

**CHAPTER li.**

An Act to amend and partially repeal the Pontefract Borough Extension Act 1875 to consolidate and to make further provision in regard to the rates levied in the borough of Pontefract and for other purposes.

A.D. 1926.

[15th July 1926.]

WHEREAS by the Pontefract Borough Extension Act 1875 the boundaries of the borough of Pontefract in the west riding of Yorkshire were extended so as to comprise in addition to the then existing borough the several townships districts and other places of Tanshelf Monkhill Pontefract Park Pontefract Park District Castle Precincts and two detached portions of the township of Pontefract:

And whereas it was recited in the preamble to the Act of 1875 that under an Act passed in the twentieth year of the reign of King George III. intituled "An Act for dividing the Park of Pontefract in the county of York and for other purposes therein mentioned" (in this Act called "the Act of 1780") some of the lands within the townships districts or places of Pontefract Park and Pontefract Park District had not been liable to the rates therein referred to and that other lands therein had only been partly liable to such rates and that it was therefore just and equitable that some deduction should be made in the amount to which the same should be rated under the powers of the Act of

A.D. 1926. 1875 and by section 15 of that Act it was accordingly provided as follows :—

Occupiers of any lands lying within the townships districts or places of Pontefract Park or Pontefract Park District and used as arable meadow or pasture ground only and any buildings (not being dwelling-houses) on any such lands and used for agricultural purposes only and occupiers of any land lying within the added part of the borough and used as railways tramways or railway sidings only shall be assessed in respect of the same to the rates to be made within the said borough whether borough rates highway rates sanitary rates cemetery rates or any other rates which are or shall be leviable by the Corporation in the proportion of one fourth part only of the net annual value of such lands and the occupiers or persons rated in respect of any coal mines or any buildings or works connected therewith (except dwelling-houses) within the said districts townships or places of Pontefract Park and Pontefract Park District shall be assessed in respect of the same in the proportion of one third part only of the net annual value thereof to the several rates aforesaid :

And whereas by the Pontefract (Union of Townships) Order 1920 the townships of Pontefract Pontefract Park District and Tanshelf being all the parishes comprised in the borough were united under the name of the township of Pontefract :

And whereas since 1875 many changes have taken place in the borough and in the local government thereof and the duties now performed by the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation") the cost of which is defrayed out of the rates levied by them are far greater than the duties performed by them at that time :

And whereas in order that the rates levied by the Corporation may be levied throughout the borough on a fair and equitable basis and in accordance with the principles of the general law it is expedient to repeal section 15 of the Act of 1875 and to amend the Act of 1780 :

And whereas certain of the lands referred to in section 15 of the Act of 1875 are vested in His Majesty the King in right of His Duchy of Lancaster and it is expedient to make provision for the payment by the Corporation to the said duchy of the sum mentioned in this Act :

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—

And whereas it is expedient to provide for the consolidation of the rates levied in the area of the borough :

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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

1. This Act may be cited as the Pontefract Corporation Act 1926 and shall come into operation on the first day of April nineteen hundred and twenty-seven.

Short title
and com-
mencement.

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

Interpreta-
tion.

(a) " The Corporation " means the mayor aldermen and burgesses of the borough of Pontefract ;

(b) " The borough " means the borough of Pontefract ;

(c) " The borough fund " " the borough rate " " the district fund " and " the general district rate " mean respectively the borough fund the borough rate the district fund and the general district rate of the borough ;

(d) " The township " means the township of Pontefract ;

(e) " The overseers " means the overseers of the township ;

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- (f) "Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;
- (g) "Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- (h) "Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;
- (i) "The Act of 1875" means the Pontefract Borough Extension Act 1875;
- (j) "The Act of 1925" means the Rating and Valuation Act 1925;
- (k) "The date of the first new valuation" means the date on which the first new valuation list made under Part II. of the Act of 1925 comes into force.

3. Section 15 of the Act of 1875 and any provision contained in the Act of 1780 under which any lands or premises now situate in the borough are rendered not liable in whole or in part to any rate levied in the borough or in the township are hereby repealed.

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Repeal of
section 15
of Act
of 1875.

4.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund or general district rate shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

All expenses
of Corpora-
tion to be
paid out of
borough
fund.

