



CHAPTER cxliv.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Burnley and Bury. A.D. 1911.

[18th August 1911.]

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 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 Orders as altered 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. Whereas a Joint Committee of the House of Lords and House of Commons has been appointed to inquire into the application of the provisions contained in the Local Government Acts 1888 and 1894 and the Local Government (Scotland) Acts 1889 and 1894 relating to financial adjustments consequent on the alteration of the boundaries of a local government area or on an alteration in the constitution or status of the governing body of a local government area and to report if they are of opinion that any amendments in such provisions are desirable Be it therefore enacted as regards each of the Orders set forth in the schedule to this Act as follows :— Financial adjustments to be in accordance with recommendation of Joint Committee.

(1) Notwithstanding the provisions of the Local Government Act 1888 the Local Government Act 1894 and of

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the Order relating to financial adjustments no adjustments to be made between the councils of the county and county boroughs or between any authorities affected by the Order or this Act shall be made except by agreement until after the thirty-first day of March one thousand nine hundred and thirteen or until the confirmation of a Provisional Order made in pursuance of this section whichever shall be the earlier :

- (2) If the said Joint Committee report that they are of opinion that amendments are desirable in the provisions contained in the Local Government Acts 1888 and 1894 relating to financial adjustments consequent on the alteration of the boundaries of a local government area the Local Government Board shall make such Provisional Order as shall be necessary for the purpose of applying the recommendations of the Joint Committee so far as they are applicable to any adjustments to be made between the councils of the county and county boroughs and other authorities referred to in subsection (1) of this section Provided that no Provisional Order made in pursuance of this section shall affect any adjustment that may have been made by agreement :
- (3) The provisions of the Local Government Act 1888 relating to Provisional Orders shall so far as they are applicable and with any necessary modifications extend and apply to any Provisional Order made in pursuance of this section.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1911.

SCHEDULE.

A.D. 1911.

BOROUGH OF BURNLEY.

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

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

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

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

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

To the County Council of the County Palatine of Lancaster;—

To the Rural District Council of Burnley;—

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

To the Parish Councils of Cliviger and Habergham Eaves;—

To the Chairman of the Parish Meeting of the Township of
Brunshaw;—

To the Overseers of the Poor of the Townships of Brunshaw
Burnley Cliviger and Habergham Eaves;—

And to all others whom it may concern.

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

And whereas the Borough of Burnley is a County Borough within
the meaning of the Local Government Act 1888 and is for the purposes
of that Act situate in the County Palatine of Lancaster and the
inhabitants are a body corporate by the name of the Mayor Aldermen
and Burgesses of the Borough of Burnley and act by the Council of
the said Borough which now consists of the Mayor (who is also an
Alderman) eleven other Aldermen and thirty-six Councillors and the said
Borough is for the purposes of the election of Councillors divided into

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A.D. 1911. twelve wards three of which are known as the Burnley Wood Ward the
Burnley Fulfilled Ward and the Healey Ward ;
Order.

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

And whereas the said Borough has a separate court of quarter sessions commission of the peace police force recorder and coroner ;

2 Edw. 7.
c. 42.

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

And whereas the unrepealed provisions of the Local Acts specified in Part I. of the schedule to this Order and of the Confirmation Acts specified in Part II. of the said schedule so far as the last-mentioned Acts relate to the Orders specified in that schedule are in force in the said Borough ;

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

53 & 54 Vict.
c. 34.

(A) The Infectious Disease (Prevention) Act 1890 except Sections 7 8 10 11 and 15 ;

53 & 54 Vict.
c. 59.

(B) Parts II. III. and IV. of the Public Health Acts Amendment Act 1890 ; and

7 Edw. 7.
c. 40.

(C) The Notification of Births Act 1907 ;

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

And whereas the Townships of Brunshaw and Habergham Eaves in the County Palatine of Lancaster immediately adjoin the said Borough and those Townships and the Township of Cliviger are contributory places in the Rural District of Burnley and are subject to the jurisdiction of the Rural District Council of Burnley and the Township of Brunshaw is for the purpose of the election of one Rural District Councillor united with the Township of Worsthorn with Hurstwood in the said Rural District and one Rural District Councillor is elected for each of the Townships of Cliviger and Habergham Eaves ;

And whereas the said Rural District Council have adopted the provisions of the Infectious Disease (Prevention) Act 1890 and the provisions of Part III. of the Public Health Acts Amendment Act 1890 which are applicable to Rural Districts and those provisions are accordingly in force in the said Rural District ;

And whereas the Townships of Brunshaw Burnley Cliviger Habergham Eaves and Worsthorn with Hurstwood are included in the Burnley Union and the Township of Burnley is for the purpose of the election of Guardians divided into four wards two of which are known as the South Ward and the East Ward and the Burnley Wood and Healey

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Wards of the said Borough are included in the said South Ward and the Fulledge Ward of the Borough is included in the said East Ward ;

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*Burnley
Order.*

And whereas the three Rural District Councillors elected as aforesaid for the Townships of Brunshaw Cliviger Habergham Eaves and Worsthorn with Hurstwood are the representatives of those townships on the Board of Guardians of the Burnley Union ;

And whereas the Townships of Cliviger and Habergham Eaves are rural parishes within the meaning of the Local Government Act 1894 for which Parish Councils have been established ;

56 & 57 Vict.
c. 73.

And whereas in pursuance of the Education Act 1902 the Townships of Brunshaw Cliviger and Habergham Eaves form part of the area of the County Council of the County Palatine of Lancaster as the local education authority ;

And whereas the Township of Brunshaw is included in the Barrowford Electoral Division of the County Palatine of Lancaster and the Townships of Cliviger and Habergham Eaves are included in the Briercliffe Electoral Division of that County :

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

51 & 52 Vict.
c. 41.

Art. I. In this Order—

Definitions.

- (1) The expression "the commencement of this Order" means the Ninth day of November One thousand nine hundred and eleven ;
- (2) The expression "the existing Borough" means the Borough of Burnley as it existed immediately prior to the commencement of this Order ;
- (3) The expression "the Borough" means the existing Borough as extended by this Order ;
- (4) The expression "the Corporation" means as the context requires the Mayor Aldermen and Burgesses of the existing Borough or of the Borough acting by the Council ;
- (5) The expressions "the County" and "the County Council" mean respectively the County Palatine of Lancaster and the County Council of that County ;
- (6) The expressions "the Rural District" and "the Rural Council" mean respectively the Rural District of Burnley and the Rural District Council of that district ;

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- (7) The expression "the maps" means the two maps each marked "Map of the Borough of Burnley as extended 1911" and sealed with the official seal of the Local Government Board;
- (8) The expression "the added areas" means the parts of the Rural District added to the existing Borough by this Order;
- (9) The expressions "the added part of Brunshaw" and "the added part of Cliviger" mean respectively the parts of those Townships which are coloured yellow and blue on the maps the expression "the added parts of Habergham Eaves" means the parts of that Township which are coloured green and brown on the maps and the expressions "the excluded part of Brunshaw" and "the excluded part of Cliviger" mean respectively the remaining parts of those Townships;
- (10) The expressions "the existing Township of Burnley" "the existing Township of Cliviger" and "the existing Township of Habergham Eaves" mean in each case the Township as it existed immediately prior to the commencement of this Order and the expressions "the Township of Burnley" "the Township of Cliviger" and "the Township of Habergham Eaves" mean in each case the Township as altered by this Order;
- (11) The expressions "the Act of 1888" and "the Act of 1894" mean respectively the Local Government Act 1888 and the Local Government Act 1894;
- (12) The expression "the Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the expression "the Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same.

