



CHAPTER xvii

An Act to constitute a joint board comprising representatives of the mayor aldermen and burgesses of the county borough of Dewsbury the mayor aldermen and burgesses of the borough of Spensborough and the urban district councils of Heckmondwike and Mirfield to authorise the Board to provide and maintain a crematorium and for other purposes.

[27th July 1955.]

WHEREAS it is expedient to constitute and incorporate a joint board comprising representatives of the mayor aldermen and burgesses of the county borough of Dewsbury the mayor aldermen and burgesses of the borough of Spensborough and the urban district councils of Heckmondwike and Mirfield and to empower the said board to provide and maintain a crematorium:

And whereas the mayor aldermen and burgesses of the county borough of Dewsbury and the other local authorities hereinbefore referred to have entered into an agreement for the transfer of certain lands vested in the said mayor aldermen and burgesses of the county borough of Dewsbury to the said board and it is expedient that the agreement be confirmed:

And whereas it is expedient that the other provisions in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

	£
(a) For and in connection with the purchase of lands under the powers of this Act	2,500
(b) For crematorium buildings	36,272
(c) For site layout	9,750
(d) For equipment and furnishing	8,790
(e) For registrar's house and offices	2,300

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed by the mayor aldermen and burgesses of the county borough of Dewsbury and the urban district councils of Heckmondwike Mirfield and Spensborough:

And whereas on the petition of the said urban district council of Spensborough the said district was as from the twenty-third day of May nineteen hundred and fifty-five created a borough and the inhabitants thereof were incorporated by royal charter:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Dewsbury Moor Crematorium Act 1955.

Division of
Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Establishment constitution and proceedings of Board.

Part III.—Lands.

Part IV.—Powers and duties of Board.

Part V.—Finance.

Part VI.—Miscellaneous.

3.—(1) The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with this Act (namely):—

PART I
—cont.

Incorporation
of Acts.

(a) The Lands Clauses Acts except sections 127 to 131 of the Lands Clauses Consolidation Act 1845 and the provisions of that Act with respect to the purchase and taking of lands otherwise than by agreement;

(b) The clauses of the Commissioners Clauses Act 1847 with respect to the following matters (namely):—

the contracts to be entered into and the deeds to be executed by the commissioners (except section 57);

the liabilities of the commissioners and legal proceedings by or against the commissioners.

(2) In the construction of the provisions of the Lands Clauses Acts and the Commissioners Clauses Act 1847 incorporated with this Act the expressions “the promoters of the undertaking” and “the commissioners” mean the Board.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

(2) In this Act unless the subject or context otherwise requires—

“Act of 1933” means the Local Government Act 1933;

“appointed day” means the first day of October one thousand nine hundred and fifty-five;

“authorised security” means any mortgage stock bond or other security which the Board are for the time being authorised to grant create or issue or upon or by means of which the Board are for the time being authorised to raise money;

“Board” means the Dewsbury Moor Crematorium Board;

“clerk” means the clerk to the Board;

“constituent authority” means a local authority for the time being authorised to appoint a member or members of the Board;

“constituent district” means the borough or district of a constituent authority;

“financial year” means a period of twelve months beginning on the first day of April;

PART I
—cont.

“ Minister ” means the Minister of Housing and Local Government ;

“ population ” means the population ascertained by reference to the latest available information with respect to the number of the population whether derived from the census or from the annual return issued by the Registrar-General ;

“ revenues of the Board ” includes the revenues of the Board from time to time arising from the undertaking or from any land investments or other property for the time being of the Board and the money receivable by them from the constituent authorities and all fees and money which they are authorised to take and collect under the powers of this Act ;

“ statutory borrowing power ” includes a power of borrowing money conferred on the Board by or under any enactment ;

“ statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Board ;

“ undertaking ” means the whole of the undertaking for the time being of the Board.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD

Incorporation
of Board.

5.—(1) For the purpose of carrying this Act into execution there shall be a board constituted and appointed as by this Act provided.

(2) The Board shall be a body corporate under the name and style of the “ Dewsbury Moor Crematorium Board ” with perpetual succession and a common seal and with power to acquire and hold lands (without any licence in mortmain) and with all other powers and privileges of a body corporate.

6. Subject to alteration by the Minister as hereinafter provided the Board shall consist of members appointed by the constituent authorities as follows:—

PART II
—cont.

Constitution
of Board.

