



CHAPTER ix.

An Act to confirm a Provisional Order of the Minister of Health relating to Gillingham. A.D. 1928.
[3rd August 1928.]

WHEREAS the Minister of Health has made the Provisional Order set forth in the Schedule hereto under the provisions of the Local Government Act 1888: 51 & 52 Vict. c. 41.

And whereas it is requisite that the said Order should be confirmed by Parliament:

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

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Gillingham Extension) Act 1928. Short title.

[Ch. lx.] *Ministry of Health* [18 & 19 GEO. 5.]
*Provisional Order Confirmation (Gillingham
Extension) Act, 1928.*

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SCHEDULE.

BOROUGH OF GILLINGHAM.

*Gillingham
(Kent)
Order.*

*Provisional Order made in pursuance of the Local
Government Act 1888 for the extension of a Borough.*

WHEREAS by virtue of section 54 of the Local Government Act 1888 the Minister of Health is empowered to make a Provisional Order for altering the boundary of any borough;

And whereas the existing Borough of Gillingham in the administrative county of Kent is a borough within the meaning of the Local Government Act 1888 and the inhabitants are a body corporate by the name of the mayor aldermen and burgesses of the Borough of Gillingham and act by the council of the Borough which now consists of the mayor (who is also a councillor) six aldermen and seventeen other councillors and the Borough for the election of councillors is divided into six wards;

And whereas the Borough is coextensive with the Parish of Gillingham and is an urban district under the jurisdiction of the mayor aldermen and burgesses acting by the council;

And whereas in pursuance of the Education Act 1921 the Council of the Borough are the local education authority for the purposes of elementary education;

And whereas the Parish of Rainham in the administrative county of Kent immediately adjoins the Borough of Gillingham and is a contributory place in the Rural District of Milton;

Now therefore the Minister of Health in pursuance of the powers given to him by sections 54 and 59 of the Local Government Act 1888 and of all other powers enabling him in that behalf hereby orders as follows:—

PART I.

INTERPRETATION AND COMMENCEMENT.

Definitions.

1. In this Order unless the context otherwise requires—
“Existing” means existing immediately before the First day of April Nineteen hundred and twenty-nine;

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- “ The Act of 1888 ” and “ the Act of 1894 ” mean respectively the Local Government Act 1888 and the Local Government Act 1894; A.D. 1928.
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- “ The added area ” means that portion of the Rural District which comprises the Parish of Rainham and is coloured blue on the maps;
- “ The appointed day ” means the First day of April Nineteen hundred and twenty-nine;
- “ The Borough ” means the existing Borough of Gillingham as extended by this Order;
- “ The Corporation ” means as the context requires the mayor aldermen and burgesses of the existing Borough or of the Borough acting by the Council;
- “ The County ” and “ the County Council ” mean respectively the administrative county of Kent and the county council of that county;
- “ The maps ” means the duplicate maps marked “ Map showing the area added to the Borough of Gillingham by the Gillingham (Extension) Order 1928 ” and sealed with the official seal of the Minister;
- “ The Minister ” means the Minister of Health;
- “ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the Borough Councillors (Alteration of Number) Act 1925;
- “ The Parish of Gillingham ” means that Parish as altered by this Order;
- “ The Representation of the People Acts ” means the Representation of the People Acts 1918 to 1926 as amended by any Act passed during the present Session of Parliament;
- “ The Rural District ” and “ the Rural Council ” mean respectively the Rural District of Milton and the Rural District Council of Milton.

2. Where the day on which anything by this Order required to be done falls on a Sunday that thing shall be done on the following day. Provision as to Sunday.

3. Save as otherwise expressly provided this Order shall come into operation on the First day of April Nineteen hundred and twenty-nine : Commence- ment of Order.

Provided that for the purposes of—

- (a) the increase of the number of wards of the Borough and of the Parish of Gillingham and all proceedings preliminary or relating to any election to be held

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in the year Nineteen hundred and twenty-nine for any area affected by this Order;

- (b) the compilation alteration or re-arrangement of any register of electors made under the Representation of the People Acts;
- (c) Part IV. of this Order relating to rating and valuation and the provisions in Part VI. of this Order as to the rating officer for Rainham;
- (d) the selection by the Rural Council of two councillors to become guardians of the Medway Union; and
- (e) the preparation of any precept or contribution order to be made on or after the appointed day;

this Order shall operate from the date of the Act of Parliament confirming this Order.

PART II.

ALTERATIONS OF BOUNDARY.

Extension of
Borough.

4.—(1) The boundary of the existing Borough shall be altered so as to include in addition to that area so much of the Rural District as comprises the Parish of Rainham and is coloured blue on the maps.

(2) The Borough of Gillingham as extended by this Order shall for the purposes of the Municipal Corporations Acts and for all other purposes be the Borough of Gillingham.

Alteration of
parishes.

5. The added area shall be separated from the Milton Union and shall be added to the existing Parish of Gillingham and the Medway Union.

Alteration
of petty
sessional
divisions.

6. The added area shall be separated from the Sittingbourne Petty Sessional Division and shall form part of the Petty Sessional Division of Aylesford North.

Deposit and
copies of
maps.

7.—(1) One of the maps shall be deposited in the office of the Minister and the duplicate map shall be deposited by the town clerk of the existing Borough at his office.

(2) Copies of the map deposited with the town clerk certified by him to be true shall be sent by him within one month after the passing of the Act of Parliament confirming this Order to the clerk to the County Council to the clerk to the Rural Council to the clerks to the Guardians of the Medway Union and the Milton Union to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners.