Commence-
ment of
Order.

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

Date of
operation
of Order for
parish bur-
gess lists &c.
51 Vict. c. 10.

Provided that for the purposes of the parish burgess lists and burgess roll and other lists to be made for the Borough under the Municipal Corporations Acts of the lists of county electors and the county register to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act of the lists and

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registers of parochial electors and any other lists or registers to be made in pursuance of the Act of 1894 and of all proceedings preliminary or relating to any municipal election to be held on the ordinary day of election in the year one thousand nine hundred and eleven and of the revision of the basis or standard of the county rate this Order shall operate from the date of the Act of Parliament confirming this Order :

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Provided also that for the purposes of Sections 20 22 23 24 and 26 of the Act of 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 as amended by Section 17 of the Finance Act 1907 Section 6 of the Finance Act 1908 Section 88 of the Finance (1909-10) Act 1910 and by any subsequent Act and as affected by any Order in Council made under Section 6 of the Finance Act 1908 the Borough shall be deemed not to have been altered and the added areas shall be deemed to continue part of the County until after the Thirty-first day of March One thousand nine hundred and twelve.

Date of operation for purposes of certain grants and Local Taxation Licences.
 53 & 54 Vict. c. 60.
 7 Edw. 7. c. 13.
 8 Edw. 7. c. 16.
 10 Edw. 7. c. 8.

Art. III.—(1) The boundary of the existing Borough the area whereof is coloured pink on the maps shall be altered so as to include in addition to that area so much of the Rural District as comprises the added part of Brunshaw the added part of Cliviger and the added parts of Habergham Eaves.

Extension of Borough.

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

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 existing Borough at his office within fourteen days after the date of this Order Copies of the map deposited with the town clerk certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council to the clerk to the Rural Council to the Board of Inland Revenue to the Postmaster-General to the Registrar-General to the Board of Trade and to the Board of Agriculture and Fisheries.

Deposit of maps.

(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 the map so far as it relates to the boundaries of the Borough and the map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the Borough and any such person shall be

Copies of map to be evidence.

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A.D. 1911. entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation. All fees so received shall be carried to the credit of the Borough fund.

*Burnley
Order.*

Powers and
duties of
justices &c.
extended.

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

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

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

Parish bur-
gess lists &c.

Art. VI.—(1) For the purposes of the parish burgess lists and burgess roll and the other lists to be made under the Municipal Corporations Acts and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have always been part of the Borough.

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

(3) Where any difficulty arising in the year One thousand nine hundred and eleven in giving effect to the provisions of this Order can be obviated or removed by any alteration in or re-arrangement of or any other action affecting the said lists roll and registers that alteration re-arrangement or action so far as the same may be necessary for giving effect to the said provisions shall be made or taken by the town clerk of the existing Borough or the clerk of the County Council as the case may require and the Overseers of the Poor shall render such assistance as may be requisite for the purpose of the said alteration re-arrangement or action by the town clerk or clerk of the County Council as the case may be and that alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to the said lists roll and registers.

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

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*Burnley
Order.*

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

Division into
wards.

- (1) For the purposes of the election of Councillors the Borough shall continue to be divided into twelve wards:
- (2) The added part of Brunshaw and the added part of Cliviger shall be included in the Fulfilledge Ward the added part of Habergham Eaves which is coloured brown on the maps shall be included in the Healey Ward and the added part of Habergham Eaves which is coloured green on the maps shall be included in the Burnley Wood Ward:
- (3) The Councillors representing the Fulfilledge Ward the Healey Ward and the Burnley Wood Ward respectively who will not go out of office on the First day of November One thousand nine hundred and eleven shall be deemed from and after the commencement of this Order to represent those wards as altered by this Order.

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

Local Acts
and Orders.

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

Byelaws &c.

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

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Order.

(2) All byelaws and regulations made by the County Council or the Rural Council or their predecessors and in force immediately before the commencement of this Order in any part of the added areas shall on that date cease to be in force except as regards any work which has been begun before that date or as regards any work which has not been so begun but for which plans have been approved by the Rural Council before that date or have been sent to the surveyor or clerk to the Rural Council one month at least before that date and have not been disapproved by that Council. As regards any such work as aforesaid the byelaws in force immediately before the commencement of this Order shall continue to apply until the completion of the work in like manner and with the like effect as if those byelaws had been made by the Corporation and as if the Corporation and the Borough were referred to therein instead of the Rural Council and the Rural District. Provided that any proceedings which if this Order had not been made might have been taken by the County Council or the Rural Council for any offence committed before the commencement of this Order against any byelaws and regulations made by that Council or their predecessors and in force immediately before the commencement of this Order in any part of the added areas may be taken by the Corporation as if those byelaws and regulations had remained in force and the Corporation had been substituted therein for that Council:

Education
byelaws.

(3) For the purposes and subject to the provisions of the Education Acts 1870 to 1910 any byelaws in force in the existing Borough immediately before the commencement of this Order shall from and after that date apply to the Borough until revoked or altered and from and after that date any byelaws then in force in any part of the added areas shall cease to be in force.

Town clerk
and other
officers con-
tinued

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

Borough
auditors.

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

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Art. XI.—(1) Every clerk to justices every county coroner and every officer or servant of or paid by the County Council or of or paid by the Standing Joint Committee of the County and every other officer and servant who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and for whose compensation no other provision is made by any enactment for the time being in force and applicable to his case shall be entitled to have compensation paid to him by the Corporation for that pecuniary loss and in determining the said compensation regard shall be had to the conditions and other circumstances required by subsection (1) of Section 120 of the Act of 1888 to be had in regard in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned and shall be paid out of the borough fund and borough rate of the Borough and the provisions of subsections (2) to (7) of Section 120 of the Act of 1888 shall apply with the necessary modifications Provided that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

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Order.
Compensa-
tion to exist-
ing officers.

(2) For the purposes of subdivision (1) of this Article any clerk to justices county coroner officer or servant to whom that subdivision applies and whose services are dispensed with or whose salary is reduced by the Secretary of State the County Council or the Standing Joint Committee of the County or any other authority including the Corporation within five years from the commencement of this Order because his services are not required or his duties are diminished in consequence of this Order and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

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

Actions &c.
not to abate.

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

Saving for
contracts &c.

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*Burnley
Order.*
Corporation
property &c.

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

Property &c.
of Rural
Council.

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

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

Cesser of juris-
diction of Rural
Council.

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

Arrears of
rates &c.

(3) All arrears of rates made by any Overseers of the Poor for the purposes of the Public Health Acts or for highway expenses which at the commencement of this Order are due or owing in respect of hereditaments in the added areas may be collected and recovered as if this Order had not been made and when collected and recovered shall be applied towards the discharge of any precept of the Rural Council which at that date shall be in force and not satisfied and the balances if any shall be paid to the Corporation :

Adjustment
of balances.