(1) In the first instance five members shall be appointed by the council of the county borough of Dewsbury three members shall be appointed by the council of the borough of Spensborough and one member shall be appointed by each of the urban district councils of Heckmondwike and Mirfield respectively:

(2) In the month of March in the year nineteen hundred and sixty and in every subsequent fifth year the constitution of the Board shall be revised so that the number of members to be appointed by each of the constituent authorities to hold office during the next following period of five years shall be on the basis of one member for every ten thousand inhabitants of the borough or district of the constituent authority according to the population of that borough or district at that time:

Provided that—

(a) a constituent authority whose borough or district has less than ten thousand inhabitants shall be entitled to appoint one member;

(b) a constituent authority may nominate in writing under the hand of their clerk a deputy for any member so appointed by them to attend any meeting of the Board in the place of the member so appointed who for any reason is unable to attend that meeting and to vote thereat.

7.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held before the appointed day or such later date as the Minister shall allow on the application of a majority of the constituent authorities and the members so appointed shall subject to the provisions of this Act continue in office until the next annual meeting of the Board holden after the appointed day.

(2) Any persons appointed in pursuance of subsection (1) of this section as members of the Board shall come into office on the appointed day or if the meeting at which they are appointed is held after the appointed day upon their appointment by the constituent authority.

(3) Each constituent authority shall from time to time appoint the number of members of the Board whom they are by this Act authorised to appoint to hold office until the next annual meeting of the Board holden after their appointment.

(4) A vacating member shall subject to the provisions of this Act be eligible for reappointment.

PART II
—cont.

Provisions where failure to appoint members.

8. If any constituent authority fail to appoint first members of the Board it shall be competent for the other members of the Board to carry this Act into execution and if any constituent authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member (if any) of the Board representing such authority and qualified to be members or a member of the Board shall continue in office until their or his successors or successor are or is appointed.

Members of Board to be members of constituent authorities.

9. A person shall not be qualified to be appointed a member of the Board nor shall a person be nominated as a deputy for a member of the Board under proviso (b) to section 6 (Constitution of Board) of this Act unless he is a member of the constituent authority by whom he is appointed.

Member of two or more authorities to represent one only.

10. A person who is a member of two or more constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall within one month after the second appointment choose under which appointment he shall serve and the other appointment shall be deemed void.

Disqualification of members.

11.—(1) If a member of the Board ceases to be a member of the constituent authority by whom he was appointed or becomes disqualified he shall cease to be a member of the Board except in the case where he ceases to be a member of such authority only by the expiration of his term of office and is forthwith re-elected a member of such authority.

(2) Section 59 subsection (1) of section 63 and section 95 of the Act of 1933 and section 76 of that Act as amended by subsections (2) and (3) of section 131 of the Local Government Act 1948 shall apply as if the Board were a local authority within the meaning of that Act other than the council of a rural parish.

Certificate of appointment of members.

12. Whenever an appointment of a member of the Board has been made the town clerk or clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the respective town clerks or clerks of the other constituent authorities and on every subsequent appointment to the clerk and every certificate shall be conclusive evidence of such appointment.

Resignation of members.

13. Any member of the Board may at any time resign his office as such member by notice in writing addressed to the clerk.

14. Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed.

PART II
—cont.

Removal of
members.

15.—(1) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint one of their members as chairman and another as vice-chairman for the ensuing year.

Chairman and
vice-chairman
of Board.

(2) A chairman or vice-chairman may if otherwise qualified be reappointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(3) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification or any other cause another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would have gone out of office in the ordinary course.

(4) If there be an equality of votes as to the appointment of chairman or vice-chairman it shall be decided by lot which of the members having an equal number of votes shall be appointed as chairman or vice-chairman (as the case may be).

16.—(1) The Board shall hold their first meeting at the Town Hall Dewsbury or at such other place and on such day and at such time as may be agreed between the constituent authorities or as failing such agreement shall be appointed for the purpose by the Minister.

First and
subsequent
meetings of
Board.

(2) The Board shall hold an annual meeting in the month of June in every year after the year nineteen hundred and fifty-five.

(3) Subject as aforesaid the meetings of the Board subsequent to their first meeting (including their annual meetings) shall be held at such place on such days and at such times as the Board may from time to time appoint.

17. The chairman or any three or more members of the Board may at any time by notice in writing addressed and sent to the clerk require a special meeting of the Board to be convened and the clerk shall convene a meeting accordingly.

Special
meetings of
Board.

18. The meetings of the Board shall be convened by the town clerk of the county borough of Dewsbury until the Board shall have appointed a clerk and afterwards by the clerk or if there is no clerk by the chairman and every meeting shall be convened by notice in writing delivered to each member of the

Convening of
meetings.

PART II
—cont.

Board or sent by post to or delivered at his residence or place of business two clear days at least before the day of meeting:

Provided that want of service of the notice on any member of the Board shall not affect the validity of a meeting.

Quorum of
meetings.

19. To constitute a meeting of the Board there must be present not less than four of the members of the Board.

Proceedings
at meetings.

20.—(1) At every meeting of the Board the chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman some member of the Board chosen by the members present shall preside.