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8.—(1) 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 area by this Order added to the existing Borough.

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Copies of
 map to be
 evidence.

(2) The map deposited with the town clerk 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.

(3) All fees so received shall be carried to the general rate fund of the Borough.

PART III.

PROVISIONS CONSEQUENT ON EXTENSION OF BOROUGH.

9. The persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing Borough shall on the appointed day become the mayor aldermen and councillors of the Borough but shall respectively retire from office on the day on which they would have retired from office if this Order had not been made.

Existing
 mayor alder-
 men and
 councillors.

10. Subject to the provisions of the Municipal Corporations Acts—

New ward
 of Borough
 and increase
 of coun-
 cillors and
 aldermen.

(1) the added area shall form a new ward of the Borough to be called the No. 7 or Rainham Ward;

(2) three councillors shall be assigned to the No. 7 or Rainham Ward the number of councillors of the Borough shall be increased to twenty-one and the number of aldermen to seven.

11. For the purposes of the application to the Borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added area shall be deemed to have always formed part of the Borough.

County and
 Borough
 Councils
 (Qualification)
 Act 1914.

12.—(1) Upon the Twentieth day of March Nineteen hundred and twenty-nine there shall be held an election of three councillors for the No. 7 or Rainham Ward of the Borough constituted by this Order.

Election of
 councillors
 for No. 7 or
 Rainham
 Ward.

(2) The mayor and town clerk of the existing Borough or such other persons as the Secretary of State may appoint shall perform the duties devolving at an election upon a mayor and town clerk respectively under the Municipal Corporations Acts and the mayor shall be the returning officer at the election but may appoint some other person to act as returning officer.

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First
election of
additional
alderman.

(3) The councillors elected at the election shall come into office on the appointed day.

13.—(1) The first election of the additional alderman of the Borough shall take place at the first meeting of the council of the Borough held in April Nineteen hundred and twenty-nine and at the first election the additional alderman shall be chosen from among persons not being councillors of the Borough who have resided within the added area during the whole of the twelve months preceding the election.

(2) The council of the Borough shall at the same meeting assign an alderman to act until the quarterly meeting of the council in November following as returning officer at any election for the No. 7 or Rainham Ward.

Retirement
of coun-
cillors and
alderman
elected in
1929.

14.—(1) The councillors of the Borough elected at the first election for the No. 7 or Rainham Ward shall retire from office as follows :—

(a) The councillor who is elected by the smallest number of votes on the First day of November Nineteen hundred and thirty;

(b) The councillor who is elected by the largest number of votes on the First day of November Nineteen hundred and thirty-two;

(c) The remaining councillor on the First day of November Nineteen hundred and thirty-one.

(2) If for any reason it is doubtful which of the councillors elected in pursuance of this Order ought to retire from office on a day mentioned in this article the question shall be determined at the first or second meeting of the council of the Borough by lot conducted under the direction of the person presiding at that meeting.

(3) The additional alderman of the Borough elected in pursuance of this Order shall retire from office on the Ninth day of November Nineteen hundred and thirty-four.

Corporation
property
liabilities &c.

15. Subject to the provisions of this Order all property immediately before the appointed day vested in the Corporation for the benefit of the existing Borough (not being property held on any charitable trust) 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 immediately before that day are exercisable by or vested in the Corporation for the benefit of the existing Borough and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing Borough shall on that day attach to them in respect of the Borough.

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16.—(1) So much of any sums borrowed by the Corporation as immediately before the appointed day are owing and charged upon a fund or rate or the revenues of the existing Borough shall be charged upon the general rate fund or general rate of the Borough or upon the revenues of the Borough as the case may require.

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Mortgage
debts of
Corporation.

(2) All borrowed moneys to which this article applies with the interest thereon shall 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.

17.—(1) For the purpose of the election of county councillors the added area shall be transferred from the Milton No. 2 Electoral Division to the Medway No. 5 Electoral Division.

County
electoral
divisions.

(2) Any person who immediately before the appointed day represents as a county councillor an existing electoral division of the County which is altered by this Order shall be deemed to have been elected to represent the electoral division as so altered and shall retire from office on the day on which he would have retired if this Order had not been made.

18.—(1) For the purposes and subject to the provisions of the Education Act 1921—

Public
elementary
schools &c.
within added
area.

(a) Any public elementary school provided by the County Council as local education authority and situate within the added area and the furniture fittings books and apparatus belonging to the County Council of any public elementary school within that area shall by virtue of this Order be transferred to and vest in the Corporation as the local education authority for all the estate and interest therein of the County Council as the local education authority;

(b) All contracts debts and liabilities which immediately before the appointed day are existing or are owing by or attach to the County Council in respect exclusively of any public elementary school within the added area or of the furniture fittings books or apparatus or with respect to the officers and teachers of any such school within that area shall by virtue of this Order enure to and be carried into effect by and be discharged and satisfied by the Corporation as the local education authority;

(c) Section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this article;

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(d) Subject to any adjustment which may hereafter be made the liability for the repayment of so much of any loan raised exclusively in respect of any public elementary school or in respect of the furniture fittings or apparatus transferred to and vested in the Corporation by virtue of this Order as will be owing immediately before the appointed day and the liability for the payment of interest on that part of any such loan shall by virtue of this Order be transferred and attach to the Corporation as the local education authority and so much of any such loan as will then be owing shall be charged on the general rate fund and the general rate of the Borough and shall be repaid by the Corporation within the period for which that part of the loan was originally sanctioned or within which that part of the loan is otherwise required to be repaid or is made repayable.

