CHAPTER cxxxi.

An Act to confirm a Provisional Order of the Local Government Board relating to Kidderminster. 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 altered 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 sixty-two of the Local Government Act 1888 or under that section as modified or adapted by the Order 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 the Second Schedule hereto in respect of any increase of burden which will properly be thrown on the rate-payers of the area 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

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of any alteration of boundaries effected by the Order or other change in relation to which the adjustment takes place.

In this section and in 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. 5) Act 1912.

SCHEDULES.

FIRST SCHEDULE.

BOROUGH OF KIDDERMINSTER.

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

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

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

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

To the County Council of Worcester;—

To the Rural District Council of Kidderminster;—

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

To the Parish Councils of Kidderminster Foreign Wolverley and Wribbenhall;—

To the Overseers of the Poor of the Parishes of Kidderminster Borough Kidderminster Foreign Wolverley and Wribbenhall;—

To the Joint Committee appointed by or representing the Council of the Borough of Kidderminster and the Parish Councils of Kidderminster Foreign and Wribbenhall and exercising the powers and duties of the Authority under the Burial Acts 1852 to 1906;—

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; 51 & 52 Vict. c. 41.

And whereas the Borough of Kidderminster in the County of Worcester is a 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 Kidderminster and act by the Council of the said Borough which now consists of the Mayor (who is also a Councillor) six Aldermen and seventeen other

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Councillors and the said Borough is for the purpose of the election of Councillors divided into six wards;

And whereas the said Borough is co-extensive with the Parish of Kidderminster Borough and is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council are the Urban District Council;

And whereas the said Borough has a separate commission of the peace and police force;

2 Edw. 7. c. 42.

And whereas in pursuance of the Education Act 1902 the Council of the said Borough are the local education authority for the purposes of Part III. of that Act and the County Council of Worcester are the local education authority for the other purposes of that Act;

And whereas the provisions of—

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

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

55 & 56 Vict. c. 57. (*c*) The Private Street Works Act 1892;

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. 10. (*d*) The Baths and Washhouses Acts 1846 to 1899; and

(*e*) The Public Libraries Acts 1892 to 1901

are in force in the said Borough;

And whereas the Parishes of Kidderminster Foreign and Wolverley in the County of Worcester immediately adjoin the said Borough and are contributory places in the Rural District of Kidderminster and are subject to the jurisdiction of the Rural District Council of Kidderminster and the Parish of Kidderminster Foreign is divided into two wards for the purpose of the election of Rural District Councillors and two Rural District Councillors are elected for each of those wards and three Rural District Councillors are elected for the Parish of Wolverley;

And whereas the provisions of the Infectious Disease (Prevention) Act 1890 are in force in the said Rural District;

And whereas the Parishes of Kidderminster Borough Kidderminster Foreign and Wolverley are included in the Kidderminster Union and eight Guardians are elected for the Parish of Kidderminster Borough and the two Rural District Councillors elected for each of the wards of the Parish of Kidderminster Foreign and the three Rural District Councillors elected for the Parish of Wolverley are the representatives of those Parishes or the wards of those Parishes respectively on the Board of Guardians of the said Union;

And whereas in pursuance of the Education Act 1902 the Parishes of Kidderminster Foreign and Wolverley form part of the area of the County Council of Worcester as the local education authority;

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And whereas the Parishes of Kidderminster Foreign and Wolverley are rural parishes within the meaning of the Local Government Act 1894 for each of which a Parish Council has been established and the Parish of Kidderminster Foreign is divided into two wards for the purpose of the election of Parish Councillors;

56 & 57 Vict. c. 73.

And whereas by virtue of subsection (2) of Section 53 of the Local Government Act 1894 and of the County of Worcester (Wribbenhall) Confirmation Order 1901 the powers and duties of the Authority under the Burial Acts 1852 to 1906 for an area now comprised in the Parishes of Kidderminster Borough Kidderminster Foreign and Wribbenhall were transferred to the Council of the said Borough and the Parish Councils of Kidderminster Foreign and Wribbenhall and the said powers and duties are exercised by a Joint Committee appointed in pursuance of the said section:

15 & 16 Vict. c. 85. 6 Edw. 7. c. 44.