(2) (a) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote:

Provided that if at any meeting neither the chairman nor vice-chairman shall be present and there be any equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(b) The mode of voting at meetings of the Board shall be by show of hands and on the requisition of any two members of the Board the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

(3) The names of the members present at a meeting of the Board shall be recorded.

Minutes of
meetings.

21.—(1) Minutes of the proceedings of every meeting of the Board or a committee of the Board shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and the minutes shall be approved and when approved signed by the chairman or other member presiding at the next ensuing ordinary meeting.

(2) A minute of the proceedings of the Board or of a committee of the Board certified by the clerk shall be received in evidence without further proof.

(3) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members at the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee of the Board the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

(4) Copies of the minutes of the proceedings of every meeting of the Board shall after each meeting be sent by the clerk to the town clerk or clerk of each constituent authority for the information of that authority.

22. Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings and business and of the proceedings and business of committees of the Board and may vary or revoke the same. Standing orders of Board.

23.—(1) The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except the power of issuing a precept for a rate or of borrowing money) to any committee of the Board so appointed and may dissolve any such committee so appointed. Committees of Board.

(2) The provisions of section 96 of the Act of 1933 with respect to proceedings of committees of a local authority within the meaning of that Act shall apply to committees of the Board as if they were committees of a local authority.

24.—(1) The Board may from time to time appoint and remunerate a clerk and a treasurer who shall not be the same person a superintendent and such other officers and servants as they from time to time think requisite and all officers and servants so appointed shall subject to the terms of any agreement that may be made between the Board and any officer or servant be removable by the Board at their pleasure. Appointment of officers.

(2) No member of the Board or of any of the constituent authorities shall be an officer or servant of the Board but the same person may be and continue an officer or servant of the Board and of a constituent authority.

25. No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board. Acts not invalidated.

26. On the application of any of the constituent authorities the Minister may at any time after giving notice of the application to the other constituent authorities and considering any objections or representations made by them by order alter the number and proportion of members to be appointed by the constituent authorities and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration. Power to alter number of members.

PART II
—cont.As to
additional
constituent
authorities.

27.—(1) Any local authority desiring to become a constituent authority of the Board and to appoint representatives thereon may give notice thereof to the Board and the Board after receipt of such notice may if they think fit apply to the Minister for an order constituting such local authority a constituent authority upon such terms and conditions as may be agreed between the Board and such local authority and the Minister may make any such order accordingly and may thereby make all such amendments of this Act and of any Act or order relating to the local authority who have given the notice as may be necessary or expedient in consequence of such local authority being constituted a constituent authority of the Board.

(2) Section 285 of the Act of 1933 as amended by the Statutory Orders (Special Procedure) (Substitution) Order 1949 shall apply to the making of an order under this section as if the provisions of that section were re-enacted in this section and in terms made applicable thereto.

(3) For the purposes of this section the expression “local authority” includes the council of any borough or urban or rural district.

As to with-
drawal of
constituent
authority
from Board.

28.—(1) Any constituent authority desiring to withdraw from the Board may give notice to the Board of such desire and the Board after receipt of such notice and being satisfied that each of the other constituent authorities has consented to such withdrawal and that the terms on which such constituent authority proposes so to withdraw have been agreed by that authority with each of the other constituent authorities may if the Board think fit apply to the Minister for an order authorising the withdrawal of such constituent authority upon the terms so agreed and the Minister may make any such order accordingly and may thereby make all such amendments of this Act and of any Act or order relating to such constituent authority as may be necessary or expedient in consequence of such constituent authority withdrawing from the Board.

(2) Section 285 of the Act of 1933 as amended by the Statutory Orders (Special Procedure) (Substitution) Order 1949 shall apply to the making of an order under this section as if the provisions of that section were re-enacted in this section and in terms made applicable thereto.

PART III

LANDS

Confirmation
of agreement.

29. The agreement made the twenty-sixth day of November nineteen hundred and fifty-four between the mayor aldermen and burgesses of the county borough of Dewsbury of the one part and the mayor aldermen and burgesses of the borough of

Brighouse and the urban district councils of Heckmondwike Mirfield and Spenborough of the other part of which a copy is set forth in the First Schedule to this Act is hereby confirmed subject to the omission therefrom of references to the mayor aldermen and burgesses of the borough of Brighouse and effect may and shall be given thereto accordingly subject to such other modifications and additions (if any) of and to the said agreement (not being modifications or additions affecting prejudicially the rights of any person other than the parties to the said agreement) as may from time to time be agreed between the said parties.

PART III
—cont.

PART IV

POWERS AND DUTIES OF BOARD

30.—(1) On and after the appointed day the Board may build provide fit up equip maintain and manage a crematorium proper and sufficient for the cremation of human remains on the land described in the Second Schedule to this Act.