(2) In this article "public elementary school" includes the site and school house and also any land acquired and held by the County Council as the local education authority for purposes of elementary education.

Education
managers.

19. Every manager of any public elementary school within the added area who was appointed by the County Council or by the Parish Council of Rainham shall vacate office on the appointed day.

Property &c.
of Rural
Council.

20. Subject to the provisions of this Order—

(1) Any property or liabilities which immediately before the appointed day are vested in or attach to the Rural Council in relation exclusively to the added area (or any part thereof) shall by virtue of this Order be transferred to and vest in the Corporation as the urban authority for the execution of the Public Health Acts 1875 to 1925:

(2) Any property or liabilities which immediately before the appointed day are vested in or attach to the Rural Council in relation to the added area (or any part thereof) conjointly with any other portion of the existing Rural District shall be a matter for adjustment under this Order.

Housing
Schemes of
Rural
Council.

21.—(1) Upon the appointed day the estate or interest of the Rural Council in such of the houses provided by that Council under the Rural Housing Schemes as are situate within the added area shall by virtue of this Order be transferred to and vest in the Corporation as the authority for the execution of the Housing Act 1925.

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(2) The rights liabilities obligations and property attaching to or vested in the Rural Council in relation to the Rural Housing Schemes shall be a matter for adjustment under this Order.

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(3) In this article "the Rural Housing Schemes" means the housing schemes of the Rural Council formulated for the Rural District under the Housing Town Planning &c. Act 1919 the Housing &c. Act 1923 the Housing (Financial Provisions) Act 1924 and the Housing Act 1925.

22.—(1) The Parish Council of Rainham shall cease to exist but shall liquidate as far as practicable before the appointed day all current debts and liabilities incurred by them.

Dissolution
 powers &c.
 of Parish
 Council.

(2) Any powers and duties vested in or imposed on the Parish Council of Rainham as a library authority for the purposes of the Public Libraries Acts 1892 to 1919 shall be vested in and imposed on the County Council and any property or liabilities held or incurred by that Parish Council as a library authority shall by virtue of this Order be transferred to and vest in or attach to the County Council as the library authority for the Borough.

(3) Save as provided in paragraph (2) of this article any powers and duties vested in or imposed on the Parish Council of Rainham shall be vested in and imposed on the Corporation and subject to that paragraph the property or liabilities of the Parish Council shall by virtue of this Order be transferred to and vest in or attach to the Corporation.

23. So much of the Local Government Board's Provisional Orders Confirmation (Bingley &c.) Act 1876 is hereby repealed as relates to the Provisional Order thereby confirmed for extending the Gillingham Local Government District.

Repeal of
 Provisional
 Order relating
 to existing
 Borough.

24.—(1) Subject to the provisions of this Order the un-repealed provisions of—

Extension of
 Orders
 applying to
 existing
 Borough.

(a) The confirmation Acts specified in the schedule to this Order so far as those Acts respectively relate to the Provisional Orders specified in that schedule;

(b) Any local Act or any other Provisional Order duly confirmed and affecting the existing Borough or the Corporation (including any such local Act or Provisional Order passed or confirmed during the present session of Parliament);

(c) Any order affecting the existing Borough or the Corporation which has effect as if enacted by Parliament;

as the same respectively are in force within the existing Borough immediately before the appointed day shall extend and apply

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to the Borough and any reference therein which is applicable to the existing Borough and the Corporation shall be deemed to refer to the Borough and the Corporation thereof and any reference therein which is applicable to the existing Parish of Gillingham shall be read as a reference to the Parish of Gillingham.

(2) The added area shall be included within the area for the supply of electricity by the Corporation under the Gillingham (Kent) Electric Lighting Order 1902 but nothing in this Order shall prejudice or affect the existing rights and powers of the Kent Electric Power Company.

(3) Nothing in this Order shall alter the area for the supply of—

(a) gas by the Rochester Chatham and Gillingham Gas Company; or

(b) water by the Chatham and District Water Company or the Rainham Waterworks Company Limited;

or shall prejudice or affect the existing rights and powers of any of those Companies.

*Amendment
of Sitting-
bourne and
Milton Joint
Hospital
Orders and
Milton and
Sitting-
bourne
(Medical
Officer of
Health)
Order.*

25.—(1) The added area shall be excluded from the Sittingbourne and Milton Joint Hospital District to which the Sittingbourne and Milton Joint Hospital Orders 1879 to 1913 apply and from the district for the joint appointment of a medical officer of health which was constituted by the Milton and Sittingbourne (Medical Officer of Health) Order 1921.

(2) In calculating any contribution which is based on population to expenses which are subject to an apportionment under any of the orders mentioned in paragraph (1) of this article the population of the Rural District as returned in the census of 1921 shall be reduced by the population of the Parish of Rainham as returned in that census.

*Rochester
Port
Sanitary
Authority.*

26. Subject to any future order of the Minister the provisions of the order of the Local Government Board dated the Sixteenth day of May Eighteen hundred and eighty-seven and any amending order relating to the constitution of the Rochester Port Sanitary Authority and providing for the apportionment of the expenses incurred by that Port Sanitary Authority and other matters shall be read and have effect as if references to the Borough and the Corporation thereof were substituted therein for any reference which is applicable to the existing Borough of Gillingham and the Corporation thereof.