(4) Any balances in the hands of the Overseers of the Townships of Cliviger and Habergham Eaves at the commencement of this Order and any balances which immediately before the commencement of this Order were in the hands of the Overseers of the Township of Brunshaw and any sum collected after the commencement of this Order by the Overseers of the Townships of Cliviger or Habergham Eaves or Burnley in respect of any rate made before that date and levied upon any rateable hereditament in the added part of Cliviger or in the added parts of Habergham Eaves or in the added part of Brunshaw as

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the case may be shall be a matter for adjustment under A.D. 1911.
 Section 62 of the Act of 1888:

*Burnley
 Order.*

Adaptation
 of provisions
 as to adjust-
 ment.

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

(6) For the purposes of the application of Section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Order so far as it relates to the amalgamation of the added areas with the existing Township of Burnley and to the inclusion of the excluded part of Brunshaw in the Township of Cliviger that section shall have effect—

(A) As if the Overseers of the Townships of Burnley Cliviger and Habergham Eaves and the persons who immediately before the commencement of this Order were the Overseers of the Township of Brunshaw or where the circumstances of the case so require any persons who may be substituted for those persons by an Order of the Local Government Board were within the meaning of the said section as applied by this Article authorities affected by this Order; and

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

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

" (6) If it is necessary for the purpose of giving
 " effect to any agreement or award for an adjust-
 " ment that a separate rate shall be levied in part

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“ of a parish only the agreement or award may
“ authorise the making of such a separate rate as if
“ it were a poor rate and as if the part of the
“ parish on which it is to be levied were a whole
“ parish.”

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

Mortgage
debts of
Corporation.

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

Adoptive
Acts.

Art. XVI.—(1) The provisions of the Infectious Disease (Prevention) Act 1890 except Sections 7 8 10 11 and 15 Parts II. III. and IV. of the Public Health Acts Amendment Act 1890 and the Notification of Births Act 1907 shall be in force in and apply to the Borough as if the same had been adopted therein.

(2) The provisions of Sections 7 8 10 11 and 15 of the Infectious Disease (Prevention) Act 1890 shall cease to be in force in and apply to the added areas:

Provided that nothing in this subdivision shall—

- (A) affect the operation prior to the commencement of this Order of any such provisions or anything duly done or suffered thereunder; or
- (B) affect any right privilege or obligation or liability acquired accrued or incurred under any such provisions; or
- (C) affect any penalty forfeiture or punishment incurred in respect of any offence committed against any such provisions; or
- (D) affect any investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid.

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

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Burnley Order.

(1) The provisions of any order heretofore made by the Local Government Board and conferring upon the Council of the existing Borough any of the matters mentioned in Section 33 of the Act of 1894 and in that order shall be deemed to have effect as if any reference to the existing Township of Burnley or to a Parish wholly comprised within the existing Borough extended and applied to the Township of Burnley:

Powers under Section 33 of Act of 1894.

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

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

Art. XVIII. For the purpose of assessing to the general rate and to the cemetery rate any coal mine or any part of a coal mine situate within the added areas all coal won from such coal mine or part of such coal mine in any one year shall for a period of twenty-one years from the commencement of this Order be valued at one-half only of the net value thereof but from the expiration of that period shall be valued at its full value and any such rate current at the expiration of the said period shall be amended accordingly.

Mode of assessment of coal mines in added areas.

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

County police.

(2) The provisions of Section 15 (2) of the Police Act 1890 as amended by the Police (Superannuation) Act 1906 shall extend and

53 & 54 Vict. c. 45. 6 Edw. 7. c. 7.

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Order.*

Adjustment
of financial
relations
between
Counties
and County
Boroughs.

apply to and in relation to any member of the police force transferred under the powers of this Article as if that member had removed with the written sanction of the Chief Constable of the County.

Art. XX.—(1) In any case where the extension of the existing Borough by this Order affects the distribution of the proceeds of the local taxation licences or of the estate duty grant or of the Local Taxation (Customs and Excise) duties between the County and the Borough or between the County and the Borough on the one hand and any other County Borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution or financial relations or questions equitable adjustments may be made between the areas interested:

For the purposes of this subdivision or of anything done or to be done in pursuance of this subdivision any reference in the said subdivision to the proceeds of licences or duties shall include a reference to the sums which in pursuance of subsection (4) of Section 17 of the Finance Act 1907 as amended by Section 6 of the Finance Act 1908 and Section 88 of the Finance (1909-10) Act 1910 have been paid or will be payable in lieu of those proceeds.

(2) Any such adjustment as is authorised by subdivision (1) of this Article may be made by agreement between the Councils of the Borough the County and the County Boroughs affected and if such adjustment has not been made before the Thirtieth day of September One thousand nine hundred and twelve then on the application of any of the Councils interested the Local Government Board may if they think fit either make the adjustment themselves or appoint an arbitrator to make it.

(3) For the purposes of the said adjustments the provisions of the Act of 1888 relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in those provisions for the Commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Order or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of Section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly:

Provided—

(A) that in lieu of subsection (6) of Section 61 of the Act of 1888 subsections (1) and (5) of Section 87 of the Act of

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1888 shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of those inquiries; and

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Order.

(B) that subsection (6) of Section 32 of the Act of 1888 shall apply to any agreement or award made under this Article.

(4)—(A) An equitable adjustment shall be made between the County and the Borough respecting the interest of the added areas in any compensation fund constituted under Section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

Adjustment
 for purposes
 of Licensing
 (Consolida-
 tion) Act
 1910.

(B) Such adjustment shall be made by agreement between the Compensation Authority (as defined by the Licensing (Consolidation) Act 1910) for the County and 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.

(c) 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 of 1888 and the provisions of that Act shall apply accordingly.

Art. XXI. Subject to the provisions of Section 54 of the Act of 1888—

County
 Councillors
 and Electoral
 Divisions.

(1) The Barrowford and Briercliffe Electoral Divisions of the County as diminished by the inclusion of the added areas in the Borough shall be further altered by the transfer of the excluded part of Brunshaw from the Barrowford Electoral Division to the Briercliffe Electoral Division:

(2) The persons who immediately before the commencement of this Order are the County Councillors representing the Barrowford and Briercliffe Electoral Divisions of the County respectively shall continue to represent those Electoral Divisions as if they had been originally elected to represent those Electoral Divisions as hereby altered:

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

Art. XXII.—(1) The added part of Cliviger shall be separated from the existing Township of Cliviger and the added parts of Habergham Eaves shall be separated from the existing Township of Habergham Eaves and those parts and the added part of Brunshaw shall be amalgamated with the existing Township of Burnley.

Alteration of
 parishes.

(2) The excluded part of Brunshaw shall be amalgamated with the Township of Cliviger as altered by sub-division (1) of this Article.

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Order.*

Rural Dis-
trict Coun-
cillors and
Guardians.

Art. XXIII. Subject to the provisions of Section 60 of the Act of 1894 the following provisions shall have effect:—

- (1) For the purposes of the election of Guardians the Township of Burnley shall continue to be divided into four wards:
- (2) The added part of Brunshaw and the added part of Cliviger shall be included in the East Ward of the Township of Burnley and the added parts of Habergham Eaves shall be included in the South Ward of that Township and the persons who at the commencement of this Order are the Guardians elected for the existing East and South Wards respectively shall in each case be deemed to have been elected for the ward as altered by this Order and shall represent the altered ward until the date on which they would have retired if this Order had not been made as if they had originally been elected to represent the ward as so altered:
- (3) The persons who at the commencement of this Order hold the offices of Rural District Councillor and Guardian of the Poor for the existing Township of Cliviger and the existing Township of Habergham Eaves respectively shall be deemed to have been elected for the Township of Cliviger and the Township of Habergham Eaves respectively and shall represent those Townships until the date on which they would have retired if this Order had not been made as if they had originally been elected to represent those Townships:
- (4) The person who at the commencement of this Order holds the offices of Rural District Councillor and Guardian of the Poor for the united Townships of Brunshaw and Worsthorn with Hurstwood shall be deemed to have been elected for the Township of Worsthorn with Hurstwood and shall represent that Township until the date on which he would have retired if this Order had not been made as if he had originally been elected to represent that Township.

