CHAPTER ccx.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Basingstoke and Newport. A.D. 1891.

[5th August 1891.]

WHEREAS the Local Government Board have made the Provisional Orders 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 Orders should be confirmed by Parliament:

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

1. The Orders as amended and set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2 This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 9) Act, 1891. Short title.

A.D. 1891.

SCHEDULE.

Basingstoke Order.

BOROUGH OF BASINGSTOKE.

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 Basingstoke; —

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

To the School Board 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 Basingstoke Union, in the County of Southampton, being the Sanitary Authority for the Rural District of that Union; —

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 altering the boundary of any Borough, and by such Order to divide or alter any electoral division;

And whereas the Borough of Basingstoke is a Borough within the meaning of the Act, and the inhabitants of the Borough are a body corporate, by the name of the Mayor, Aldermen, and Burgesses of the Borough of Basingstoke, and act by the Council of the Borough, which now consists of the Mayor, four Aldermen, and twelve Councillors;

And whereas the area of the Borough of Basingstoke (herein-after referred to as "the existing Borough") is coloured light red on the two maps (herein-after referred to as "the maps"), each marked "Map of the Borough of Basingstoke, as extended, 1891," and sealed with the official seal of the Local Government Board;

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

And whereas the existing Borough has a separate commission of the peace;

55 Geo. III. c. vii.

And whereas under the provisions of a Local Act passed in the fifty-fifth year of the reign of His late Majesty King George the Third, intituled "An Act for paving the footways and crosspaths, and lighting, watching, "cleansing, widening, and otherwise improving the streets, lanes, and other "public passages and places in the Town of Basingstoke, in the County of

"Southampton" (herein-after referred to as "the Local Act"), certain persons (who and their successors are herein-after referred to as "the Commissioners") were appointed Commissioners for carrying the Local Act into execution;

And whereas all the powers, duties, and liabilities of the Commissioners under the Local Act (including the liability in respect of certain moneys borrowed by the Commissioners, of which the sum of one thousand five hundred and fifty pounds now remains unpaid) are exerciseable by, vested in, or attached to the Corporation;

And whereas the Council of the existing Borough are, under the Burial Acts, 1852 to 1871, the Burial Board for the existing Borough; 15 & 16 Vict. c. 85. 34 & 35 Vict. c. 33.

And whereas the Council of the existing Borough have adopted the Infectious Disease (Notification) Act, 1889; 52 & 53 Vict. c. 72.

And whereas by virtue of the Elementary Education Acts, 1870 to 1880, the existing Borough is a School District, for which a School Board has been formed; 33 & 34 Vict. c. 75. 43 & 44 Vict. c. 23.

And whereas the Local Government Board, by an Order dated the Fourteenth day of August, One thousand eight hundred and eighty-eight, and made in pursuance of the Act, determined that one County Councillor for the administrative County of Southampton should be apportioned to the existing Borough, and the existing Borough became an electoral division of that County;

And whereas the Parish of Eastrop, in the County of Southampton, is a contributory place in the Rural District of the Basingstoke Union (herein-after referred to as "the Rural District"), and the Guardians of the Poor of that Union are the Rural Authority (herein-after referred to as "the Rural Authority") for the Rural District, and also exercise the powers of a Highway Board in that District, and the said Parish is included in the Basing Electoral Division of the said County:

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:— 51 & 52 Vict. c. 41.

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 Ninth day of November, One thousand eight hundred and ninety-one: Commencement of Order.

Provided that for the purposes of the parish burgess lists and burgess roll, and other lists to be made under the Municipal Corporations Act, 1882, and the Acts amending the same, and of the lists of county electors and the county register to be made in pursuance of the County Electors Act, 1888, and any Act amending that Act, and of all proceedings preliminary or relating to the municipal elections, this Order shall operate from the date of the Act of Parliament confirming the same. Date of operation of Order for parish burgess lists, &c. 51 Vict. c. 10.

Art. II. In this Order— Definitions.

(1.) The expression "the Borough" means the Borough as extended by this Order;

(2.) The expression "the added area" means the portion of the Rural District added to the existing Borough by this Order.

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Basingstoke Order.

Extension of Borough. 45 & 46 Vict. c. 50.

Art. III. The boundary of the existing Borough shall be altered and extended so as to include, in addition to the area of the existing Borough, the portion of the Rural District which is coloured dark red on the maps, and the altered boundary shall be that shown by the red line on the maps, and the whole of the area included within such altered boundary shall for the purposes of the Municipal Corporations Act, 1882, and for all other purposes, be the Borough.

Deposit of maps.