*Adoptive
Acts.*

27.—(1) The provisions of—

(a) The Baths and Washhouses Acts 1846 to 1925;

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

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

(d) Parts II. to V. of the Public Health Act 1925;

shall be in force within and apply to the Borough as if the same had been adopted for the Borough.

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(2) The provisions of any adoptive Act in force within the added area or any part thereof shall subject to the provisions of this Order cease to be in force within and apply to any part of the added area.

(3) Notwithstanding paragraph (2) of this article all powers duties and liabilities under the Private Street Works Act 1892 with which the Rural Council may be invested immediately before the appointed day shall be deemed to vest in and attach to the Corporation so far as regards any works in the added area executed by the Rural Council under that Act before the appointed day or in respect of which that Council before that day shall have passed a resolution or shall have served notices.

(4) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in paragraph (1) of this article which is in force immediately before the appointed day throughout the existing Borough shall extend and apply to the added area and any order under the Infectious Disease (Notification) Act 1889 in force immediately before that day within the added area shall save as hereinbefore provided cease to be in force within that area.

28.—(1) For the purposes of—

(a) The Small Dwellings Acquisition Acts 1899 to 1923; and

(b) The Notification of Births Acts 1907 and 1915 and the Maternity and Child Welfare Act 1918;

the Corporation shall be the authority for the Borough to the exclusion of the County Council.

(2) The County Council shall be the library authority for the Borough under the Public Libraries Acts 1892 to 1919.

Small dwellings acquisition maternity child welfare public libraries &c.

29.—(1) The Burial Acts 1852 to 1906 shall be in force within and apply to the Borough.

Burial Acts 1852 to 1906.

(2) The Corporation shall be the burial board for the Borough and shall have within the Borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906 :

Provided that no approval sanction or authorisation of the vestry of the Parish of Gillingham shall be required in respect of any act of the Corporation as the burial board.

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(3) Any table of fees and charges in force in respect of any existing burial ground maintained by the Corporation under the Burial Acts shall extend and apply to inhabitants of the Borough as such table applies to inhabitants of the existing Borough.

(4) Nothing in this Order shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired prior to the appointed day in relation to any burial ground or cemetery.

(5) Nothing in this Order shall prejudicially affect any right privilege authority or duty which immediately before the appointed day is exercisable by or attaches to any incumbent or sexton under the Burial Acts.

Orders under
Shop Hours
Act 1904 or
Shops Acts.

30. Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 or any subsequent Act providing for the closing of shops and in force immediately before the appointed day in any area affected by this Order shall subject to the provisions of those Acts remain in force and apply to the area to which it then applied.

Orders under
Public
Health Acts
Amendment
Act 1907 or
Public
Health Act
1925.

31. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925 :—

- (1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing Borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing Borough extended and applied to the Borough and as if the said parts or sections were accordingly declared to be in force within the Borough :
- (2) Any other order under either of those Acts which is in force immediately before the appointed day throughout the existing Borough shall extend and apply to the added area :
- (3) The provisions of any order made before the appointed day and declaring to be in force within the added area any parts or sections of either of those Acts shall cease to apply to the added area and the parts or sections declared by any such order to be in force shall save as hereinbefore provided cease to be in force within the added area.

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32.—(1) The powers duties and liabilities of a parish council under section 14 of the Act of 1894 conferred upon the Urban District Council of Gillingham by the order of the Local Government Board dated the Eighth day of September Eighteen hundred and ninety-six shall be deemed to have been conferred on the Corporation in respect of the existing Parish of Gillingham.

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Order as to
 charities
 under s. 33
 of Act of
 1894.

(2) Nothing in this Order shall affect the power of the Minister to make an order under section 33 of the Act of 1894 with respect to charities as if the added area were a separate parish within the Borough.

33.—(1) All byelaws made by the Corporation or by the Rural Council and confirmed by the Minister or his predecessors or which if made after the date of this Order would be subject to the Minister's confirmation which are in force within the existing Borough or within the added area immediately before the appointed day—

Byelaws
 regulations
 scales of
 charges &c.

(a) if made before the First day of January Nineteen hundred and fifteen shall continue to apply to the existing Borough or to the added area as the case may be for one year after the appointed day (unless previously repealed or altered by byelaws made by the Corporation) but shall on the expiration of the period aforesaid cease to be in force within any part of the Borough;

(b) if made on or after the First day of January Nineteen hundred and fifteen shall continue to apply to the existing Borough or to the added area as the case may be until repealed or altered by byelaws made by the Corporation.

(2) Subject to paragraph (1) of this article all byelaws made by the Corporation and in force immediately before the appointed day within the existing Borough shall extend and apply to the Borough until repealed or altered by further byelaws.

(3) All byelaws made by the County Council and in force immediately before the appointed day within the added area shall in so far as byelaws to the like effect could be made by the Corporation cease to be in force within the added area.

(4) In their application to the added area any byelaws made by the Rural Council shall have effect as if they had been made by the Corporation and as if the added area were referred to therein.

(5) Any proceedings which if this Order had not been made might have been taken for any offence within the added area committed before the appointed day against—

(a) any byelaws of the Rural Council; or

(b) any byelaws of the County Council which by virtue of this article cease to apply to the added area;

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(6) In this article "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments and any reference to byelaws made by the Corporation or by the Rural Council shall be read as including a reference to byelaws made by the predecessors of the Corporation or the Rural Council as the case may require.