Power to
establish
crematorium.

(2) The Board may erect and build adjoining or in connection with the crematorium a convenient and suitable chapel for the reception of the dead immediately previous to burning and for the purpose of performing burial services therein together with such lodges porches gardens colonnades columbaria or niches for the disposal of ashes and other buildings matters and things for such purposes as the Board may think proper.

31. On and after the appointed day the Board shall have and may exercise and perform and shall be subject to all the powers duties and liabilities of a burial authority under the Cremation Acts 1902 and 1952 and the provisions of those Acts shall extend to the Board as if they were herein re-enacted and in terms made applicable to this Act and to the Board:

Application of
Cremation
Acts 1902
and 1952.

Provided that section 5 of the Cremation Act 1902 shall not apply in respect of any crematorium to be constructed upon the land described in the Second Schedule to this Act.

32. The Board may demand in case of the burning of human remains brought from outside any of the constituent districts charges or fees exceeding by not more than fifty per centum the authorised charges or fees for the burning of human remains in the crematorium established by the Board as set out in any table approved by the Minister under section 9 of the Cremation Act 1902.

Charges or
fees.

33.—(1) The Board by means of an order made by them and submitted to the Minister and confirmed by him may be authorised to purchase compulsorily land within the county borough of Dewsbury for the purposes of the undertaking.

Purchase
of land.

PART IV
—cont.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

Application of
enactments.

34. For the purpose of the provision maintenance and management of a crematorium the Board shall on and after the appointed day exercise and perform and be subject to all the powers duties and liabilities of a local authority under the enactments mentioned in Part I of the Third Schedule to this Act and those enactments shall with the necessary modifications extend to the Board as if they were herein re-enacted and in terms made applicable to this Act and to the Board.

Agreements
to maintain
memorials etc.

35. The Board may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement an urn memorial or part of a columbarium in a crematorium or on any land provided by the Board and the following provisions shall apply in relation to any such agreement:—

- (a) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities ;
- (b) If and in so far as the cost of maintaining the urn memorial or part of a columbarium in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum ;
- (c) At the expiration of the period fixed by the agreement for the maintenance of the urn memorial or part of a columbarium the Board may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment ;
- (d) The amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the Board relating to the crematorium.

Byelaws.

36.—(1) The Board may make byelaws with respect to the management and regulation of their crematoria and lands and the buildings used in connection therewith.

(2) As respects any byelaws made under this section the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister.

PART V

FINANCE

37. The Board may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely):—

Power to borrow.

1	2	3
Purpose	Amount	Period for repayment
	£	
(a) The purchase of lands under Part III (Lands) of this Act.	2,500	Sixty years from the date or dates of borrowing.
(b) Crematorium buildings	36,272	Fifty years from the date or dates of borrowing.
(c) Site layout	9,750	Twenty years from the date or dates of borrowing.
(d) Equipment and furnishing ...	8,790	Fifteen years from the date or dates of borrowing.
(e) Registrar's house and offices ...	2,300	Fifty years from the date or dates of borrowing.
(f) The payment of the costs, charges, and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

38. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) otherwise than in accordance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.

39.—(1) The provisions of Part IX of the Act of 1933 and of the regulations made thereunder so far as they are not inconsistent with the provisions of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

Application of Act of 1933 to borrowing of money by Board.

(a) The Board were a local authority within the meaning of the Act of 1933 ;

(b) the money so borrowed were borrowed under the said Part IX ; and

PART V
—cont.

(c) the revenues of the Board were the general rate fund or the revenues of the local authority ;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purpose of this section.

(2) The periods mentioned in the third column of the table contained in section 37 (Power to borrow) of this Act shall as respects any money borrowed under that section be the fixed period for the purposes of the said Part IX.

As to securities
of Board.

40. For the purposes of the definition of "statutory securities" in section 218 of the Act of 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

Power for
constituent
authorities to
lend money
to Board.

41.—(1) Without prejudice to the operation of section 40 (As to securities of Board) of this Act any constituent authority may with the consent of the Minister lend to the Board any sum or sums which the Board are empowered to borrow on such terms and conditions and in such form as may be agreed between the Board and the constituent authority.

(2) Any constituent authority may from time to time independently of any other borrowing power borrow at interest such sums as may be requisite for the purpose of providing any sum or sums which such constituent authority may with the consent of the Minister lend to the Board under the provisions of subsection (1) of this section.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act.

Expenditure
of Board.

42.—(1) Not later than the first day of January in every year the Board shall estimate the amount of money required by them for all expenditure (other than expenditure to be defrayed out of loan) which will be incurred during the next financial year and shall apportion the same between the constituent authorities in accordance with the provisions of this section after allowing for any moneys to be received by the Board otherwise than from loans and precepts and the expenditure so estimated is hereinafter referred to as "net expenditure."