Art. IV.—(1.) One of the maps shall be deposited in the office of the Local Government Board and the other shall be deposited by the town clerk of the Borough at his office within ten days after the date of this Order. Copies of the map deposited with the town clerk, certified by him, shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council of Southampton, to the clerk to the Rural Authority, and to the Director-General of Her Majesty's Ordnance Survey at Southampton.

Copies of map to be evidence.

(2.) Copies of or extracts from the 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 boundaries 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, on payment of a reasonable fee for every such copy or extract. All sums received under this Article shall be carried to the credit of the Borough Fund.

Jurisdiction of justices extended.

Art. V.—(1.) The powers and duties of the justices of the peace appointed for the existing Borough, and of the clerk to such justices, shall extend to and apply throughout the Borough.

(2.) Every person committing an offence in the added area prior to the Ninth day of November, One thousand eight hundred and ninety-one, shall be tried, adjudicated on, and dealt with as if this Order had not been made.

Parish burgess lists, &c.

Art. VI. For the purposes of the parish burgess lists and burgess roll, and other lists to be made under the Municipal Corporations Act, 1882, and the Acts amending the same, and all matters in relation thereto, the added area shall be deemed to have always been part of the Borough, the town clerk of the existing Borough shall be the town clerk of the Borough, and anything required to be done in connexion with the purposes aforesaid before the date of the Act of Parliament confirming this Order may, in so far as the same relates to the added area, be done as soon as practicable after such date, and if so done shall have full force and effect; and if any difficulty arise in making out, revising, or otherwise dealing with such lists and roll, or the lists of county electors and the county register, the Local Government Board may make such order as shall appear to them to be necessary to give effect to the provisions of this Order, and may vary, so far as shall be necessary, the provisions in force with regard to such lists, roll, and register.

Byelaws, &c. extended.

Art. VII. All byelaws and regulations which have been made by the Corporation, whether as an Urban Authority or as a Municipal Authority, or otherwise, and which, on the Ninth day of November, One thousand eight

hundred and ninety-one, 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 may be altered or repealed. *Basingstoke Order.*

Art. VIII.—(1.) The town clerk and all other officers and servants of the Corporation of the existing Borough who hold office on the Ninth day of November, One thousand eight hundred and ninety-one, 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. **Town clerk and other officers continued.**

(2.) The auditors who shall be in office on the Ninth day of November, One thousand eight hundred and ninety-one, shall continue in office, and shall be the Borough Auditors, until the next ordinary day of election of Borough Auditors. **Borough auditors.**

Art. IX. The provisions of Section 120 of the Act shall apply to every officer who by virtue of this Order, or of anything done in pursuance or in consequence thereof, shall suffer any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, with the substitution, in the case of any such officer the nature of whose office or employment relates wholly or partly to sanitary purposes, as defined by the Public Health Act, 1875, of "district fund and general district rate," and, in the case of any other such officer, of "borough fund and borough rate," in sub-section (8) for "county fund as a payment for general county purposes," and with such other modifications as are necessary to make those provisions applicable to such officer and to the Corporation. **Compensation to existing officers.**

Art. X.—(1.) All the property vested in the Corporation on the Ninth day of November, One thousand eight hundred and ninety-one, 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. **Corporation property.**

(2.) All liabilities which, on the Ninth day of November, One thousand eight hundred and ninety-one, attach to the Corporation in respect of the existing Borough shall, from and after that date, attach to them in respect of the Borough, and so much of any sums borrowed by the Corporation as an Urban Authority before the Ninth day of November, One thousand eight hundred and ninety-one, and charged upon the district fund and general district rate of the existing Borough, as will on that date be owing, shall be charged upon the district fund and general district rate of the Borough, and the said sums and the sums outstanding in respect of moneys borrowed by the Corporation as a Municipal Authority 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. **Corporation liabilities.**

Art. XI. The Council of the Borough shall be the Burial Board under and according to the Burial Acts, 1852 to 1871, for the Borough. **Council to be Burial Board.**

Art. XII. The Infectious Disease (Notification) Act, 1889, shall be in force within and apply to the Borough. **52 & 53 Vict. c. 72.**

Art. XIII.—(1.) The Local Act, except Section 37, and so much of the Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1875, **Local Act. 38 & 39 Vict. c. clxxvi.**

A.D. 1891.

Basingstoke Order.

as relates to the Basingstoke Order thereby confirmed, shall be repealed, except so far as the same may have been acted upon.

(2.) The unrepealed provisions of the Local Act shall be altered so as to provide as follows:—

Repayment of old paving debt.