PART IV.

RATING AND VALUATION.

Valuation
lists.

34.—(1) For the purposes of the preparation revision and approval of the first new valuation list under the Rating and Valuation Act 1925 the Corporation as from the passing of the Act of Parliament confirming this Order shall have as respects the added area to the exclusion of the Rural Council all the powers duties and liabilities of the rating authority under Part II. of the Rating and Valuation Act 1925.

(2) The division of the draft of the first new valuation list under the Rating and Valuation Act 1925 for the existing Rural District which relates to the added area shall on the passing of the Act of Parliament confirming this Order be transferred to the Corporation and subject to such alterations therein as may appear to the Corporation to be necessary and to the revision and approval of that division of the list by the Medway Towns Assessment Committee shall be amalgamated with the draft of the first new valuation list for the existing Borough to form the first new valuation list for the Borough.

(3) All documents relating exclusively to the preparation within the added area of the first new valuation list under the Rating and Valuation Act 1925 shall on the passing of the Act of Parliament confirming this Order be transferred to the Corporation.

(4) Any expenses incurred by the Corporation in the execution prior to the appointed day of the provisions of this article shall be charged by them on or after the appointed day to the general rate of the Borough.

(5) Nothing in this Order shall before the appointed day affect the powers and duties of the Rural Council as the rating authority for the Rural District with respect to valuation lists to which the Union Assessment Acts 1862 to 1880 apply.

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35.—(1) For the purposes of the revision and approval of the portion of the first new valuation list under the Rating and Valuation Act 1925 which relates to the added area that area shall cease on the passing of the Act confirming this Order to be within the Faversham and District Assessment Area and shall form part of the Medway Towns Assessment Area.

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Assessment
 areas and
 committees.

(2) On and after the appointed day the County of Kent (Assessment Areas and Assessment Committees) Scheme 1926 as approved by the Minister on the Third day of December Nineteen hundred and twenty-six shall have effect as if for references to the existing Borough of Gillingham and the existing Rural District of Milton there were respectively substituted references to the Borough and the Rural District as altered by this Order.

(3) Any person who immediately before the appointed day represents the existing Borough on the Medway Towns Assessment Committee or the existing Rural District on the Faversham and District Assessment Committee shall be deemed to have been appointed to represent the Borough or the Rural District (as the case may require) on that Committee.

(4) Nothing in this Order shall before the appointed day affect the powers and duties of the Faversham and District Assessment Committee with respect to the valuation list of the Parish of Rainham made under the Union Assessment Acts 1862 to 1880.

36. For the purposes of all valuation lists of the Borough prepared under the Rating and Valuation Act 1925 the amount of the deduction to be made from net annual value in the ascertainment of the rateable value of such rateable hereditaments within the added area as are included in class (3) of the hereditaments specified in column (1) of Part II. of the Second Schedule to that Act shall be 34 per cent. and such alterations of the rateable value of rateable hereditaments within the added area shall be made by the Corporation in the first new valuation list under the Act of 1925 as may be necessary to give effect to this provision.

Deduction in
 ascertaining
 rateable
 value of
 tithes rail-
 ways canals
 &c.

37.—(1) Notwithstanding the alterations of area effected by this Order all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Order had not been made.

Contribu-
 tion orders
 precepts and
 arrears of
 rates.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added area shall be collected and recovered by the Rural Council as the Rating Authority but shall be a matter for adjustment under this Order.

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PART V.

PROVISIONS CONSEQUENT ON ALTERATION OF UNIONS.

*Gillingham
(Kent)
Order.*
New ward of
Parish of
Gillingham
and addi-
tional
guardians.

38.—(1) The number of elective guardians of the Medway Union who represent the Parish of Gillingham shall be increased from nine to eleven.

(2) The No. 7 or Rainham Ward of the Borough constituted by this Order shall also be a ward of the Parish of Gillingham for the election of guardians and shall be represented by two guardians.

(3) The guardians for the No. 7 or Rainham Ward shall retire from office on the Fifteenth day of April in the year Nineteen hundred and thirty and in every third year thereafter.

Rural
district
councillors
for Rainham.

39.—(1) The number of councillors of the Rural District and of guardians of the Milton Union shall be reduced by three.

(2) The Rural Council at a meeting held after the confirmation of this Order and before the appointed day shall by a majority of votes or in case of an equality of votes by the casting vote of the presiding chairman select from the persons then acting as rural district councillors for the existing Parish of Rainham two persons who on the appointed day shall become the guardians for the No. 7 or Rainham Ward of the Parish of Gillingham as if they had been elected to that office.

(3) The rural district councillor for the existing Parish of Rainham who is not selected by the Rural Council under paragraph (2) of this article shall on the appointed day cease to hold the office of rural district councillor and guardian.

(4) If after the passing of the Act confirming this Order a casual vacancy shall occur in the office of rural district councillor for the Parish of Rainham the vacancy shall not be filled:

Provided that if more than one such casual vacancy shall occur the additional vacancy or vacancies shall be deemed to have arisen in the office of guardian for the No. 7 or Rainham Ward of the Parish of Gillingham and shall be filled accordingly by an election to be held on or after the appointed day.

Qualification
of guardians.

40. For the purposes of section 6 of the Poor Law Act 1927 which relates to the qualification of guardians the added area shall be deemed to have formed part of the Medway Union as from the First day of March Nineteen hundred and twenty-eight.