Parish
Councils.

Art. XXIV.—(1) Any powers and duties transferred by the Act of 1894 to the Parish Council of the existing Township of Cliviger or of the existing Township of Habergham Eaves shall so far as regards the added part of Cliviger or the added parts of Habergham Eaves be vested in exerciseable by and imposed on the persons and authorities in whom they would be vested or by whom they would be exerciseable or on whom they would be imposed if the added part of Cliviger or the added parts of Habergham Eaves as the case may be had been included in a parish in the existing Borough on the appointed day within the meaning of the Act of 1894 and all property and liabilities

held or incurred so far as regards the added part of Cliviger or the added parts of Habergham Eaves for the purpose or by virtue of the said powers and duties shall by virtue of this Order be transferred to and vest in and attach to the persons and authorities aforesaid. Any property or liabilities of the said Parish Councils held or incurred otherwise than by virtue or for the purposes of the powers or duties aforesaid shall so far as regards the added part of Cliviger or the added parts of Habergham Eaves by virtue of this Order be transferred to and vest in and attach to the Corporation.

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Order.

(2) The Parish Councils of the existing Township of Cliviger and of the existing Township of Habergham Eaves shall be deemed to have been elected and shall be the Parish Councils for the Township of Cliviger and the Township of Habergham Eaves respectively.

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

Ecclesiastical
divisions and
charities.

Art. XXVI. Until new valuation lists are in force—

- (1) The portions of the valuation lists of the existing Townships of Brunshaw Cliviger and Habergham Eaves which relate respectively to hereditaments in the added part of Brunshaw the added part of Cliviger and the added parts of Habergham Eaves shall be deemed to form part of the valuation list of the Township of Burnley:
- (2) The remaining portions of the valuation lists of the existing Township of Brunshaw and of the existing Township of Cliviger shall be deemed to be the valuation list of the Township of Cliviger:
- (3) The remaining portion of the valuation list of the existing Township of Habergham Eaves shall be deemed to be the valuation list of the Township of Habergham Eaves.

Valuation
lists.

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

County rate
basis.

- (i) by the omission therefrom of the reference therein to the total annual value of the property in the Township of Brunshaw; and
- (ii) by the addition to the amount appearing therein as the total annual value of the property in the existing Township of Cliviger of such a sum as will represent the annual value of the property in the excluded part of Brunshaw and by

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the deduction from the amount thus obtained of such a sum as will represent the annual value of the property in the added part of Cliviger; and

(iii) by the deduction from the amount appearing therein as the total annual value of the property in the existing Township of Habergham Eaves of such a sum as will represent the annual value of the property in the added parts of Habergham Eaves.

(2) For the purposes of this Article the sum which will represent the annual value of the property in the excluded part of Brunshaw in the added part of Cliviger and in the added parts of Habergham Eaves shall in each case be the amount which bears the same relation to the total annual value of the existing township as the assessable value of the property in the affected part of the existing township bears to the total assessable value of property in the existing township and the total annual value of the existing township shall be the amount appearing as such in the basis or standard of the county rate.

(3) For the purposes of this Article assessable value means one-half of the rateable value according to the valuation list for the time being in force of the agricultural land together with the rateable value according to that list of the buildings and other hereditaments not being agricultural land in the existing township or in the affected part of the existing township as the case may require.

Saving for
existing lists
of parliamen-
tary voters
&c.

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

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

Settlement
and removal
of the poor.

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

(1) Every person who at the commencement of this Order has acquired or is in the course of acquiring a settlement in any of the existing Townships of Brunshaw Burnley Cliviger and Habergham Eaves by reason of any residence completed or in the course of completion or of any act or

thing done or in the course of being done or of any status condition right or privilege acquired or created or in the course of acquisition or creation—

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- (i) in the existing Township of Burnley; or
- (ii) in the added part of Brunshaw; or
- (iii) in the excluded part of Brunshaw; or
- (iv) in the added part of Cliviger; or
- (v) in the excluded part of Cliviger; or
- (vi) in the added parts of Habergham Eaves; or
- (vii) in that part of the existing Township of Habergham Eaves which by virtue of this Order will form the Township of Habergham Eaves

shall be deemed to have acquired or to be in the course of acquiring in the first second fourth and sixth cases a settlement in the Township of Burnley in the third and fifth cases a settlement in the Township of Cliviger and in the seventh case a settlement in the Township of Habergham Eaves and in each case as if the existing township or the added part or the excluded part or the specified part of the existing township were and had always been the township or a part of the township in which by virtue of this Article the person shall be deemed to have acquired or to be in the course of acquiring a settlement:

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

- (i) in the existing Township of Burnley; or
- (ii) in the added part of Brunshaw; or
- (iii) in the excluded part of Brunshaw; or
- (iv) in the added part of Cliviger; or
- (v) in the excluded part of Cliviger; or
- (vi) in the added parts of Habergham Eaves; or
- (vii) in that part of the existing Township of Habergham Eaves which by virtue of this Order will form the Township of Habergham Eaves

shall be deemed to have acquired or to be in the course of acquiring the like status by reason of residence in the first second fourth and sixth cases in the Township of Burnley in the third and fifth cases in the Township of Cliviger and in the seventh case in the Township of Habergham Eaves.

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*Burnley
Order.*

Saving for
contribution
orders and
precepts.

Arrears of
rates.

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

Art. XXXI.—(1) All sums in respect of rates made by the Overseers of the Poor of the existing Township of Cliviger or of the existing Township of Habergham Eaves and due or owing at the commencement of this Order in respect of hereditaments in the added areas shall be collected and recovered by the Overseers of the Poor of the Township of Cliviger or of the Township of Habergham Eaves as the case may be as if this Order had not been made.

(2) All sums in respect of rates made by the Overseers of the Poor of the Township of Brunshaw and due or owing at the commencement of this Order shall be collected and recovered in respect of the added part of Brunshaw by the Overseers of the Poor of the Township of Burnley and in respect of the excluded part of Brunshaw by the Overseers of the Poor of the Township of Cliviger.

Special pro-
vision with
reference to
extraordi-
nary traffic
on roads in
added areas.

Art. XXXII. Where any authority which was before the commencement of this Order liable for or had undertaken the repair of any highway in the added areas are or would but for this Order have been entitled to recover from the Corporation or from John Henderson Macdonald and George Welsby Deakin or any subcontractor of their's any extraordinary expenses incurred by such authority in repairing such highway by reason of the damage caused by excessive weight passing along the same or extraordinary traffic thereon in consequence of works of the Corporation executed or to be executed under a contract dated the Eighteenth day of November One thousand nine hundred and ten and made between the said John Henderson Macdonald and George Welsby Deakin of the one part and the Corporation of the other part the Corporation shall after the commencement of this Order be invested with all the rights powers and remedies which such authority has or would but for this Order have had in respect of the recovery of the expenses incurred before or to be incurred after the commencement of this Order by reason of such damage and shall be entitled as against the said John Henderson Macdonald and George Welsby Deakin or any subcontractor of their's to the like indemnity in respect of all such last-mentioned expenses as they would have been entitled to if this Order had not been made and such last-mentioned expenses had been recovered from the Corporation.