(*a.*) The Corporation shall repay out of the district fund and general district rate of the Borough, and within the period of thirty years commencing from the Ninth day of November, One thousand eight hundred and ninety-one, the said sum of one thousand five hundred and fifty pounds, or so much thereof as shall be outstanding on the Ninth day of November, One thousand eight hundred and ninety-one, either by thirty equal annual instalments of principal, or of principal and interest, or by setting apart in every year as a sinking fund such a sum or sums as will, according to a reasonable calculation for the time being, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the said sum within the said period of years, and shall invest such sinking fund and the income thereof in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments.

(*b.*) The Corporation may at any time apply the whole or any part of such sinking fund in or towards the discharge of the money for the repayment of which the fund is established: Provided that the Corporation pay into the fund each year, and accumulate until the whole of the said sum is discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

(*c.*) The Corporation may re-borrow for the purpose of paying off so much of the said sum of one thousand five hundred and fifty pounds as shall not have been paid off by means of a sinking fund set apart for its repayment, or by instalments, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account (not being borrowed moneys): Provided that all moneys so re-borrowed shall be repaid within the said period of thirty years from the Ninth day of November, One thousand eight hundred and ninety-one; and any moneys from time to time re-borrowed shall be deemed to form the same loan as the money in lieu of which such re-borrowing has been made, and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

(*d.*) The town clerk shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund, under the provisions of this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as

instalments, and the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return, such town clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

(*c.*) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund or of the sums accumulated by way of interest to any purposes other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment or be set apart and invested or applied as part of the sinking fund; and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Electoral divisions.

Art. XIV. Subject to the provisions of Section 54 of the Act, the above-recited Order of the Local Government Board dated the Fourteenth day of August, One thousand eight hundred and eighty-eight, shall on and after the Seventh day of November, One thousand eight hundred and ninety-one, operate as if the Borough of Basingstoke mentioned therein were the Borough and not the existing Borough, and the Basing Electoral Division shall be diminished accordingly.

Alteration of school districts, &c.

Art. XV. For the purposes of the Elementary Education Acts, 1870 to 1880,—

(*a.*) The Borough shall be a school district, and the members of the School Board for the existing Borough who shall be in office on the Ninth day of November, One thousand eight hundred and ninety-one, shall be deemed to have been elected, and shall be the School Board for the Borough;

(*b.*) Any byelaws in force in the existing Borough on the Ninth day o November, One thousand eight hundred and ninety-one, shall thenceforth apply to the Borough until revoked or altered; and any byelaws made by the School Attendance Committee of the Basingstoke Union shall cease to operate in any part of the added area.

Actions, &c. not to abate.

Art. XVI.—(1.) If on the Ninth day of November, One thousand eight hundred and ninety-one, any action or proceeding, or any cause of action or proceeding, is pending or existing by or against the Rural Authority, whether acting as a Sanitary Authority or as a Highway Board, in relation exclusively to the whole or 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.

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Basingstoke Order.

Saving for contracts, &c.

(2.) Anything duly done or suffered, and all contracts, deeds, bonds, agreements, and other instruments (subsisting on the Ninth day of November, One thousand eight hundred and ninety-one) entered into or made, by the Rural Authority, whether acting as a Sanitary Authority or as a Highway Board, in relation exclusively to the whole or 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 Authority, the Corporation had done or suffered the same or been a party thereto.

Property, &c. of Rural Authority.

Art. XVII. All property and liabilities which immediately before the Ninth day of November, One thousand eight hundred and ninety-one, are vested in or attach to the Rural Authority, whether acting as a Sanitary Authority or as a Highway Board, in relation exclusively to the whole or any part of the added area, shall be transferred to, vested in, and attach to the Corporation as Urban Authority, and the Rural Authority shall cease to exercise any powers or duties within any part of the added area:

Provided that any arrears of rates made by Overseers before the Ninth day of November, One thousand eight hundred and ninety-one, in respect of contributions for general or special expenses, and which remain due in respect of hereditaments in any part of the added area, may be recovered by the Overseers after that date.

Audit of Accounts.

Art. XVIII. The accounts of the Rural Authority, whether acting as a Sanitary Authority or as a Highway Board, and their officers up to the Ninth day of November, One thousand eight hundred and ninety-one, shall be audited by the proper officer of the Local Government Board in like manner and with the like incidents and consequences as if this Order had not been made.

Short title.

Art. XIX. This Order may be cited as the Borough of Basingstoke Order, 1891.

Given under the Seal of Office of the Local Government Board, this Eighth day of May, One thousand eight hundred and ninety-one.

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

Newport Order.

BOROUGH OF NEWPORT.