Settlement
and irre-
movability.

41.—(1) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a settlement in the existing Parish of

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Gillingham or in the existing Parish of Rainham by reason of residence birth or other qualification in the existing Parish of Gillingham or the added area shall be deemed to have acquired or to be in the course of acquiring a settlement in the Parish of Gillingham.

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 —
*Gillingham
 (Kent)
 Order.*

(2) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a status of irremovability from the existing Medway Union or the existing Milton Union by reason of residence in the existing Parish of Gillingham or the added area shall be deemed to have acquired or to be in the course of acquiring a status of irremovability from the Medway Union.

42.—(1) The liability for the cost accruing on and after the appointed day of the maintenance in any institution for lunatics or other institution of any person who may be chargeable immediately before the appointed day to the Guardians of the Milton Union and—

Liabilities
 and property
 of Milton
 Guardians.

(a) who by reason of residence birth or other qualification in the added area has acquired a settlement in the existing Parish of Rainham or a status of irremovability from the Milton Union; or

(b) who resided in the added area immediately before he last became chargeable to the Guardians of the Milton Union;

shall by virtue of this Order be transferred to and attach to the Guardians of the Medway Union.

(2) Any property debts and liabilities which immediately before the appointed day are vested in or attach to the Guardians of the Milton Union in relation to the added area conjointly with the remainder of the Milton Union shall be a matter for adjustment under this Order with the Guardians of the Medway Union.

PART VI.

OFFICERS.

43. In this Part of this Order unless the context otherwise requires—

Meaning in
 this Part of
 "local
 authority"
 and
 "officer."

"Local authority" means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act, 1922 and includes the standing joint committee of a county;

"Officer" includes a servant and any person whose remuneration is paid by a local authority and any teacher employed in a public elementary school which is maintained by a local education authority.

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(Kent)
Order.*

Officers of
Corporation
continued.

Transfer of
rating officer
of Rural
Council.

44. The town clerk and all other officers of the Corporation of the existing Borough who hold office immediately before the appointed day shall continue to be the town clerk and officers of the Corporation of the Borough and shall hold their offices by the same tenure as before that day.

45.—(1) Frederick Thomas Mattocks a rating officer of the Rural Council (in this article called "the transferred officer") shall on the passing of the Act of Parliament confirming this Order be transferred and become a rating officer for the Borough as if he had been appointed to that office by the Corporation.

(2) The transferred officer shall hold his office by the same tenure and upon the same terms and conditions as if this Order had not been made and while performing similar duties to those which he was required to perform immediately before the appointed day shall receive not less salary or remuneration and shall be entitled to not less pension (if any) than the salary remuneration or pension to which he would have been entitled if this Order had not been made.

(3) The transferred officer shall perform such duties in relation to the business of the Corporation as they may direct and the Corporation may abolish the office of the transferred officer.

(4) If at any time within five years after the appointed day the transferred officer is required by the Corporation to perform duties which are not analogous to or which are an unreasonable addition to those which that officer was required to perform immediately before the appointed day the transferred officer may relinquish his office.

(5) The remuneration of the transferred officer shall be paid by the Corporation and the remuneration accruing between the date of the transfer of the officer and the appointed day shall after that day be charged by the Corporation to the general rate fund of the Borough.

Compensa-
tion to
existing
officers.

46.—(1) Every officer in office on the passing of the Act of Parliament confirming this Order 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 salary or emoluments (and for whose compensation no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

(2) If the officer transferred by the preceding article of this Order shall relinquish his office under the power conferred by this Order or if the services of any officer are dispensed with or his fees salary or emoluments are reduced within five years

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after the appointed day because his services are not required or his duties are diminished in consequence of this Order and not on the ground of misconduct that officer shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Order.

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—
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(Kent)
Order.

47.—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Order regard shall be had to the conditions and circumstances mentioned in subsection (1) of section 120 of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

Determina-
tion of com-
pensation.

(2) Any compensation payable under this Order to any officer shall be paid out of the general rate fund and general rate of the Borough and the provisions of section 120 of the Act of 1888 shall apply subject to the following and any necessary modifications :—

(a) Any reference in that section to the county council shall be construed as a reference to the Corporation and in subsection (7) of that section for the words “the same or any other county council” there shall be substituted the words “the council of any county or county borough or under any district council” and there shall be added to the subsection the words “For the purposes of this subsection a teacher in a “public elementary school maintained but not provided “by a council shall be deemed to hold an office under “the council”;

(b) References in that section to “the passing of this Act” shall be construed as references to the date on which the abolition of office takes effect or the direct pecuniary loss commences as the case may be; and

(c) The expression in subsection (1) of that section “the “Acts and rules relating to Her Majesty’s Civil “Service” shall mean the Acts and rules relating to Her Majesty’s Civil Service which were in operation at the date of the passing of the Act of 1888.

(3) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors book or the register of electors under the Representation of the People Acts shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purpose of compensation.

(4) The compensation payable under this Order to an officer who on the date of the Act of Parliament confirming this Order shall hold two or more offices under any local authority or local authorities and who shall have devoted the whole of his time to

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Order.*

the duties of such offices shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices and for the purpose of this paragraph of this article a superintendent registrar registrar of births and deaths or registrar of marriages shall be deemed to hold an office under a local authority.