(2) The district fund shall be closed and any balance which at the commencement of this Act is standing to the credit or to the debit of the district fund or the general district rate respectively shall on that date be transferred to the credit or the debit (as the case may be) of the borough fund but any moneys owing to the Corporation in respect of or in connection with the district fund or the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

(3) The Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

5. The contribution of the township to the borough rate shall be paid out of the poor rate and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall (subject to the provisions of this Act) apply to the said contribution.

Contribu-
tion to
borough
rate to be
paid out of
poor rate.

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Poor rate
to be called
general
rate.

6. The poor rate (inclusive of the contributions to the borough fund levied as part thereof in pursuance of the provisions of this Act) shall be called "the general rate" but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Rating of
collieries in
added
area.

7. The occupiers or persons rated in respect of any coal mines or any buildings or works connected therewith (except dwelling-houses) within the districts townships or places of Pontefract Park and Pontefract Park District referred to in section 15 of the Act of 1875 shall be assessed to the general rate in respect of such hereditaments on the full rateable value thereof but shall be liable to pay in each year prior to the first day of April nineteen hundred and forty-seven in respect of such hereditaments a rate calculated on the basis of a percentage which is stated in respect of such year in the schedule to this Act of the amount in the pound of the rate payable in respect of hereditaments not entitled to relief from rating.

Relief in
respect of
tithes
canals
railways
&c.

8. The provisions contained in this section shall have effect within the borough with respect to the several classes of hereditaments hereinafter mentioned:—

(1) In respect of any period before the date of the first new valuation the rateable value of the following classes of hereditaments namely:—

- (a) tithes;
- (b) tithe commutation rentcharge;
- (c) land used as woodlands;
- (d) land covered with water;
- (e) land used only as a canal or towing-path for the same

shall subject to subsection (4) of this section be taken to be the amount produced by deducting twenty-eight per centum from the rateable value appearing in the valuation list:

(2) In respect of any period before the date of the first new valuation the rateable value of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance shall be taken to be the amount produced by deducting thirty-five per centum

from the rateable value appearing in the valuation list: A.D. 1926.

- (3) For the purpose of paragraph (3) of Part II. of the Second Schedule to the Act of 1925 this Act shall be deemed to be a local Act passed before the commencement of the Act of 1925 and for the purpose of paragraph (3) (b) in column 2 of the said Part II. the percentage of the net annual value which corresponds with the percentage of the relief from rating given by this Act shall be deemed to be—

(a) in the case of the hereditaments mentioned in subsection (1) of this section twenty-eight per centum;

(b) in the case of the hereditaments mentioned in subsection (2) of this section thirty-five per centum:

- (4) Notwithstanding anything in subsection (8) of section 2 or subsection (2) of section 69 of the Act of 1925 during the continuance of the Tithe Rentcharge (Rates) Act 1899 such last-mentioned Act shall subject to the provisions of the Tithe Act 1925 have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say):—

“ The owner of tithe rentcharge attached to a benefice shall be liable to pay only—

(a) in respect of any period before the date of the first new valuation fifty-five per centum of the amount assessed upon him as owner of that tithe rentcharge in respect of any general rate made in accordance with the provisions of the Pontefract Corporation Act 1926; and

(b) as from the date of the first new valuation fifty-five per centum of the amount assessed upon him as owner of that tithe rentcharge in respect of any general rate (including any additional item thereof) made in accordance with the provisions of the Rating and Valuation Act 1925;

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and the remaining forty-five per centum thereof shall on demand being made by the collector of the rate on the inspector of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue and deducted from the moneys payable to the local taxation account.”

(5) Nothing in this section shall in any way affect—

(a) the share of the annual grant payable under the Agricultural Rates Act 1896 to any spending authority or save as expressly provided in this Act the operation of that Act; or

(b) the operation of the Agricultural Rates Act 1923 or the power of the Minister of Health to estimate as respects each half-year after the commencement of this Act the amount of the deficiency which would have arisen by reason of section 1 of that Act if this Act had not been passed in the produce of any rate for the purpose of the issue from the local taxation account of the share of any spending authority in the additional annual grant under the Agricultural Rates Act 1923; or

(c) the amount of the contribution for any purposes to be made by the township out of the poor rate; or