(2) Not later than the twenty-first day of January in every year the Board shall forward to each constituent authority a copy of their estimate of expenditure and revenue for the next financial year.

(3) The net expenditure of the Board for every financial year shall be borne by the constituent authorities the share of each constituent authority being based on the proportion which the

estimated population of the constituent district of that authority bears to the aggregate estimated population of the constituent districts of all the constituent authorities.

(4) For the purposes of this section the estimated population of a constituent district shall mean in the first instance the population of that constituent district at the passing of this Act as defined by section 4 (Interpretation) of this Act:

Provided that in the month of March in the year nineteen hundred and sixty and in the month of March in every subsequent fifth year the estimated population of the constituent district of each constituent authority for the purposes of this section shall be revised and shall be deemed to be the population of that constituent district as defined by the said section of this Act and such population shall for the purposes of this section be the estimated population of that constituent district until the next quinquennial revision.

(5) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the constituent authorities respectively shall within three months from the receipt of such precepts pay to the Board the amount so apportioned to them respectively:

Provided that if the amount of any precept is payable by half-yearly instalments the payments shall be made within three months and nine months respectively from the receipt of the precept.

(6) Such amounts respectively shall be raised and paid by the constituent authorities out of the general rate funds of their respective constituent districts and the constituent authorities respectively are hereby authorised and required to make and levy any rate that may be necessary for providing the amounts payable as aforesaid.

(7) If any of the constituent authorities fail to pay any amount so apportioned within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest until payment at the rate of five per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

(a) The Board may sue the defaulting constituent authority for the amount unpaid in any court of competent jurisdiction;

(b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities

PART V
—cont.

as the rate out of which the amount in arrear ought to have been paid by the defaulting constituent authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting constituent authority to account as the defaulting constituent authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting constituent authority.

(8) Any receiver appointed under Part IX of the Act of 1933 upon the application of the mortgagees of the Board shall be entitled so long as his appointment remains to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

Application
of revenue.

43.—(1) The Board shall apply the revenues of the Board except borrowed money and money arising from the disposal of lands acquired for the purposes of this Act in manner following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking;

Secondly In payment of the interest on moneys borrowed by the Board under any statutory borrowing power;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board under any statutory borrowing power;

Fourthly In payment of all other expenses of executing this Act not being expenses properly chargeable to capital;

Fifthly In extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking;

Sixthly In providing working capital (if the Board think fit);

Seventhly In providing a reserve fund (if the Board think fit) in accordance with the next succeeding section of this Act.

(2) The balance remaining over in any financial year after the Board have retained or set aside such a sum as may in their opinion be required for carrying on the undertaking and paying the current expenses connected therewith shall be credited to the constituent authorities in the proportion in which those authorities are required to bear the expenditure of the Board for that year and shall be deducted in such proportion from the amounts which the constituent authorities are required to pay to the Board in the next succeeding financial year in pursuance of section 42 (Expenditure of Board) of this Act or (if the Board shall issue no precepts in that year) shall be paid by the Board to the constituent authorities in the said proportions and shall be credited by them to their general rate funds.

44.—(1) The Board may (if they think fit) provide a reserve fund by setting aside such money as they think reasonable and investing in statutory securities the sums so set aside and the sums which pursuant to subsection (2) of this section are to form part of that fund until the fund so formed amounts to a sum (in this Act referred to as “the prescribed maximum”) equal to one-tenth of the aggregate capital expended for the time being by the Board upon the undertaking or such greater sum as may be authorised by the Minister which fund shall be applicable to answer any deficiency at any time happening in the income of the Board from the undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking or for the payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens:

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(2) Where sums are appropriated to the reserve fund the interest received in any year from the investment of the sums so appropriated shall form part of the revenue out of which the sums were appropriated:

Provided that a sum equivalent to the amount so carried to the revenue as aforesaid shall be added to such reserve fund unless and until the reserve fund has reached the prescribed maximum.

PART V
—cont.Closing of
registers.

45.—(1) The Board may close any transfer books or the registers of transfers of any authorised securities (other than stock) of the Board for a period not exceeding fourteen days next before any date on which any interest or dividend on the class of securities to which such register relates is payable.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

Receipt in case
of persons not
sui juris.

46. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Board.

Interest orders
and dividend
warrants by
post.

47.—(1) The Board may give notice to any person being registered as a holder of any authorised security other than stock that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Board of such objection the Board may from time to time send by post orders for the payment of interest or dividend warrants to the address of such person appearing in the register:

Provided that if such person give notice to the Board that he desires such orders or warrants to be sent to another person at a given address the Board may from time to time send by post the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless notice in writing to the contrary has been given to the Board by any other of them.