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 twelve;

(2) The expression "the existing Borough" means the Borough of Kidderminster 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 as the context requires the Mayor Aldermen and Burgesses of the existing Borough or of the Borough acting by the Council;

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

(6) The expressions "the Rural District" and "the Rural Council" mean respectively the Rural District of Kidderminster 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 Kidderminster as extended 1912" and sealed with the official seal of the Local Government Board;

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(8) The expression "the Ward maps" means the two maps each marked "Map of the Wards of the Borough of "Kidderminster as constituted by the Kidderminster "(Extension) Order 1912" and sealed with the official seal of the Local Government Board;

(9) The expression "the added areas" means the parts of the Rural District added to the existing Borough by this Order;

(10) The expressions "the added part of Kidderminster Foreign" and "the added part of Wolverley" mean respectively the parts of those Parishes which are coloured blue and brown on the Borough maps;

(11) The expressions "the existing Parish of Kidderminster Borough" "the existing Parish of Kidderminster Foreign" and "the existing Parish of Wolverley" mean in each case the Parish as it existed immediately prior to the commencement of this Order and the expressions "the Parish of Kidderminster Borough" "the Parish of Kidderminster Foreign" and "the Parish of Wolverley" mean in each case the Parish as altered by this Order;

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

(13) The expression "the Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the expression "the Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

(14) The expression "the Burial Acts" means the Burial Acts 1852 to 1906;

(15) The expressions "the Joint Burial Committee" and "the Burial Area" mean respectively the Joint Committee appointed by or representing the Council of the existing Borough and the Parish Councils of Kidderminster Foreign and Wribbenhall under Section 53 (2) of the Act of 1894 for the purposes of the Burial Acts and the area within which the Joint Burial Committee exercise the powers and duties of the authority under the Burial Acts.

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 twelve:

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 twelve and of the revision of the basis or standard of the county rate this Order shall operate from the date of the Act of Parliament confirming this Order.

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

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 added part of Kidderminster Foreign and the added part of Wolverley.

Extension of Borough.

(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 that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the Borough.

Art. IV.—(1) One of the Borough maps and one of the Ward 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 to the Commissioners of Customs and Excise to the Registrar-General and to the Board of Agriculture and Fisheries and copies of the Ward map so deposited and certified in like manner shall be sent within the said period to the Clerk to the County Council to the Registrar-General and to the Board of Agriculture and Fisheries.

Deposit of maps.

(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 the map so far as it relates to the boundaries of the Borough and the 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

Copies of map to be evidence.

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entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined 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 justices of the peace appointed for the existing Borough of the clerk to those 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 areas 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 areas 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 the other lists to be made under the Municipal Corporations Acts and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have always been part 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 arising in the year One thousand nine hundred and twelve 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 that 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 of the existing Borough 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 the said alteration re-arrangement or action by the town clerk or clerk to the County Council as the case may be and that alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to the said lists roll and registers.

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(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 the said lists roll and registers.

Wards.

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

(1) For the purpose of the election of Councillors the Borough shall continue to be divided into six wards and the number of Councillors appointed to each ward shall be unaltered:

(2) The existing No. 2 or Baxter Ward shall be unaltered but the boundaries of the other five wards shall be altered so that the ward shall in each case comprise that part of the Borough which is indicated by a separate colour and distinguished by the name of the ward on the Ward maps:

(3) The Councillors representing each of the five existing wards the boundaries whereof are altered as aforesaid who will not go out of office on the First day of November One thousand nine hundred and twelve shall be deemed from and after the commencement of this Order to represent the altered ward.

Byelaws

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

(1) All byelaws and regulations and every list of tolls and tables 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 regulations list of tolls table of fees and payments or scale of charges may be altered or repealed:

(2) All byelaws and regulations made by the Rural Council or their predecessors and in force immediately before the commencement of this Order in any part of the added areas shall on that date cease to be in force except as regards any work which has been begun before that date or as regards any work which has not been so begun but for which plans have been approved before that date by the Rural Council or have been sent to the surveyor or clerk to the Rural Council one month at least before that date and shall not have been disapproved by the

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Rural 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 the work in like manner and with the like effect as if those 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 if this Order had not been made might have been taken by the Rural Council for any offence committed before the commencement of this Order against any byelaws and regulations which by virtue of this subdivision cease to be in force 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 Rural Council.

Town clerk and other officers continued.

Art. IX.—(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 of the existing Borough 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.

Compensation to existing officers.

Art. X.—(1) Every clerk to justices and every officer or servant of or paid by the County Council or of or paid by the Standing Joint Committee of the 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 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 every other case out of the borough fund and borough rate of the Borough and the

provisions of subsections (2) to (7) of Section 120 of the Act of 1888 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.