(5) If any officer was temporarily absent from his employment during the war whilst serving in His Majesty's Forces or the Forces of the Allied or Associated Powers either compulsorily or with the sanction or permission of the local authority such period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately before and after such temporary absence :

Provided that in the case of an officer who after the Armistice voluntarily extended his term of service with the Forces no period of absence during such extension shall be so reckoned.

(6) The Corporation may in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person or of the fact that he had prior to his appointment served as a deputy assistant or clerk to any officer not holding a temporary appointment add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Order.

Compensa-
tion and
super-
annuation.

48. No officer shall be entitled to receive both compensation under this Order for pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

PART VII.

SUPPLEMENTARY.

Duplicate
entries in
electors
lists.

49.—(1) The Registration Officer of the Parliamentary County of Kent shall supply the Registration Officer of the Parliamentary Borough of Rochester on publication with a sufficient number of copies of the electors lists the lists of objections to the electors lists the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added area and shall forthwith notify the Registration Officer of that Parliamentary Borough of his decisions on any objections or claims in respect of any such registration unit.

(2) It shall be the duty of the Registration Officer of the Parliamentary Borough of Rochester to issue such notices and

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otherwise to take such steps as are required by Rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the Borough for the purpose of borough council elections or in any ward of the Parish of Gillingham for the purpose of guardians' elections or in any electoral division of the County comprised within the Borough for the purpose of county council elections.

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—
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(Kent)
Order.

(3) Where the Registration Officer of the Parliamentary Borough of Rochester considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors lists of any registration unit comprising any part of the added area he shall forthwith notify the Registration Officer of the Parliamentary County of Kent and that officer shall make such correction accordingly.

(4) This article shall apply to the preparation of the register in the year Nineteen hundred and twenty-eight and of later registers.

50.—(1) In the preparation of the register in the year Nineteen hundred and twenty-eight so far as it relates to any area affected by this Order it shall be competent to the Registration Officers to frame the register in separate parts for each area which will constitute a registration unit after this Order has come into operation instead of in separate parts for each area constituting a registration unit before the operation of this Order.

Provisions as
to register of
electors.

(2) If the register of local government electors for any electoral area affected by this Order is not so framed as to show the persons entitled to vote at an election to be held for an electoral division ward or other voting area—

(a) the Registration Officer of the Parliamentary Borough of Rochester in the case of an election for any voting area within the Borough; and

(b) the Registration Officer of the Parliamentary County of Kent in the case of an election for any voting area outside the Borough;

shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election.

(3) Any additional expense incurred by a Registration Officer which may be solely attributable to an alteration in the arrangement of a new register of electors or to a re-arrangement of an existing register of electors under the foregoing provisions of this article shall be defrayed by the Corporation.

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—
*Gillingham
(Kent)
Order.*

(4) It shall be the duty of the Town Clerk of Gillingham and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the Rural Council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by a Registration Officer for the purpose of any alteration or re-arrangement authorised by paragraph (2) of this article.

(5) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable 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 lists and registers of electors.

Local land
charges
registers.

51.—(1) The local registrar for the Rural District under the Land Charges Act 1925 and the rules made thereunder shall within fourteen days after the appointed day supply to the local registrar for the Borough an office copy of every entry in the local land charges register relating to any premises situate within the added area and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The local registrar for the Borough shall within fourteen days after the receipt of the office copy mentioned in paragraph (1) of this article enter the same with any necessary modifications in the appropriate part of the local land charges register of the Borough.

(3) Until the expiration of one month after the appointed day the following provisions shall have effect in respect of all land within the added area—

(a) The local registrar for the Borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the Rural District;

(b) Where application is made for an official search the local registrar for the Borough shall issue free of charge a certificate of official search in the register of the Borough and shall forward to the local registrar for the Rural District the application received by him together with the fees paid in respect thereof;

(c) The local registrar for the Rural District shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto

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have the same powers and be subject to the same obligations as if this Order had not been made;

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Order.

- (d) Where a local land charge duly registered in the local land charges register of the Rural District is in pursuance of this Order transferred from the register of the Rural District to the register of the Borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the Borough.

52.—(1) 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—

Adaptation
of provisions
as to ad-
justments.

- (a) As if in subsections (5) (6) and (7) of that section the expression "council" included any authority affected by this Order or by anything done in pursuance of this Order;
- (b) 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 subsection (6) of the section 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 Minister may sanction ;
- (c) As if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in the section; and
- (d) As if the following subsection were added to the section :—
- “ (8) If it is necessary for the purpose of giving effect to any agreement or award of adjustment that a separate rate shall be levied in part only of a parish the agreement or award may authorise such sum to be levied in that part as an additional item of the general rate.”

(2) Where an authority affected by this Order or by anything done in pursuance of this Order are the board of guardians of a poor law union section 62 of the Act of 1888 shall apply with respect to any necessary adjustment as modified and set out in the Third Schedule to the Poor Law Act 1927.

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—
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(Kent)
Order.*

Balances in
accounts of
Rural
Council and
Guardians.

53.—(1) Any balance standing on the appointed day to the credit or debit of the Parish of Rainham—

(a) in the general expenses account of the Rural Council;
or

(b) in the general account of the Guardians of the Milton Union;

shall be a matter for adjustment under this Order.

(2) Any balance on the appointed day in the hands of the Rural Council which may have been derived from any special rate levied by them within the Parish of Rainham together with the arrears of any such special rate collected after the appointed day shall subject to the discharge of any outstanding liability for any purpose covered by the rate be paid to the Corporation.