Short title.

Art. XXXIII. This Order may be cited as the Burnley (Extension) Order 1911.

[1 & 2 GEO. 5.] *Local Government Board's* [Ch. cxliv.]
Provisional Orders Confirmation (No. 5) Act, 1911.

The SCHEDULE above referred to.

A.D. 1911.

*Burnley
Order.*

PART I.—LOCAL ACTS.

Session and Chapter.	Title or Short Title.
34 & 35 Vict. c. cliv. -	The Burnley Borough Improvement Act 1871.
46 & 47 Vict. c. lxxvii. -	The Burnley Borough Improvement Act 1883.
52 & 53 Vict. c. lv. -	The Burnley Corporation Act 1889.
61 & 62 Vict. c. excii. -	The Burnley Corporation (Tramways &c.) Act 1898.
63 & 64 Vict. c. cxlix. -	The Burnley Corporation Act 1900.
7 Edw. 7. c. xxv. -	The Burnley Corporation Act 1907.
8 Edw. 7. c. lxxxix. -	The Burnley Corporation Act 1908.

PART II.—CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order thereby confirmed.
41 & 42 Vict. c. cix.	The Local Government Board's Provisional Orders Confirmation (Belper Union &c.) Act 1878.	The Burnley Order 1878.
42 & 43 Vict. c. cv.	The Local Government Board's Provisional Orders Confirmation (Aspull &c.) Act 1879.	The Burnley Order 1879.
46 & 47 Vict. c. cxxxvi.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883.	The Burnley Order 1883.
47 & 48 Vict. c. ccxiv.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1884.	The Burnley Order 1884.
48 & 49 Vict. c. cvi.	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1885.	The Burnley Order 1885.
50 & 51 Vict. c. cxii.	The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1887.	The Burnley Order 1887.
53 & 54 Vict. c. clxxxvii.	The Electric Lighting Orders Confirmation (No. 2) Act 1890.	The Burnley Electric Lighting Order 1890.

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Provisional Orders Confirmation (No. 5) Act, 1911.

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PART II.—CONFIRMATION ACTS—*continued.*

*Burnley
Order.*

Session and Chapter.	Short Title.	Order thereby confirmed.
53 & 54 Vict. c. clxxix.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1890.	The Burnley Order 1890.
56 & 57 Vict. c. cxvii.	The Local Government Board's Provisional Orders Confirmation (No. 9) Act 1893.	The Order dated the 19th day of April 1893 and relating to the Borough of Burnley.
57 Vict. c. xxii.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1894.	The Burnley Order 1894.
57 & 58 Vict. c. cxxiii.	The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1894.	The Burnley Order (No. 2) 1894.
59 & 60 Vict. c. cxi.	The Local Government Board's Provisional Orders Confirmation (No. 19) Act 1896.	The Burnley Order 1896.
60 & 61 Vict. c. lxx.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1897.	The Burnley Order 1897.
2 Edw. 7. c. lxxx.	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1902.	The Burnley Order 1902.
10 Edw. 7 & 1 Geo. 5. c. lxxx.	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1910.	The Burnley Order (No. 1) 1910.
10 Edw. 7 & 1 Geo. 5. c. lxxx.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1910.	The Burnley Order (No. 2) 1910.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

BOROUGH OF BURY.

A.D. 1911.

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

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

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

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

To the County Council of the County Palatine of Lancaster ; —

To the Urban District Council of Radcliffe ; —

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

To the Overseers of the Poor of the Townships of Bury and Radcliffe ; —

To the Bury and District Joint Hospital Board ; —

And to all others whom it may concern.

WHEREAS by Section 54 of the Local Government Act 1888 the Local Government Board are empowered to make a Provisional Order for altering the boundary of any Borough ;

51 & 52 Vict.
c. 41.

And whereas the Borough of Bury is a County Borough within the meaning of the Local Government Act 1888 and is for the purposes of that Act situate in the County Palatine of Lancaster and the inhabitants are a body corporate by the name of the Mayor Aldermen and Burgesses of the Borough of Bury and act by the Council of the said Borough which now consists of the Mayor (who is also a Councillor) ten Aldermen and twenty-nine other Councillors and the said Borough is for the purposes of the election of Councillors divided into five wards one of which is known as the Redvales Ward ;

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

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

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

2 Edw. 7.
c. 42.

And whereas the unrepealed provisions of the Bury Corporation Act 1909 are in force in the said Borough ;

9 Edw. 7.
c. clix.

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A.D. 1911. And whereas the Urban Sanitary Authority of the said Borough
Bury Order. have adopted the provisions of—

53 & 54 Vict.
c. 34.

(A) The Infectious Disease (Prevention) Act 1890;

53 & 54 Vict.
c. 59.

(B) The Public Health Acts Amendment Act 1890; and

7 Edw. 7.
c. 40.

(C) The Notification of Births Act 1907;

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

9 & 10 Vict. c. 74.
10 & 11 Vict. c. 61.
41 & 42 Vict. c. 14.
45 & 46 Vict. c. 30.
59 & 60 Vict. c. 59.
62 & 63 Vict. c. 29.
55 & 56 Vict. c. 53.
56 Vict. c. 11.
1 Edw. 7. c. 19.

And whereas the Baths and Washhouses Acts 1846 to 1899 and the Public Libraries Acts 1892 to 1901 are in force in the said Borough;

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

And whereas the Burial Acts 1852 to 1906 are in force in the said Borough;

And whereas the Urban District of Radcliffe in the County Palatine of Lancaster immediately adjoins the said Borough and is co-extensive with the Township of Radcliffe and is subject to the jurisdiction of the Urban District Council of Radcliffe and the said Urban District is for the purpose of the election of Urban District Councillors divided into four wards one of which is known as the Radcliffe Hall Ward and includes that part of the Urban District known as Warth Fold;

4 Edw. 7.
c. cxxvi.
58 & 59 Vict.
c. lxxvii.
63 & 64 Vict.
c. cxcix.

And whereas the unrepealed provisions of the Radcliffe Tramways and Improvement Act 1904 of the Electric Lighting Orders Confirmation (No. 2) Act 1895 so far as that Act relates to the Radcliffe Electric Lighting Order 1895 and of the Tramways Orders Confirmation (No. 2) Act 1900 so far as that Act relates to the Radcliffe Urban District Council Tramways Order 1900 are in force in the Urban District of Radcliffe;

And whereas the Urban District Council of Radcliffe have adopted the provisions of the Infectious Disease (Prevention) Act 1890 and the provisions of Part III. of the Public Health Acts Amendment Act 1890 and those provisions are accordingly in force in the Urban District of Radcliffe;

And whereas the Baths and Washhouses Acts 1846 to 1899 and the Public Libraries Acts 1892 to 1901 are in force in the Urban District of Radcliffe;

And whereas the Township of Bury is included in the Bury Union and is for the purpose of the election of guardians divided into five wards which are co-extensive with and bear the same names as the municipal wards and two guardians are elected for each ward;

And whereas the Township of Radcliffe is included in the Bury Union and is for the purpose of the election of guardians divided into four wards which are co-extensive with and bear the same names as

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the wards into which the Urban District of Radcliffe is divided for the purpose of the election of Urban District Councillors and one guardian is elected for each ward; A.D. 1911.