(2) For the purposes of subdivision (1) of this Article any clerk to justices or officer or servant to whom that subdivision applies and whose services are dispensed with or whose salary is reduced by the Secretary of State or the County Council or the Standing Joint Committee of the 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.

Actions &c. not to abate.

Art. XI.—(1) Any action or proceeding or any cause of action or proceeding which at the commencement of this Order is pending or existing by or against the Rural Council in relation exclusively to any part of the added areas 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 areas 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. XII. 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 by virtue of this Order 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 attach to the Corporation in respect of the

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existing Borough shall from and after that date attach to them in respect of the Borough.

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

Property &c. of Rural Council.

(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 areas shall by virtue of this Order be transferred to and vest in and attach to the Corporation as Urban District Council and any property and liabilities vested in or attached to the Rural Council in relation to any part of the added areas 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 areas:

Arrears of rates.

(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 areas may be collected 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:

(4) Any balances in the hands of the Overseers of the Parishes of Kidderminster Foreign and Wolverley at the commencement of this Order and any sum collected by them after the commencement of this Order in respect of any rate made before that date and levied upon any rateable hereditament in the added areas 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 subsections (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 subsection (6) that subsection 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:

(6) 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 so far as it relates to the amalgamation of the added areas with the existing Parish of Kidderminster Borough that section shall have effect—

(*a*) As if the Overseers of the Parishes of Kidderminster Borough Kidderminster Foreign and Wolverley were within the meaning of the said section as applied by this Article authorities affected by this Order; and

(*b*) As if the poor rate or any other rate leviable in pursuance of the said section as applied by this Article were substituted for any fund mentioned in the section; and

(*c*) As if for subsections (6) and (7) of the said section there were substituted the subsections hereunto appended that is to say:—

" (6) If it is necessary for the purpose of giving " effect to any agreement or award for an adjust- " ment that a separate rate shall be levied in part " of a parish only the agreement or award may " authorise the making of such a separate rate as if " it were a poor rate and as if the part of the " parish on which it is to be levied were a whole " parish."

" (7) Any sum paid for the purposes of any " adjustment or in pursuance of any order or award " of an arbitrator shall be applied by such person " in such manner and for such purpose as the Local " Government Board may authorise or direct."

Mortgage debts of Corporation.

Art. XIV.—(1) The liability for the repayment of any moneys borrowed by the Rural Council for the purposes of sewerage and sewage disposal and water supply for the contributory place of Kidderminster Foreign or of so much of any of those moneys as is owing at the commencement of this Order and for the payment of interest thereon shall by virtue of this Order be transferred and attach to the Corporation.

(2) So much as at the commencement of this Order is outstanding in respect of the moneys borrowed as aforesaid by the Rural Council

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together with so much of any sums borrowed by the Corporation as will at the commencement of this Order be owing and charged upon the district fund and general district rate of the existing Borough shall by virtue of this Order 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 by virtue of this Order be charged upon the borough fund and borough rate of the Borough.

(3) All borrowed moneys to which this Article applies 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. XV. The provisions of the Baths and Washhouses Acts 1846 to 1899 the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 the Private Street Works Act 1892 and the Public Libraries Acts 1892 to 1901 shall be in force in and apply to the Borough as if the same had been adopted therein.

Art. XVI. Subject to the provisions of any Order which the Local Government Board or a Secretary of State may hereafter make—

Powers under Section 33 of Act of 1894.

(1) 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 that Order shall be deemed to have effect as if any reference in those provisions to the existing Parish of Kidderminster Borough extended and applied to the Parish of Kidderminster Borough:

Powers under Public Health Acts Amendment Act 1907. 7 Edw. 7. c. 53.

(2) The provisions of any Order made by the Local Government Board or by the Secretary of State and declaring to be in force in the existing Borough any Parts or Sections of the Public Health Acts Amendment Act 1907 shall have and shall be deemed always to have had effect as if any reference in those provisions to the existing Borough extended and applied to the Borough and as if the said Parts and Sections were accordingly declared to be in force in the Borough.

Alteration of Burial Area.