(3) The posting by the Board of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Board be equivalent to the delivery of the order or warrant to the registered holder of the security of the Board.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Board shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Audit of
accounts.

48. The accounts of the Board and of their committees and officers shall be subject to audit by a district auditor.

Abstract of
accounts.

49. As soon as practicable after the completion of the audit of the accounts of any financial year the clerk shall forward to the town clerk or clerk of each constituent authority an abstract of the accounts of the Board for that year.

50. The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member or officer of a constituent authority duly authorised in writing for that purpose.

PART V
—cont.

Inspection of
accounts.

PART VI

MISCELLANEOUS

51.—(1) The Board shall have power to promote or oppose any Bill in Parliament or any Provisional Order or Special or other statutory order.

Power for
Board to apply
for further
powers etc.

(2) The Board may pay the costs and expenses of and incidental to the promotion of or opposition to any such Bill in Parliament or the promotion of or opposition to any such Provisional Order or Special or other statutory order as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses or out of moneys to be borrowed by the Board for the purpose:

Provided that—

(a) No expenses in relation to the promotion of any such Bill shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by a majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in one of more newspapers circulating in the constituent districts such notice to be in addition to the ordinary notice required for summoning such meeting;

(b) No further expenses shall be incurred or paid as aforesaid after the deposit of the Bill unless the propriety of the promotion of the Bill shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament and unless in the case of the promotion of a Bill the resolution shall have received the approval of the Minister.

(3) Section 303 of the Public Health Act 1875 as amended by the Statutory Orders (Special Procedure) (Substitution) Order 1949 shall extend to the Board as if the provisions of that section were re-enacted in this section and in terms made applicable thereto.

52. The Board on the one hand and the constituent authorities or any of them on the other hand may enter into and carry into effect agreements for or with respect to any of the purposes or provisions of this Act.

Agreements.

PART VI

—cont.

Settlement of
differences.

53. Subject to the provisions of this Act any difference which arises between the constituent authorities or any of them under the provisions of this Act shall be referred to and determined by arbitration.

Provision for
Sundays and
public
holidays.

54. When the day on which anything is required by this Act to be done is a Sunday Good Friday Christmas Day or a bank holiday that thing shall be done on the next following day not being one of the days before mentioned.

Evidence of
appointments
authority etc.

55. Where in any legal proceedings taken by or on behalf of or against the Board or any officer servant solicitor or agent of the Board or any committee of the Board under any enactment from time to time relating to the Board it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Board or of any committee of the Board or to prove any resolution or order of the Board or any resolution order or report of any committee of the Board a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Board or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentication
and service of
notices etc.

56.—(1) Where any notice or demand under any enactment by law or regulation for the time being in force or any other document requires authentication by the Board the signature of the clerk or other duly authorised officer of the Board shall be a sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under any enactment from time to time relating to the Board may be served in the same manner as notices under the Public Health Act 1936 are by section 285 of that Act authorised to be served.

Inquiries by
Minister.

57. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or required to be exercised by him by or the giving of consents under this Act and subsections (2) (3) (4) and (5) of section 290 of the Act of 1933 shall apply to any such inquiry.

Judges not
disqualified.

58. A judge of a court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Application
of provisions
of Act of 1933
and Public
Health Act
1936.

59. The sections of the Act of 1933 and of the Public Health Act 1936 mentioned in Part II of the Third Schedule to this Act shall have effect as if they were re-enacted in this Act and in terms made applicable thereto.

60. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

PART VI
—cont.
Saving for town and country planning.

61. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the mayor aldermen and burgesses of the county borough of Dewsbury but shall be repaid to them by the Board out of money to be borrowed by them under the powers of this Act for that purpose or in whole or in part out of the revenues of the Board.

Costs of Act.

SCHEDULES

FIRST SCHEDULE

THIS AGREEMENT is made this twenty-sixth day of November One thousand nine hundred and fifty-four BETWEEN THE MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF DEWSBURY in the County of York (hereinafter called "the Dewsbury Corporation") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF BRIGHOUSE THE URBAN DISTRICT COUNCIL OF HECKMONDWIKE THE URBAN DISTRICT COUNCIL OF MIRFIELD and THE URBAN DISTRICT COUNCIL OF SPENBOROUGH all in the said County of York (and all collectively hereinafter referred to as "the other constituent authorities") of the other part.