(3) Any parochial balance standing on the appointed day in the books of the Guardians of the Milton Union to the credit of the Parish of Rainham shall be paid to the Guardians of the Medway Union and shall be carried by them to the credit of the Parish of Gillingham.

(4) Any balance standing on the appointed day to the debit of the Parish of Rainham in any special account with that Parish of the Rural Council or of the Guardians of the Milton Union shall be a matter for adjustment under this Order.

Parish books
and docu-
ments.

54.—(1) Save as in this article provided all books and documents of the Parish of Rainham and all documents directed by law to be kept with the public books writings and papers of that Parish (except any book or document relating to ecclesiastical matters) shall be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of the Parish of Rainham shall at all times have the same right of inspection and of making extracts from the parish books and documents which he would have had if this Order had not been made.

(3) This article shall not extend to books and documents of the Parish Council of Rainham provided under the Public Libraries Acts 1892 to 1919.

Audit of
accounts of
Rainham
Parish
Council.

55.—(1) The accounts of the Parish Council of Rainham shall be made up to the appointed day and shall be audited by the district auditor in like manner and subject to the like incidents and consequences as if this Order had not been made.

(2) Any sum certified by the district auditor to be due from any person at the audit shall be paid to the treasurer of the Borough.

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56. In the agreement dated the Sixteenth day of March Nineteen hundred and four between the Standing Joint Committee of Kent and the Corporation and providing for a consolidation of the police forces of the Borough and the County any reference to the Borough of Gillingham or to the Corporation thereof shall be read as a reference to the Borough of Gillingham as extended by this Order and the Corporation of the extended Borough.

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—
*Gillingham
 (Kent)
 Order.*

Agreement for consolidation of police forces.

57.—(1) Nothing in this Order shall alter the district of the stipendiary magistrate appointed under the Chatham and Sheerness Stipendiary Magistrate Act 1867.

Stipendiary magistrate's district and pending proceedings before justices.

(2) Notwithstanding the alteration of petty sessional divisions made by this Order—

(a) every person committing an offence within the added area prior to the appointed day shall be tried and dealt with as if this Order had not been made;

(b) every proceeding which prior to the appointed day has been begun by or is pending before any justice in relation to any matter arising in or concerning the added area may be 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.

58. Any alderman councillor or guardian who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman councillor or guardian by reason of the alterations of area made by this Order.

Saving for qualification of aldermen councillors and guardians.

59. Nothing in this Order shall empower the Corporation to claim to maintain and repair any main road situate within the added area.

Saving for main roads within added area.

60.—(1) No alteration effected by this Order shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the Rural Council or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by that Council or their predecessors:

Savings for actions contracts &c.

Provided that—

(a) Any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the Rural Council in relation exclusively to the added area or any part thereof may be continued prosecuted and enforced by or against the Corporation; and

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(b) All contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by the Rural Council (or their predecessors) in relation exclusively to the added area or any part thereof may be continued and enforced as fully and effectually as if instead of that Council (or their predecessors) the Corporation had been a party thereto.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Order.

*Saving for
Crown and
government
departments.*

61. Nothing in this Order shall prejudice or affect—

(a) any property of the Crown or any property vested in or occupied by any government department for the public service; or

(b) any right power privilege or exemption of the Crown.

*For protec-
tion of City
of Rochester
and Medway
Conserva-
tors.*

62.—(1) Nothing in this Order shall alter or affect the boundaries of the liberties of the Old City of Rochester by water of Medway or shall prejudice or affect the rights privileges liberties powers or authorities of the mayor aldermen and citizens of the City of Rochester by water of Medway or any of the arms creeks streams or indraughts of that river.

(2) Nothing in this Order shall prejudice or affect any of the estates rights interests privileges liberties powers or authorities vested in or exerciseable by the Conservators of the River Medway under the Medway Conservancy Acts 1881 to 1926.

*Other
savings.*

63. Nothing in this Order shall—

(1) restrict the powers of the Secretary of State the Minister or the County Council under the Act of 1888 the Act of 1894 or the Poor Law Act 1927;

(2) affect the powers of the County Council for the division of the parliamentary county into polling districts for parliamentary elections or for the division of the county into polling districts for the election of county councillors or any existing order or scheme for either of those purposes or for naming the polling places at any election;

(3) affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment; or

(4) affect the operation of such of the provisions of the Rating and Valuation Act 1925 as have not come into operation.

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64. This Order may be cited as the Borough of Gillingham
 (Extension) Order 1928.

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Short title.

SCHEDULE.

CONFIRMATION ACTS EXTENDED TO THE BOROUGH.

Session and Chapter.	Short Title.	Order relating to Gillingham thereby confirmed.
32 & 33 Vict. c. lxxi.	The Pier and Harbour Orders Confirmation Act 1869.	The Gillingham Pier Order 1869.
2 Edw. 7. c. lxix. -	The Electric Lighting Orders Confirmation (No. 4) Act 1902.	The Gillingham (Kent) Electric Lighting Order 1902.
2 & 3 Geo. 5. c. cxlvi.	The Pier and Harbour Orders Confirmation (No. 2) Act 1912.	The Gillingham Pier Order 1912.

Given under the Official Seal of the Minister of Health
 this Fourth day of May Nineteen hundred and twenty-
 eight.

(L.S.)

H. W. S. FRANCIS
 Assistant Secretary Ministry of Health.

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