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 Newport, in the County of Monmouth;

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

To the County Council of Monmouth;—

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 Newport, in the County of Monmouth (hereinafter referred to as "the Borough"), has a population exceeding fifty thousand;

And whereas nine electoral divisions of the County of Monmouth are wholly included in the Borough, and the Christchurch Rural, the Saint Mellons, and the Magor, Electoral Divisions of that County are partly included in the Borough:

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:— 51 & 52 Vict. c. 41.

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 Seventh day of November, One thousand eight hundred and ninety-one: Commencement of Order.

Provided that for the purposes of the lists of county electors, and the county register for the County of Monmouth to be made in pursuance of the County Electors Act, 1888, or any Act amending that Act, and of all proceedings preliminary or relating to the next election of county councillors for the said County, this Order shall operate from the date of the Act of Parliament confirming the same: 51 Vict. c. 10.

Provided also that, for the purposes of Sections 20, 22, 23, 24, and 26 of the Act, and for the purposes of the Local Taxation (Customs and Excise) Act, 1890, the Borough shall be deemed not to have been constituted a County Borough until after the Thirty-first day of March, One thousand eight hundred and ninety-two. 53 & 54 Vict. c. 60.

Art. II.—(1.) 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 Monmouth 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: Constitution of County Borough.

Provided that, for the purposes of such provisions, "the appointed day" shall be deemed to mean the Seventh day of November, One thousand eight hundred and ninety-one.

(2.) An equitable adjustment respecting the distribution of the proceeds of the local taxation licenses and probate duty grant, and of the Local Taxation (Customs and Excise) duties, and respecting all other financial relations between the County of Monmouth and the Borough, shall be made by agreement within three months from the Seventh day of November, One thousand eight hundred and ninety-one, between the County Council of that County and the Council of the Borough, and in default of such agreement by the Commissioners appointed under the Act, or if before those Commissioners have made such adjustment their powers shall have ceased, by the Local Government Board, and for the purposes of such adjustment, the provisions of the Act relating to adjustments Adjustment between County and County Borough.

A.D. 1891.

Newport Order.

between Administrative Counties, and County Boroughs, shall apply with the necessary modifications; and in the event of the adjustment being made by the Local Government Board, that Board shall be substituted in such provisions for the said Commissioners: Provided, 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.

Compensation to existing officers.

Art. III. The provisions of Section 120 of the Act shall apply to every officer who by virtue of this Order, or of anything done in pursuance or in consequence thereof, shall suffer any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, with the substitution of "borough fund and borough rate" in sub-section (8) for "county fund as a payment for general county purposes," and with such other modifications as are necessary to make those provisions applicable to such officer and to the Council of the Borough.

Lists of county electors and county registers.

Art. IV. If at any time after the date of the making of this Order and before the Seventh day of November, One thousand eight hundred and ninety-one, the Local Government Board make an Order or Orders under Section 54 of the Act for altering the boundaries of any electoral divisions of the County of Monmouth, and any difficulty shall arise in making out, revising, or otherwise dealing with the lists of county electors and with the county register to be made in pursuance of the County Electors Act, 1888, or any Act amending that Act, so far as the said lists and register relate to the said divisions, the Local Government Board may make such order as shall appear to them to be necessary to remove any such difficulty, and may vary, so far as shall be requisite, the provisions in force with regard to such lists and register.

County Councillors and Aldermen.

Article V.—(1.) The County Councillors of the County of Monmouth elected to represent the nine electoral divisions of that County wholly included in the Borough shall go out of office on the Seventh day of November One thousand eight hundred and ninety-one, and their places, as County Councillors elected for such divisions, shall not be filled up, but the number of County Councillors to be elected for such County shall not be diminished;

(2.) The number of Aldermen of the said County shall, subject to any future alteration resulting from an alteration in the number of County Councillors, be unaltered;

(3.) The Christchurch Rural, the Saint Mellons, and the Magor, Electoral Divisions of the said County as diminished by the constitution of the County Borough by this Order, shall continue to be electoral divisions of the said County until altered under Section 54 of the Act; and the persons who immediately prior to the Seventh day of November One thousand eight hundred and ninety-one are the County Councillors representing those divisions, shall continue to represent them as if they had been originally elected to represent the divisions so diminished;

(4.) No County Alderman or County Councillor of the County of Monmouth in office immediately before the Seventh day of November One thousand eight hundred and ninety-one, shall be deemed to lose his qualification by reason of the inclusion of any part of such County in the County Borough by this Order.

Art. VI. This Order may be cited as the Borough of Newport Order, 1891. A.D. 1891.

Newport Order. Short title.

Given under the Seal of Office of the Local Government Board, this Eighth day of May, One thousand eight hundred and ninety-one.

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

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