(d) subject as hereinafter mentioned the operation of the Tithe Act 1925 :

Provided that for the purposes of subsection (3) of section 7 and subsection (2) of section 14 of that Act this Act shall be deemed to be a local Act modifying the Tithe Rentcharge (Rates) Act 1899 :

(6) The Corporation shall for the purpose of the estimate to be made by the Minister of Health under section 3 of the Agricultural Rates Act 1923 prepare and transmit to him before the thirty-first day of March nineteen hundred and twenty-seven such a return as they might

have been required by him to prepare and transmit under paragraph 5 of Part III. of the Second Schedule to the Act of 1925 if this Act had not been passed. A.D. 1926.

9.—(1) (a) Any water rate or charge payable to the Corporation in respect of premises within the borough may be collected together with the general rate and the same books may be used for the said rate or charge and the general rate. Water rate may be collected with general rate.

(b) The general rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the general rate and the water rate or charge shall be in such form as the Minister of Health may from time to time prescribe.

(2) The Corporation may demand all water rates and charges payable to them by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

10.—(1) Notwithstanding anything contained in any Act or Order on or after the thirty-first day of March nineteen hundred and twenty-seven the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received— Consolidated loans fund.

(a) all moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of statutory borrowing powers;

(b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

(c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

A.D. 1926. — And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received (except of such moneys as have been borrowed from the Public Works Loan Commissioners) and of all sums provided by the Corporation as aforesaid before the date as from which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(a) In the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation; or

(b) In the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

11. The purposes to which the borough fund is applicable shall include the provision of a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of their powers and duties the cost of which is charged on the borough fund or after the date of the first new valuation the general rate fund of the borough and the Corporation may (in estimating the amount sufficient for those purposes and in ordering the borough rate to be made) include such a sum as they may consider to be necessary for the provision of such working balance.

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Borough
rate may
include
working
balance.

12.—(1) This Act shall be deemed to be a local Act within the meaning of sections 2 22 and 66 of the Act of 1925 and an Act within the meaning of subsection (1) of section 10 and section 69 of the Act of 1925.

Application
of Rating
and
Valuation
Act 1925.

(2) Paragraph (b) of subsection (3) and subsection (7) of section 2 and sections 5 55 and 59 of the Act of 1925 shall be deemed to be incorporated with and to form part of this Act and the said section 59 shall extend not only to demand notes for the general rate under this Act but also to demand notes for any charges for the supply of water or gas.

(3) Paragraphs (c) and (d) of subsection (2) of section 9 of the Act of 1925 shall apply as though the reliefs given by this Act were reliefs given by Part II. of the Second Schedule to the Act of 1925.

13. The Corporation shall on demand pay the sum of two thousand pounds into the hands of the receiver general of the revenues of the Duchy of Lancaster on behalf of the chancellor and council of the said duchy.

Payment to
the Duchy
of Lan-
caster.

14.—(1) The Corporation may in addition to any moneys they are now authorised to borrow borrow at interest on the security of the borough fund and the borough rate—

Power to
borrow.

(a) the sum of two thousand pounds to be paid under the section of this Act whereof the marginal note is "Payment to the Duchy of Lancaster";

(b) the sum required for paying the costs charges and expenses of this Act;

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and the Corporation shall repay the money borrowed for the said purpose (a) within thirty years from the date of borrowing and the money borrowed for the said purpose (b) within five years from the commencement of this Act.

(2) Part XIII. (Finance) of the Pontefract Corporation Act 1906 shall with any necessary modifications extend and apply to the borrowing of money under this section and to the repayment thereof as if such borrowing had been authorised by that Act.

Costs of Act.

15. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of money to be borrowed for that purpose.

THE SCHEDULE.

Percentage of rate payable in respect of coal mines in certain added areas.

	Year.		Percentage.
Every year prior to 1st day of April 1937	-	-	61·6
The year ending on 31st day of March 1938	-	-	65·1
" " " "	1939	-	68·6
" " " "	1940	-	72·1
" " " "	1941	-	75·6
" " " "	1942	-	79·1
" " " "	1943	-	82·6
" " " "	1944	-	86·1
" " " "	1945	-	89·6
" " " "	1946	-	93·1
" " " "	1947	-	96·6

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