# CHAPTER cv.

An Act to confirm a Provisional Order of the Local Government Board relating to Smethwick. A.D. 1906.

[20th July 1906.]

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:—

**1.** The Order as altered and 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. Order in schedule confirmed.

**2.** This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 6) Act 1906. Short title.

A.D. 1906.

# SCHEDULE.

## BOROUGH OF SMETHWICK.

*Smethwick Order.*

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

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

To the County Council of the County of Stafford;—

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

And to all others whom it may concern.

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

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

And whereas by virtue of an Order of the Local Government Board dated the Fourteenth day of August One thousand eight hundred and eighty-eight as altered by divers orders made by the Local Government Board and by a Provisional Order made by the Local Government Board and duly confirmed by Parliament the number of County Councillors for the Administrative County of Stafford (herein-after referred to as "the Administrative County") is seventy-five of which number four are apportioned to the Borough and the Borough accordingly comprises four electoral divisions of the Administrative County:

51 & 52 Vict. c. 41. Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 54 and 59 of the Act and by any other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:—

Commencement of Order. Art. I. This Order shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context

inconsistent therewith come into operation on the First day of April One thousand nine hundred and seven (which date is herein-after referred to as "the commencement of this Order"):

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

Constitution of County Borough.

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

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

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

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

(2) Any such adjustment between the Administrative County and the Borough shall be made by agreement between the Council of the Administrative County and the Council of the Borough within twelve months from the commencement of this Order and any such adjustment which may be necessary between the Administrative County on the one hand and any County Borough other than the Borough on the other hand may be made by agreement between the Council of the Administrative County and the Council of such other County Borough within the same period In default of agreement between the parties concerned in the case of any such adjustment as aforesaid the adjustment may be made by the Local Government Board or if that Board think fit by an arbitrator appointed by them.

(3) For the purpose of any such adjustment as aforesaid the provisions of the Act relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in such provisions for the Commissioners appointed under the Act and notwithstanding anything in the provisions of this Order

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*Smethwick Order.*

or of the Act any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of Section 62 of the Act and the provisions of the Act shall apply accordingly:

Provided—

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

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

Alteration in County Councillors and County Aldermen.

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

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

(*b*) the number of Aldermen for the Administrative County may remain unaltered until the ordinary day of election of Aldermen in the year one thousand nine hundred and ten but at that election twelve Aldermen only shall be elected in place of those who then go out of office Provided that no election to fill a casual vacancy among the Aldermen who will go out of office in the year one thousand nine hundred and ten shall be held until their number has been reduced to less than twelve.

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

Adjustment for purposes of Licensing Act 1904.

Art. V.—(1) An equitable adjustment shall be made between the Administrative County and the Borough respecting the proceeds of the charges imposed in pursuance of Section 3 of the Licensing Act 1904 by the Compensation Authority (as defined by the Licensing Rules 1904) for the Administrative County.

(2) Such adjustment shall be made by agreement between the Compensation Authority for the Administrative County and the Compensation

Authority for the Borough within twelve months from the commencement of this Order or in default of agreement by an arbitrator appointed by the Secretary of State.

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

Compensation to existing officers.

Art. VI. Every officer or servant of or paid by the Council of the Administrative County or of or paid by the Standing Joint Committee of the Administrative County and every other officer 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 that pecuniary loss and in determining the 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 out of the borough fund and borough rate and the provisions of sub-sections (2) to (7) of that section shall apply with the necessary modifications.

Any such officer or servant whose services are dispensed with or whose salary is reduced by the County Council or the Standing Joint Committee of the County or any other authority 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.

Short title.

Art. VII. This Order may be cited as the County Borough of Smethwick Order 1906.

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

(L.S.)

John Burns President.
S. B. Provis Secretary.

Printed by Eyre and Spottiswoode,
for
Rowland Bailey, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

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