Art. XVII. Subject to the provisions of the Act of 1894 and of the Local Government (Joint Committees) Act 1897—

(1) The Burial Area shall be altered so as to exclude therefrom the Parish of Wribbenhall and to include therein the whole of the Borough and the Burial Acts shall be in force within the Burial Area as so altered and all property debts and

liabilities now belonging to incurred in relation to or attaching to the area under the said Acts within the existing Borough the existing Parish of Kidderminster Foreign and the Parish of Wribbenhall in which the powers and duties of the authority under those Acts are now exercised by the Joint Burial Committee shall be deemed to belong to or to have been incurred in relation to or to attach to the Borough and the Parish of Kidderminster Foreign:

Provided that in the application of the Burial Acts to the Burial Area as altered by this Order no approval sanction or authorisation of the Vestry of any parish included in such area shall be deemed to be or to have been necessary in relation to any thing done or to be done under those Acts:

(2) The members of the Joint Burial Committee who immediately before the commencement of this Order are the representatives appointed by the Parish Councils of Kidderminster Foreign or Wribbenhall shall be deemed to be and shall act as the representatives appointed by the Parish Council of the Parish of Kidderminster Foreign and the other members of the said Committee shall continue to act as representatives of the Council of the Borough and all the members of the said Committee shall respectively remain in office until the date upon which they would have ceased to be members of the said Committee if this Order had not been made:

(3) In relation to a burial ground provided for the Burial Area—

(*a*) Nothing in this Order shall prejudice or affect any such right of burial or of constructing a place of burial or of erecting and placing any monument gravestone tablet or monumental inscription as a parishioner an inhabitant or any other person has had or acquired before the commencement of this Order;

(*b*) Nothing in this Order shall prejudicially affect any right privilege authority or duty which immediately before the commencement of this Order will be exercisable by or attach to any incumbent or sexton under the Burial Acts.

Transfer of public elementary schools &c. to Corporation.

Art. XVIII. For the purposes and subject to the provisions of the Education Acts 1870 to 1910 and the Education (Administrative Provisions) Act 1911—

(1) All public elementary schools (including the sites and schoolhouses) provided by the local education authority and any other land acquired and held by the local education authority for purposes of elementary education and situate within

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any part of the added areas with the furniture and fittings of the schoolhouses shall by virtue of this Order be transferred to and vested in the Corporation as the local education authority for all the estate and interest therein of the County Council as the local education authority and all contracts debts and liabilities which at the commencement of this Order are existing or are owing by or attach to the County Council in respect exclusively of the said public elementary schools land furniture or fittings or of any other public elementary school situate in any part of the added areas or with respect to the officers teachers and servants of any of the public elementary schools in this subdivision mentioned shall by virtue of this Order enure to and be carried into effect by and be discharged and satisfied by the Corporation as the local education authority:

Provided that Section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this subdivision:

Mortgage debts in respect of transferred schools.

(2) The liability for repayment of so much of any loan raised exclusively in respect of any public elementary school (including the site and schoolhouse) and of any other land furniture or fittings transferred to and vested in the Corporation by virtue of this Order as will be owing at the commencement of this Order and the liability for the payment of interest on that part of the said loan shall by virtue of this Order be transferred and attach to the Corporation as the local education authority and so much of any such loan as will be owing at the commencement of this Order shall be charged on the borough fund and the borough rate of the Borough and shall be repaid by the Corporation within the period if any for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable:

Education byelaws.

(3) Any byelaws in force in the existing Borough immediately before the commencement of this Order shall from and after that date apply to the Borough until revoked or altered and from and after that date any byelaws then in force in any part of the added areas shall cease to be in force:

Managers.

(4) Any managers of public elementary schools in the added areas who were appointed by the County Council or by the Parish Council of the parish in which the school is situated shall vacate office at the commencement of this Order.

Art. XIX.—(1) The total amount in the pound of the general district rates to be levied by the Corporation in any one year in respect of any hereditament in the added part of Kidderminster Foreign shall— Differential rating.

(*a*) during a period of three years from the commencement of this Order be less by one shilling and sixpence; and

(*b*) during a period of three years from the Ninth day of November One thousand nine hundred and fifteen be less by one shilling; and

(*c*) during a period of three years from the Ninth day of November One thousand nine hundred and eighteen be less by sixpence

than the total amount in the pound of the general district rates levied by the Corporation in the same year in respect of any hereditament of the like kind situate within the area of the existing Borough.

(2) The total amount in the pound of the general district rates to be levied by the Corporation in any one year in respect of any hereditament in the added part of Wolverley shall—

(*a*) during a period of three years from the commencement of this Order be less by two shillings; and

(*b*) during a period of three years from the Ninth day of November One thousand nine hundred and fifteen be less by one shilling and sixpence; and

(*c*) during a period of three years from the Ninth day of November One thousand nine hundred and eighteen be less by one shilling

than the total amount in the pound of the general district rates levied by the Corporation in the same year in respect of any hereditament of the like kind situate within the area of the existing Borough.