Bury Order.

And whereas in pursuance of the Education Act 1902 the Urban District Council of Radcliffe are the local education authority within their district for the purposes of Part III. of that Act and for the other purposes of that Act the County Council of the County Palatine of Lancaster are the local education authority within that district;

And whereas by virtue of the Bury and District Joint Hospital Order 1903 which was duly confirmed by Parliament the Borough of Bury and the Urban District of Radcliffe are Constituent Districts of the Bury and District Joint Hospital District formed in pursuance of that Order;

And whereas that part of the Urban District of Radcliffe known as Warth Fold is included in the Radcliffe Electoral Division of the County Palatine of Lancaster:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 54 and 59 of the Local Government Act 1888 and by any other enactments in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:— 51 & 52 Vict.
c. 41.

Art. I. In this Order—

Definitions.

- (1) The expression "the commencement of this Order" means the Ninth day of November One thousand nine hundred and eleven;
- (2) The expression "the existing Borough" means the Borough of Bury as it existed immediately prior to the commencement of this Order;
- (3) The expression "the Borough" means the existing Borough as extended by this Order;
- (4) The expression "the Corporation" means as the context requires the Mayor Aldermen and Burgesses of the existing Borough or of the Borough acting by the Council;
- (5) The expressions "the County" and "the County Council" mean respectively the County Palatine of Lancaster and the County Council of that County;
- (6) The expressions "the Radcliffe District" and "the Radcliffe Council" mean respectively the Urban District of Radcliffe and the Urban District Council of that district;

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(7) The expression "the maps" means the two maps each marked "Map showing the area included in the Borough of Bury by the Bury (Extension) Order 1911" and sealed with the official seal of the Local Government Board;

(8) The expression "the added area" means that part of the Radcliffe District which is added to the existing Borough by this Order and which is known as Warth Fold and is coloured pink on the maps;

(9) The expressions "the existing Township of Bury" and "the existing Township of Radcliffe" mean in each case the Township as it existed immediately prior to the commencement of this Order and the expressions "the Township of Bury" and "the Township of Radcliffe" mean in each case the Township as altered by this Order;

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

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

(12) The expression "the Burial Acts" means the Burial Acts 1852 to 1906.

Commence-
ment of
Order.

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

Date of
operation
of Order for
parish bur-
gess lists &c.
51 Vict. c. 10.

Provided that for the purposes of the parish burgess lists and burgess roll and other lists to be made for the Borough under the Municipal Corporations Acts of the lists of county electors and the county register to be made for the County in pursuance of the County Electors Act 1888 or any Act amending that Act of the lists and registers of parochial electors and any other lists or registers to be made in pursuance of the Act of 1894 and of all proceedings preliminary or relating to any municipal election to be held on the ordinary day of election in the year One thousand nine hundred and

[1 & 2 GEO. 5.] *Local Government Board's* [Ch. cxliv.]
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eleven and of the revision of the basis or standard of the county rate this Order shall operate from the date of the Act of Parliament confirming this Order :

A.D. 1911.

Bury Order.

Provided also that for the purposes of Sections 20 22 23 24 and 26 of the Act of 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 as amended by Section 17 of the Finance Act 1907 Section 6 of the Finance Act 1908 Section 88 of the Finance (1909-10) Act 1910 or any subsequent Act and as affected by any Order in Council made under Section 6 of the Finance Act 1908 the Borough shall be deemed not to have been altered and the added area shall be deemed to continue part of the County until after the Thirty-first day of March One thousand nine hundred and twelve.

Date of operation for purposes of certain grants and Local Taxation Licences.
53 & 54 Vict. c. 60.
7 Edw. 7. c. 13.
8 Edw. 7. c. 16.
10 Edw. 7. c. 8.

Art. III.—(1) The boundary of the existing Borough shall be altered so as to include in addition to the area of the existing Borough so much of the Radcliffe District as comprises the added area.

Extension of Borough.

(2) The added area shall for the purposes of the Municipal Corporations Acts and for all other purposes be included in the Borough and shall for the purposes of the Act of 1888 be included in the County Borough.

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 existing Borough at his office within fourteen days after the date of this Order Copies of the map deposited with the town clerk certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the clerk of the County Council to the Clerk to the Radcliffe Council to the Board of Inland Revenue to the Postmaster-General to the Registrar-General to the Board of Trade and to the Board of Agriculture and Fisheries.

Deposit of maps.

(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 *prima facie* evidence of the contents of the map so far as it relates to the boundaries of the added area and the map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the Borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation All fees so received shall be carried to the credit of the Borough fund.

Copies of map to be evidence

[Ch. cxliv.] *Local Government Board's* [1 & 2 GEO. 5.]
Provisional Orders Confirmation (No. 5) Act, 1911.

A.D. 1911.

Bury Order.
Powers and
duties of
justices &c.
extended.

Art. V. The powers and duties of the justices of the peace appointed for the existing Borough and of the clerk to those justices shall extend to and apply throughout the Borough:

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

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

Parish bur-
gess lists &c.

Art. VI.—(1) For the purposes of the parish burgess lists and burgess roll and the other lists to be made under the Municipal Corporations Acts and of all matters connected with incidental to or consequent upon those purposes the added area shall be deemed to have always been part of the Borough.

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

(3) Where any difficulty arising in the year One thousand nine hundred and eleven in giving effect to the provisions of this Order can be obviated or removed by any alteration in or re-arrangement of or any other action affecting the said lists roll and registers that alteration re-arrangement or action so far as the same may be necessary for giving effect to the said provisions shall be made or taken by the town clerk of the existing Borough or the clerk of the County Council as the case may require and the Overseers of the Poor shall render such assistance as may be requisite for the purpose of the said alteration re-arrangement or action by the town clerk or clerk of the County Council as the case may be and that alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to the said lists roll and registers.

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

[1 & 2 GEO. 5.] *Local Government Board's* [Ch. cxliv.]
Provisional Orders Confirmation (No. 5) Act, 1911.

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

A.D. 1911.
Bury Order.
Division into
wards.

- (1) For the purposes of the election of Councillors the Borough shall continue to be divided into five wards:
- (2) The added area shall be included in the Redvales Ward of the Borough:
- (3) The Councillors representing the Redvales Ward who will not go out of office on the First day of November One thousand nine hundred and eleven shall be deemed from and after the commencement of this Order to represent that ward as altered by this Article.

Art. VIII.—(1) The unrepealed provisions of the Bury Corporation Act 1909 and of any other Local Act (including any Local Act passed or to be passed during the present Session of Parliament) or of any Provisional Order duly confirmed by Parliament and affecting the existing Borough or the Corporation as the same respectively are in force within the existing Borough at the commencement of this Order shall extend and apply to the Borough and any reference therein to the existing Borough and the Corporation shall be deemed to refer to the Borough and the Corporation thereof.

Local Acts
and Orders.

(2) The provisions of the Radcliffe Tramways and Improvement Act 1904 and the provisions of the Acts confirming the Radcliffe Electric Lighting Order 1895 and the Radcliffe Urban District Council Tramways Order 1900 so far as they relate to those Orders shall cease to be in force within or to apply to the added area.