WHEREAS—

- (1) It is proposed to constitute and incorporate a joint Board (hereinafter called "the Board") comprising representatives of the Dewsbury Corporation and the other constituent authorities and to empower the Board to provide and maintain a crematorium and to enable the Board to be constituted and incorporated the parties hereto are proposing to promote a Bill to be known as "the Dewsbury Moor Crematorium Bill" (hereinafter referred to as "the Bill") in the Parliamentary Session 1954-55;
- (2) The Dewsbury Corporation have agreed with the other constituent authorities to sell to the Board when constituted the land hereinafter described for the purposes of the said crematorium and ancillary purposes at the price of Two thousand five hundred pounds:

NOW IT IS HEREBY AGREED as follows:—

1. SUBJECT to the provisions of this Agreement the Dewsbury Corporation will convey to the Board ALL the property described in the Schedule hereto at the price of Two thousand five hundred pounds.

2. THE sale shall be subject to (i) the exceptions and reservations of mines and minerals contained or referred to in an Indenture dated the 31st day of January 1893 and made between Joseph Stancliffe Hurst and John Wormald of the first part Mary Elizabeth Cook of the second part Thomas Reginald Hague Cook of the third part and the Dewsbury Corporation of the fourth part so far as the same affect the property agreed to be sold (ii) the rights of the public to use existing footpaths and (iii) any necessary consents of the Minister of Housing and Local Government or any other Government Departments.

3. THE purchase shall be completed at the office of the Town Clerk Dewsbury within six weeks from the holding of the first meeting of the Board when constituted.

1ST SCH.
—cont.

4. IF the Bill (or any Bill in substitution therefor) does not receive the Royal Assent by the end of the Parliamentary Session of 1955-56 this Agreement shall be of no effect and all obligations of the parties hereunder shall be discharged.

IN WITNESS whereof the Corporate Seals of the parties hereto have been affixed the day and year first before written.

The Schedule before referred to

ALL THAT piece or parcel of land containing 18.84 acres or thereabouts (formerly several pieces or parcels of land and being part of the meadow or pasture ground described in and conveyed to the Dewsbury Corporation by the said Indenture of the 31st day of January 1893) being the enclosures numbered 1420 1421 (part) and 1421A in the said County Borough on the 1/2500 Ordnance Map of Yorkshire West Riding Sheet No. CCXLVII-3 (Revision of 1938) bounded on the North East partly by Boothroyd Lane and partly by the graveyard belonging to St. John the Evangelist's Church on the East and South East partly by other land of the Dewsbury Corporation reserved for the extension of the said graveyard and partly by the public footpath running from Boothroyd Lane to Heckmondwike Road on the South West by Heckmondwike Road and on the North West by Staincliffe Road.

THE CORPORATE SEAL of the Mayor Aldermen and Burgesses of the County Borough of Dewsbury was hereunto affixed in the presence of—

ERNEST HARRISON Mayor
A. NORMAN JAMES Town clerk

THE CORPORATE SEAL of the Mayor Aldermen and Burgesses of the Borough of Brighouse was hereunto affixed in the presence of—

E. R. HINCHLIFFE Mayor
JOHN R. LIDDLE Town clerk

THE CORPORATE SEAL of the Urban District Council of Heckmondwike was hereunto affixed in the presence of—

A. KERSHAW Chairman
GEORGE HOLT Clerk

THE CORPORATE SEAL of the Urban District Council of Mirfield was hereunto affixed in the presence of—

FRANK COPLEY Chairman
J. E. COWDELL Clerk

THE CORPORATE SEAL of the Urban District Council of Spenborough was hereunto affixed in the presence of—

A. R. STOCKHILL Chairman
D. COUPE Clerk

SECOND SCHEDULE

LAND FOR CREMATORIUM

All that plot of land in the county borough of Dewsbury containing 4,558 square yards or thereabouts (being part of the piece or parcel of land described in the schedule to the Agreement set out in the First Schedule to this Act) bounded by a line running along the westerly side of the public footpath leading from Boothroyd Lane to Heckmondwike Road commencing at a point approximately 220 yards from Boothroyd Lane and proceeding in a southerly direction alongside the said public footpath for a distance of 89 yards thence by an imaginary line running in a westerly direction for a distance of 50 yards thence proceeding in a northerly direction for a distance of 88 yards and thence in an easterly direction for a distance of 53 yards to rejoin the said public footpath at the point of commencement.

THIRD SCHEDULE

ENACTMENTS APPLIED TO THE BOARD

The Public Health Act 1875—

Section 265 (Protection of local authority and their officers from personal liability).

The Act of 1933—

Section 119 (Security to be given by officers) ;

Section 120 (Accountability of officers) ;

Section 121 (Notice of termination of and retirement from appointments held during pleasure) ;

Section 122 (Members of local authorities not to be appointed as officers) ;

Section 123 (Disclosure by officers of interest in contracts) ;

Section 125 (Provision of offices &c. by local authorities other than parish councils) ;

Section 157 (Power of local authorities to acquire land by agreement) ;

Section 158 (Acquisition of land in advance of requirements) ;

Section 164 (Power to let land) ;

Section 165 (Power to sell or exchange land) ;

Section 166 (Application of capital money) ;

Section 176 (Application of Lands Clauses Acts to purchases by agreement) ;

Section 250 (Procedure &c. for making byelaws) ;

Section 266 (Contracts of local authorities) ;

Section 276 (Power of local authorities to prosecute or defend legal proceedings) ;

Section 277 (Appearance of local authorities in legal proceedings) ;

Section 278 (Name of local authority need not be proved) ;

Section 289 (Penalty for destroying notices &c.).