Art. XX. The added part of Kidderminster Foreign and the added part of Wolverley shall be respectively separated from the parishes of which they now form part and shall be amalgamated with the existing Parish of Kidderminster Borough. Alteration of parishes.

Art. XXI. Subject to the provisions of Section 60 of the Act of 1894 the following provisions shall have effect:— Rural District Councillors and Guardians.

(1) The number of Guardians for the Parish of Kidderminster Borough shall be increased from eight to ten:

(2) The wards into which the existing Parish of Kidderminster Foreign is divided for the purpose of the election of Rural District Councillors shall be abolished and the number of Rural District Councillors for the Parish of Kidderminster Foreign shall be two:

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(3) Of the four persons who at the commencement of this Order are the Rural District Councillors representing the wards of the existing Parish of Kidderminster Foreign two to be chosen by the Rural Council by ballot at their meeting held next before the said date shall cease to act as Rural District Councillors but shall continue to act as members of the Board of Guardians of the Kidderminster Union and the said persons together with the eight persons who at the said date are the Guardians elected for the existing Parish of Kidderminster Borough shall be deemed to have been elected for and shall represent that Parish upon the Board of Guardians of the Kidderminster Union until the date in each case on which they would have retired if this Order had not been made:

(4) The other persons who at the commencement of this Order are holding the offices of Rural District Councillor and Guardian of the Poor for the wards of the existing Parish of Kidderminster Foreign and the three persons who at the said date are holding those offices for the existing Parish of Wolverley shall respectively be deemed to have been elected for and shall represent the Parish of Kidderminster Foreign and the Parish of Wolverley until the date in each case on which they would have retired if this Order had not been made.

Parish Councils.

Art. XXII.—(1) Subject to the provisions of this Order any powers and duties transferred by the Act of 1894 to the Parish Councils of the existing Parishes of Kidderminster Foreign and Wolverley shall so far as regards the added part of Kidderminster Foreign or the added part of Wolverley be vested in exerciseable by and imposed on the persons and authorities in whom they would be vested or by whom they would be exerciseable or on whom they would be imposed if the added part in each case had been included in a parish in the existing Borough on the appointed day within the meaning of the Act of 1894 and all property and liabilities held or incurred so far as regards the added part in each case for the purpose or by virtue of the said powers and duties shall by virtue of this Order be transferred to and vest in and attach to the persons and authorities aforesaid Any property or liabilities of the said Parish Councils held or incurred otherwise than by virtue or for the purposes of the powers or duties aforesaid shall so far as regards the added part of Kidderminster Foreign or the added part of Wolverley by virtue of this Order be transferred to and vest in and attach to the Corporation.

(2)—(*a*) The wards into which the existing Parish of Kidderminster Foreign is divided for the purpose of the election of parish councillors shall be abolished: *Kidderminster Order.*

(*b*) The Parish Council of the existing Parish of Kidderminster Foreign and of the existing Parish of Wolverley shall in each case be deemed to have been elected and shall be the Parish Council for the Parish of Kidderminster Foreign or the Parish of Wolverley as the case may be.

Art. XXIII. 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. **Ecclesiastical divisions and charities.**

Art. XXIV. Until new valuation lists are in force the portions of the valuation lists of the existing Parishes of Kidderminster Foreign and Wolverley which respectively relate to hereditaments in the added part of Kidderminster Foreign and the added part of Wolverley shall be deemed to form part of the valuation list of the Parish of Kidderminster Borough and the remaining portions of the valuation lists of the existing Parishes of Kidderminster Foreign and Wolverley shall respectively be deemed to be the valuation lists of the Parishes of Kidderminster Foreign and Wolverley. **Valuation lists.**

Art. XXV.—(1) Subject to any future revision the basis or standard of the county rate for the County shall be deemed to be altered by the deduction from the amount appearing therein as the total annual value of the property in the existing Parishes of Kidderminster Foreign and Wolverley of such a sum in each case as will represent the annual value of the property in the part of the parish which is included by this Order in the Parish of Kidderminster Borough and by the addition of those sums to the amount appearing therein as the total annual value of the property in the existing Parish of Kidderminster Borough. **County rate basis.**

(2) For the purposes of this Article the annual value of the property in the part of a parish which is included by this Order in the Parish of Kidderminster Borough shall be the amount which bears the same relation to the total annual value of the existing parish as the assessable value of the property in the included part of the existing parish bears to the total assessable value of property in the existing parish and the total annual value of the existing parish shall be the amount appearing as such in the basis or standard of the county rate.