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

Byelaws &c.

- (1) All byelaws and regulations and every list of tolls and table of fees and payments and scale of charges made by the Corporation which at the commencement of this Order are in force in the existing Borough shall thenceforth apply to the Borough until or except in so far as any such byelaws or regulations or list of tolls or table of fees and payments or scale of charges are altered or repealed:
- (2) All byelaws and regulations made by the County Council or the Radcliffe Council or their predecessors and in force immediately before the commencement of this Order in any part of the added area shall on that date cease to be in force except as regards any work which has been begun before that date or as regards any work which has not been so begun but for which plans have been

[Ch. cxliv.] *Local Government Board's* [1 & 2 GEO. 5.]
Provisional Orders Confirmation (No. 5) Act, 1911.

A.D. 1911.

Bury Order.

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

*Education
byelaws.*

- (3) For the purposes and subject to the provisions of the Education Acts 1870 to 1910 any byelaws in force in the existing Borough immediately before the commencement of this Order shall from and after that date apply to the Borough until revoked or altered and from and after that date any byelaws then in force in the added area shall cease to be in force.

*Joint Hospi-
tal Board.*

Art. X. — (1) The Act confirming the Bury and District Joint Hospital Order 1903 so far as the said Act relates to that Order shall be adapted and modified so that in relation to the said Act and Order the following provisions shall take effect that is to say:—

(A) For references to the Borough of Bury and to the Urban District of Radcliffe there shall be substituted references to the Borough and the Urban District respectively as altered by this Order:

(B) Until the number of inhabitants in the Borough and the Radcliffe District as altered by this Order can be ascertained from the returns of the census taken on the Second day of April One thousand nine hundred and eleven subdivision (3) of Art. XIX. of the said Joint Hospital Order shall have effect as if the number according to the returns

[1 & 2 GEO. 5.] *Local Government Board's* [Ch. cxliv.]
Provisional Orders Confirmation (No. 5) Act, 1911.

of the census of 1901 of the inhabitants in the Borough A.D. 1911.
were increased by four hundred and as if the number
according to those returns of inhabitants in the Radcliffe *Bury Order.*
District were diminished by four hundred.

(2) References in the Bury and District Water (Transfer) Act 1900 *Bury and*
and the Bury and District Joint Water Board Act 1903 to the Borough *District*
of Bury and to the Urban District of Radcliffe shall be deemed to refer *Joint Water*
to the Borough and the Urban District respectively as altered by this *Board.*
Order.

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

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

Art. XII.—(1) Every clerk to justices and every officer or servant *Compensa-*
of or paid by the County Council or of or paid by the Standing *tion to exist-*
Joint Committee of the County and every other officer or servant who *ing officers.*
by virtue of this Order or of anything done in pursuance or in
consequence thereof suffers any direct pecuniary loss by abolition of
office or by diminution or loss of fees or salary and for whose com-
pensation no other provision is made by any enactment for the time
being in force and applicable to his case shall be entitled to have
compensation paid to him by the Corporation for that pecuniary loss
and in determining the said compensation regard shall be had to
the conditions and other circumstances required by subsection (1) of
Section 120 of the Act of 1888 to be had in regard in cases of com-
pensation under that section and the compensation shall not exceed
the limit therein mentioned and shall be paid in the case of any
such officer or servant whose office or employment relates wholly or
partly to sanitary purposes as defined by the Public Health Act 1875
out of the general fund and general rate of the Borough and in
every other case out of the borough fund and borough rate of the
Borough and the provisions of subsections (2) to (7) of Section 120
of the Act of 1888 shall apply with the necessary modifications
Provided that the non-acceptance of any office shall not be a bar to
the right of any officer to compensation.

(2) For the purposes of subdivision (1) of this Article any clerk
to justices or officer or servant to whom that subdivision applies and
whose services are dispensed with or whose salary is reduced by the

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A.D. 1911. Secretary of State or the County Council or the Standing Joint Committee of the County or any other authority including the Corporation within five years from the commencement of this Order because his services are not required or his duties are diminished in consequence of this Order and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Order.

Bury Order.

Actions &c.
not to abate.

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

Saving for
contracts &c.

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

Corporation
property &c.

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

Property &c.
of Radcliffe
Council.

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

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

A.D. 1911.

- (2) The Radcliffe Council shall cease to exercise any powers or have any duties within any part of the added area : *Bury Order.*
Cesser of jurisdiction of Radcliffe Council.
- (3) All arrears of rates made by the Radcliffe Council and all other payments which at the commencement of this Order are due or owing to that Council in respect of hereditaments in the added area may be collected and recovered by the Corporation : *Arrears of rates &c.*
- (4) Any balance in the hands of the Overseers of the Township of Radcliffe at the commencement of this Order and any sum collected by them after the commencement of this Order in respect of any rate made before that date and levied upon any rateable hereditament in the added area shall be a matter for adjustment under Section 62 of the Act of 1888 : *Adjustment of balances.*
- (5) For the purposes of the application of Section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Order that section shall have effect as if in subsections (5) (6) and (7) thereof the expression "Council" included any authority affected by this Order or by anything done in pursuance of this Order and as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Local Government Board may sanction : *Adaptation of provisions as to adjustment.*
- (6) For the purposes of the application of Section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Order so far as it relates to the amalgamation of the added area with the existing Township of Bury that section shall have effect—
- (A) As if the Overseers of the Townships of Bury and Radcliffe were within the meaning of the said section as applied by this Article authorities affected by this Order; and
- (B) As if the poor rate or any other rate leviable in pursuance of the said section as applied by this

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A.D. 1911.

Bury Order.

Article were substituted for any fund mentioned in the section ; and

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

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

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

*Mortgage
 debts of Cor-
 poration.*

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

*Adoptive
 Acts.*

Art. XVII. The provisions of the Baths and Washhouses Acts 1846 to 1899 the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 the Public Libraries Acts 1892 to 1901 and the Notification of Births Act 1907 shall be in force in and apply to the Borough as if the same had been adopted therein.

*Powers under
 Section 33 of
 Act of 1894.*

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

(1) The provisions of any order heretofore made by the Local Government Board and conferring upon the Council of the

[1 & 2 GEO. 5.] *Local Government Board's* [Ch. cxliv.]
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existing Borough any of the matters mentioned in Section 33 of the Act of 1894 and in that order shall be deemed to have effect as if any reference in those provisions to a parish or township wholly comprised within the existing Borough extended and applied to a parish or township wholly comprised within the Borough:

A.D. 1911.
Bury Order.

(2) The orders made by the Local Government Board in pursuance of Section 33 of the Act of 1894 dated respectively the Twenty-seventh day of January One thousand eight hundred and ninety-eight and the Thirtieth day of January One thousand nine hundred and one and conferring upon the Radcliffe Council the powers duties and liabilities in the orders mentioned shall be deemed to have effect as if any reference in those orders to the Radcliffe District applied to that District as altered by this order and any reference to the existing Township of Radcliffe applied to the Township of Radcliffe:

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

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

Art. XIX. Any managers of a Public Elementary School in the added area who were appointed by the Radcliffe Council shall vacate office at the commencement of this Order.

School
managers.

Art. XX. Subject to the provisions of Section 110 of the Bury Corporation Act 1909 as extended to the Borough by Article VIII. of this Order the Burial Acts as the same are in force in the existing Borough shall be in force in the Borough.