PART II

3RD SCH.
—cont.

The Act of 1933—

- Section 251 (Fines for offences against byelaws) ;
 Section 252 (Evidence of byelaws) ;
 Section 278 (Name of local authority need not be proved) ;
 Section 289 (Penalty for destroying notices &c.).

The Public Health Act 1936—

- Section 288 (Penalty for obstructing execution of Act) ;
 Section 293 (Recovery of expenses &c.) ;
 Section 296 (Summary proceedings for offences) ;
 Section 298 (Restriction on right to prosecute).

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18
Commissioners Clauses Act 1847	10 & 11 Vict. c. 16
Public Health Act 1875	38 & 39 Vict. c. 55
Local Loans Act 1875	38 & 39 Vict. c. 83
Bills of Exchange Act 1882	45 & 46 Vict. c. 61
Cremation Act 1902	2 Edw. 7. c. 8
Local Government Act 1933	23 & 24 Geo. 5. c. 51
Public Health Act 1936	26 Geo. 5. & 1 Edw. 8. c. 49
Local Authorities Loans Act 1945	8 & 9 Geo. 6. c. 18
Acquisition of Land (Authorization Procedure) Act 1946	9 & 10 Geo. 6. c. 49
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6. c. 58
Town and Country Planning Act 1947	10 & 11 Geo. 6. c. 51
Local Government Act 1948	11 & 12 Geo. 6. c. 26
Cremation Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 31

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

AND
—

PART II

THE ACT OF 1955

- Section 281
- Section 282
- Section 283
- Section 284

THE PUBLIC HEALTH ACT 1955

- Section 285
- Section 286
- Section 287
- Section 288

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s. 6d. net

PRINTED IN GREAT BRITAIN

(38535)

Dewsbury Moor Crematorium Act, 1955

4 ELIZ. 2 Ch. xvii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Incorporation of Acts.
4. Interpretation.

PART II

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD

5. Incorporation of Board.
6. Constitution of Board.
7. Appointment of members of Board.
8. Provisions where failure to appoint members.
9. Members of Board to be members of constituent authorities.
10. Member of two or more authorities to represent one only.
11. Disqualification of members.
12. Certificate of appointment of members.
13. Resignation of members.
14. Removal of members.
15. Chairman and vice-chairman of Board.
16. First and subsequent meetings of Board.
17. Special meetings of Board.
18. Convening of meetings.
19. Quorum of meetings.
20. Proceedings at meetings.
21. Minutes of meetings.
22. Standing orders of Board.
23. Committees of Board.
24. Appointment of officers.
25. Acts not invalidated.
26. Power to alter number of members.
27. As to additional constituent authorities.
28. As to withdrawal of constituent authority from Board.

PART III

LANDS

Section

29. Confirmation of agreement.

PART IV

POWERS AND DUTIES OF BOARD

30. Power to establish crematorium.
31. Application of Cremation Acts 1902 and 1952.
32. Charges or fees.
33. Purchase of land.
34. Application of enactments.
35. Agreements to maintain memorials etc.
36. Byelaws.

PART V

FINANCE

37. Power to borrow.
38. Savings for powers of Treasury.
39. Application of Act of 1933 to borrowing of money by Board.
40. As to securities of Board.
41. Power for constituent authorities to lend money to Board.
42. Expenditure of Board.
43. Application of revenue.
44. Reserve fund.
45. Closing of registers.
46. Receipt in case of persons not sui juris.
47. Interest orders and dividend warrants by post.
48. Audit of accounts.
49. Abstract of accounts.
50. Inspection of accounts.

PART VI

MISCELLANEOUS

51. Power for Board to apply for further powers etc.
52. Agreements.
53. Settlement of differences.
54. Provision for Sundays and public holidays.
55. Evidence of appointments authority etc.
56. Authentication and service of notices etc.

Section

- 57. Inquiries by Minister.
- 58. Judges not disqualified.
- 59. Application of provisions of Act of 1933 and Public Health Act 1936.
- 60. Saving for town and country planning.
- 61. Costs of Act.

SCHEDULES :

First Schedule.

Second Schedule—Land for crematorium.

Third Schedule—Enactments applied to the Board—

Part I.

Part II.

Case 12

... ..
... ..
... ..
... ..

... ..
... ..
... ..
... ..