. Notwithstanding the alteration effected in the areas of parishes by this Order all contribution orders made by the Guardians of the Poor of the Fareham Union and all precepts made by the Rural Council before the commencement of this Order shall be as valid in law as if this Order had not been made.

Saving for county rates.

Art. XXVIII. All rates and all orders and precepts relating thereto and to matters connected therewith made by the County Council before the commencement of this Order may be enforced collected and recovered as if this Order had not been made.

Arrears of rates.

Art. XXIX. All arrears of rates due or owing at the commencement of this Order in respect of hereditaments in the added area shall be collected and recovered by the Overseers of the Poor of the Parish of Cosham as if this Order had not been made.

Short title.

Art. XXX. This Order may be cited as the Portsmouth (Extension) Order 1904.

A.D. 1904.

Portsmouth Order.

The SCHEDULE above referred to.

Part I.—Local Acts.

Session and Chapter.	Title or Short Title.
2 & 3 Vict. c. lxxii.	An Act for enlarging the Town Quay of the Borough of Portsmouth and for improving that portion of the Harbour of Portsmouth called the Camber.
6 Vict. c. xxxv.	An Act for Paving Lighting Cleansing Watering regulating and otherwise improving the Town of Portsea in the County of Southampton and for removing and preventing nuisances and annoyances therein.
10 & 11 Vict. c. cclvii.	An Act for Paving Lighting Cleansing Watering regulating and otherwise improving the Town of Portsmouth in the County of Southampton and for removing and preventing nuisances and annoyances therein.
20 & 21 Vict. c. xxxvii.	The Landport and Southsea Improvement Act 1857.
22 & 23 Vict. c. lx.	The Portsmouth Docks Act 1859.
31 & 32 Vict. c. cxxviii.	The Portsmouth Camber Quays Act 1868.
46 & 47 Vict. c. clxv.	The Landport Wharf Act 1883.
46 & 47 Vict. c. ccxi.	The Portsmouth Corporation Act 1883.
61 & 62 Vict. c. ccxxix.	The Portsmouth Corporation Tramways Act 1898.
62 & 63 Vict. c. cclvi.	The Portsmouth Corporation Act 1899.

Part II.—Confirmation Acts.

Session and Chapter.	Short Title.	Order thereby confirmed.
27 & 28 Vict. c. lxxxiii.	The Local Government Supplemental Act 1864 (No. 2).	Order relating to Portsmouth dated 11th June 1864.
53 & 54 Vict. c. lxxxii.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1890.	Order relating to Portsmouth dated 3rd May 1890.
53 & 54 Vict. c. cxc.	Electric Lighting Orders Confirmation (No. 5) Act 1890.	The Portsmouth Electric Lighting Order 1890.
55 & 56 Vict. c. ccxxiii.	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1892.	Order relating to Portsmouth dated 2nd May 1892.
58 & 59 Vict. c. clxxxv.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1895.	Borough of Portsmouth Order 1895.
61 & 62 Vict. c. cci.	Pier and Harbour Orders Confirmation (No. 2) Act 1898.	Portsmouth (Camber Quays) Order 1898.
63 & 64 Vict. c. ccviii.	Tramways Orders Confirmation (No. 5) Act 1900.	Portsmouth Corporation Tramways Order 1900.

Given under the Seal of Office of the Local Government Board this Fourth day of April One thousand nine hundred and four.

(L.S.)

Walter H. Long President.
S. B. Provis Secretary.

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