Burial Acts.

Art. XXI.—(1) In any case where the extension of the existing Borough by this Order affects the distribution of the proceeds of the local taxation licences or of the estate duty grant or of the Local Taxation (Customs and Excise) duties between the County and the Borough or between the County and the Borough on the one hand and any other County Borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution or financial relations

Adjustment
of financial
relations
between
Counties
and County
Boroughs.

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A.D. 1911. or questions equitable adjustments may be made between the areas
Bury Order. interested :

For the purposes of this subdivision or of anything done or to be done in pursuance of this subdivision any reference in the said subdivision to the proceeds of licences or duties shall include a reference to the sums which in pursuance of subsection (4) of Section 17 of the Finance Act 1907 as amended by Section 6 of the Finance Act 1908 and Section 88 of the Finance (1909-10) Act 1910 have been paid or will be payable in lieu of those proceeds.

(2) Any such adjustment as is authorised by subdivision (1) of this Article may be made by agreement between the Councils of the Borough the County and the County Boroughs affected and if such adjustment has not been made before the Thirtieth day of September One thousand nine hundred and twelve then on the application of any of the Councils interested the Local Government Board may if they think fit either make the adjustment themselves or appoint an arbitrator to make it.

(3) For the purposes of the said adjustments the provisions of the Act of 1888 relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Local Government Board or an arbitrator appointed by them as the case may be shall be substituted in those provisions for the Commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Order or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Local Government Board be deemed to be made by them otherwise than as arbitrators and any arbitrator appointed by them shall be deemed to be an arbitrator within the meaning of Section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

Provided—

(A) that in lieu of subsection (6) of Section 61 of the Act of 1888 subsections (1) and (5) of Section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Local Government Board under this Article and to the costs of those inquiries; and

(B) that subsection (6) of Section 32 of the Act of 1888 shall apply to any agreement or award made under this Article.

Adjustment
for purposes
of Licensing

(4)—(A) An equitable adjustment shall be made between the County and the Borough respecting the interest of the added area in

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any compensation fund constituted under Section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

A.D. 1911:

Bury Order
 (Consolidation) Act
 1910.

(b) Such adjustment shall be made by agreement between the Compensation Authority (as defined by the Licensing (Consolidation) Act 1910) for the County and 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.

(c) 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 of 1888 and the provisions of that Act shall apply accordingly.

Art. XXII. Subject to the provisions of Section 54 of the Act of 1888—

County
 Councillors
 and Electoral
 Divisions.

(1) The Radcliffe Electoral Division as diminished by the inclusion in the Borough of the added area shall continue to be an Electoral Division of the County and the person who immediately prior to the commencement of this Order is the County Councillor representing that division shall be deemed from and after that date to represent the division as so diminished:

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

Art. XXIII. The added area shall be separated from the existing Township of Radcliffe and shall be amalgamated with the existing Township of Bury.

Alteration of
 parishes.

Art. XXIV. Subject to the provisions of Section 60 of the Act of 1894 the following provisions shall have effect:—

Guardians.

(1) For the purposes of the election of Guardians the Township of Bury shall continue to be divided into five wards:

(2) The added area shall be included in the Redvales Ward of the Township of Bury and the persons who at the commencement of this Order are the Guardians elected for the existing Redvales Ward shall be deemed to have been elected for that ward as altered by this Order and shall represent the altered ward until the date on which they would have retired if this Order had not been made as if they had originally been elected to represent the ward as so altered:

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A.D. 1911.
Bury Order.

(3) The person who at the commencement of this Order is the Guardian elected for the Radcliffe Hall Ward of the existing Township of Radcliffe shall be deemed to have been elected for that ward as altered by this Order and shall represent the altered ward until the date on which he would have retired if this Order had not been made as if he had originally been elected to represent the ward as so altered.

Urban Dis-
trict Coun-
cillors.

Art. XXV. Subject to the provisions of Section 57 of the Act of 1888 the persons who at the commencement of this Order are holding the office of Urban District Councillor for the Radcliffe Hall Ward of the existing Township of Radcliffe shall be deemed to have been elected for that ward as altered by this Order and shall represent the altered ward until the date on which they would have retired if this Order had not been made as if they had originally been elected to represent the ward as so altered.

Ecclesiastical
divisions and
charities.

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

Valuation
lists.

Art. XXVII. Until new valuation lists are in force the portion of the valuation list of the existing Township of Radcliffe which relates to hereditaments in the added area shall be deemed to form part of the valuation list of the Township of Bury and the remaining portion of the valuation list of the existing Township of Radcliffe shall be deemed to be the valuation list of the Township of Radcliffe.

County rate
basis.

Art. XXVIII.—(1) Subject to any future revision the basis or standard of the county rate for the County shall be deemed to be altered by the deduction from the amount appearing therein as the total annual value of the property in the existing Township of Radcliffe of such a sum as will represent the annual value of the property in the added area.

(2) For the purposes of this Article the sum which will represent the annual value of the property in the added area shall be the amount which in relation to the amount appearing in the basis or standard of the county rate as the total annual value of the existing Township of Radcliffe is in the proportion which the assessable value of the property in the added area bears to the total assessable value of property in the existing Township.

(3) For the purposes of this Article assessable value means one-half of the rateable value according to the valuation list for the time being in force of the agricultural land together with the rateable

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value according to that list of the buildings and other hereditaments not being agricultural land in the existing Township of Radcliffe or in the added area as the case may require.

A.D. 1911.
Bury Order.

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

Saving for existing lists of parliamentary voters &c.

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

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

Settlement and removal of the poor.

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

(i) in the existing Township of Bury; or

(ii) in the added area; or

(iii) in that part of the existing Township of Radcliffe which by virtue of this Order will form the Township of Radcliffe

shall be deemed to have acquired or to be in the course of acquiring in the first and second cases a settlement in the Township of Bury and in the third case a settlement in the Township of Radcliffe and in each case as if the existing township or the added area or the specified part of the existing township were and had always been the township or a part of the township in which by virtue of this Article the person shall be deemed to have acquired or to be in the course of acquiring a settlement:

[Ch. cxliv.] *Local Government Board's* [1 & 2 GEO. 5.]
Provisional Orders Confirmation (No. 5) Act, 1911.

A.D. 1911.
Bury Order.

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

(i) in the existing Township of Bury; or

(ii) in the added area; or

(iii) in that part of the existing Township of Radcliffe which by virtue of this Order will form the Township of Radcliffe

shall be deemed to have acquired or to be in the course of acquiring the like status by reason of residence in the first and second cases in the Township of Bury and in the third case in the Township of Radcliffe.

Saving for
contribution
orders.

Art. XXXI. Notwithstanding the alteration in the areas of the townships effected by this Order all contribution orders made by the Guardians of the Poor of the Bury Union before the commencement of this Order shall be as valid in law as if this Order had not been made.

Arrears of
rates.

Art. XXXII. All sums in respect of rates made by the Overseers of the Poor of the existing Township of Radcliffe and due or owing at the commencement of this Order in respect of hereditaments in the added area shall be collected and recovered by the Overseers of the Poor of the Township of Radcliffe as if this Order had not been made.

Short title.

Art. XXXIII. This Order may be cited as the Bury (Extension) Order 1911.

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

(L.S.)

JOHN BURNS President.

H. C. MONRO Secretary.

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