(3) For the purposes of this Article assessable value means one-half of the rateable value according to the valuation list for the time being in force of the agricultural land together with the rateable value according to that list of the buildings and other hereditaments not

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being agricultural land in the existing parish or in the part included in the Parish of Kidderminster Borough as the case may require.

Saving for existing lists of parliamentary voters &c.

Art. XXVI. 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 any Parish Meeting the town clerk or the clerk of 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 and removal of the poor.

Art. XXVII. For any purposes connected with the settlement and removal of the poor in relation to cases affected by this Order the following provisions shall have effect that is to say:—

(1) Every person who at the commencement of this Order has acquired or is in the course of acquiring a settlement in any of the existing Parishes of Kidderminster Borough Kidderminster Foreign or Wolverley by reason of any residence completed or in the course of completion or of any act or thing done or in the course of being done or of any status condition right or privilege acquired or created or in the course of acquisition or creation—

(i) in the part of either of the existing Parishes of Kidderminster Foreign or Wolverley included by this Order in the Parish of Kidderminster Borough; or

(ii) in the existing Parish of Kidderminster Borough; or

(iii) in that part of the existing Parish of Kidderminster Foreign which by virtue of this Order will form the Parish of Kidderminster Foreign; or

(iv) in that part of the existing Parish of Wolverley which by virtue of this Order will form the Parish of Wolverley

shall be deemed to have acquired or to be in the course of acquiring in the first and second cases a settlement in the Parish of Kidderminster Borough in the third case a settlement in the Parish of Kidderminster Foreign and in the fourth case a settlement in the Parish of Wolverley and in each case as if the existing parish or the specified part

of the existing parish were and had always been the parish or a part of the parish in which by virtue of this Article the person shall be deemed to have acquired or to be in the course of acquiring a settlement:

(2) Every person who at the commencement of this Order has acquired or is in the course of acquiring a status of irremovability from the Kidderminster Union by reason of residence—

(i) in the part of either of the existing Parishes of Kidderminster Foreign or Wolverley included by this Order in the Parish of Kidderminster Borough; or

(ii) in the existing Parish of Kidderminster Borough; or

(iii) in that part of the existing Parish of Kidderminster Foreign which by virtue of this Order will form the Parish of Kidderminster Foreign; or

(iv) in that part of the existing Parish of Wolverley which by virtue of this Order will form the Parish of Wolverley

shall be deemed to have acquired or to be in the course of acquiring the like status by reason of residence in the first and second cases in the Parish of Kidderminster Borough in the third case in the Parish of Kidderminster Foreign and in the fourth case in the Parish of Wolverley.

Saving for contribution orders and precepts.

Art. XXVIII. Notwithstanding the alteration in the areas of parishes effected by this Order all contribution orders made by the Guardians of the Poor of the Kidderminster 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.

Arrears of rates.

Art. XXIX. All arrears of rates made by the Overseers of the Poor and due or owing at the commencement of this Order in respect of hereditaments in any area affected by this Order shall be collected and recovered by the Overseers of the Poor of the Parish in which the hereditament is now situated as if this Order had not been made.

For protection of Worcestershire County Council.

Art. XXX. It shall be the duty of the Corporation within one year after the commencement of this Order to proceed to carry out and execute additional works approved by the Local Government Board for the disposal of the sewage of the Borough and in the event of the Corporation not proceeding with such works within such period as aforesaid or not carrying on the same with due diligence the requirements of this Article

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may be enforced in the manner provided by Section 299 of the Public Health Act 1875 as if this Article was an Order of the Local Government Board limiting the time for the performance by the Corporation of their duty in that behalf and the Corporation had not performed the duty hereby imposed within the time limited by the Order.

For protection of Kidderminster and District Electric Lighting and Traction Company Limited.

Art. XXXI. So much of the area of supply under the Stourport and Kidderminster Electric Lighting Order 1906 as is added to the existing Borough under this Order shall be added to the area of supply under the Kidderminster Electric Lighting Order 1891 and the provisions of the last-mentioned Order and of an Indenture of Transfer dated the Fifth day of May One thousand eight hundred and ninety-nine and made between the Corporation and the Kidderminster and District Electric Lighting and Traction Company Limited shall apply thereto in lieu of the provisions of the Stourport and Kidderminster Electric Lighting Order 1906.

Short title.

Art. XXXII. This Order may be cited as the Kidderminster (Extension) Order 1912.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

SECOND SCHEDULE.

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.

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