



CHAPTER lxii.

An Act to confirm a Provisional Order of the Minister of Health relating to Godalming. 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 as amended and 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 (Godalming Extension) Act 1928. Short title.

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SCHEDULE.

BOROUGH OF GODALMING.

*Godalming
Order.*

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

WHEREAS by 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 Godalming in the administrative county of Surrey 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 Godalming and act by the council of the Borough which now consists of the mayor (who is also an alderman) five other aldermen and eighteen councillors and the Borough is not divided into wards for the election of councillors;

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

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

And whereas the Parish of Godalming Rural in the administrative county of Surrey immediately adjoins the Borough and is a contributory place in the Rural District of Guildford;

And whereas the Parish of Witley in the administrative county of Surrey immediately adjoins the Borough and is a contributory place in the Rural District of Hambledon:

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” in relation to any area altered by this Order means existing immediately before the appointed day;

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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;
- “ The added areas ” means the added parts of Godalming Rural and the added part of Witley;
- “ The added parts of Godalming Rural ” means those parts of the existing Parish of Godalming Rural which are coloured blue on the maps;
- “ The added part of Witley ” means that part of the existing Parish of Witley which is coloured yellow on the maps;
- “ The appointed day ” means the First day of April Nineteen hundred and twenty-nine;
- “ The Borough ” means the existing Borough of Godalming 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 Surrey and the county council of that county;
- “ The excluded parts of Godalming Rural ” and “ the excluded part of Witley ” mean respectively those parts of the existing parish of the same name which are not by this Order added to the existing Borough;
- “ The Guildford District ” and “ the Guildford Council ” mean respectively the Rural District of Guildford and the Rural District Council of that District;
- “ The Hambledon District ” and “ the Hambledon Council ” mean respectively the Rural District of Hambledon and the Rural District Council of that District;
- “ The maps ” means the duplicate maps marked “ Map “ of the Borough of Godalming as altered by the “ Godalming (Extension) Order 1928 ” and signed by the Right Honourable the Earl of Kintore the Chairman of the Committee of the House of Lords to whom the Bill for the confirmation of this Order was referred;
- “ 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 Godalming ” “ the Parish of Godalming Rural ” and “ the Parish of Witley ” mean respectively each of those parishes as altered by this Order.

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Commence-
ment of
Order.

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

Provided that for the purposes of—

- (a) the compilation alteration or re-arrangement of any register of electors made under the Representation of the People Acts 1918 to 1926;
- (b) all proceedings preliminary or relating to any election to be held in the year Nineteen hundred and twenty-nine for any area affected by this Order;
- (c) the preparation of any precept or contribution order to be made on or after the appointed day; and
- (d) Part IV. of this Order relating to rating and valuation;

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

PART II.

ALTERATIONS OF BOUNDARY.

Extension
of existing
Borough.

3.—(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—

- (a) that part of the Guildford District which comprises the added parts of Godalming Rural; and
- (b) that part of the Hambledon District which comprises the added part of Witley.

(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.

Alteration
of existing
Parishes.

4.—(1) The added parts of Godalming Rural and the added part of Witley shall be separated from the existing Parishes of which they form part and shall be added to the existing Parish of Godalming.

(2) The whole of the Parish of Godalming shall form part of the Guildford Union.

Deposit and
copies of
maps.

5.—(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

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to the County Council to the clerk to the Guildford Council to the clerk to the Hambledon Council to the clerks to the Guardians of the Guildford and Hambledon Unions 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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6.—(1) Copies of or extracts from the map deposited with the town clerk and 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 boundary of the Borough.

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.

7. Subject to the provisions of the Municipal Corporations Acts the number of councillors of the Borough shall continue to be eighteen and the number of aldermen of the Borough shall continue to be six.

Number of
 councillors
 and alder-
 men.

8. The persons who hold office immediately before the appointed day as mayor and aldermen of the existing Borough shall on the appointed day become the mayor and aldermen 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 and
 aldermen.

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

County and
 Borough
 Councils
 (Qualifica-
 tion) Act 1914.

10. Notwithstanding any enactment to the contrary the following provisions shall have effect with regard to the persons who at the passing of the Act confirming this Order are the councillors of the existing Borough :—

Continuance
 in office of
 existing
 councillors.

(1) Such of the councillors for the existing Borough as but for this Order would have retired from office in

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November Nineteen hundred and twenty-eight shall retire from office on the Fourteenth day of March Nineteen hundred and twenty-nine;

- (2) Such of the councillors for the existing Borough as would have retired from office in November of the year Nineteen hundred and twenty-nine or Nineteen hundred and thirty shall on the appointed day represent the Borough until the day on which they would have retired from office if this Order had not been made.

Election of
councillors
in 1929.

11.—(1) Upon the Fourteenth day of March Nineteen hundred and twenty-nine there shall be held an election of six councillors of the Borough.

(2) The election directed by this article shall extend to any casual vacancy which can be filled at the election but any person elected to fill a casual vacancy shall retire from office on the day on which the person in whose place he is elected would have gone out of office if this Order had not been made.

(3) 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.

(4) If a casual vacancy or vacancies shall be filled at the election held in pursuance of this article the councillor or councillors elected by the smallest number of votes shall be deemed to fill the casual vacancy or vacancies.

(5) If for any reason it is doubtful which of the councillors is to be deemed to fill a casual vacancy the question shall be determined at the first or second meeting after the appointed day of the Council of the Borough by lot conducted under the direction of the person presiding at that meeting.

(6) The councillors elected at the election shall come into office upon their election and save as otherwise provided in this article shall retire from office on the First day of November Nineteen hundred and thirty-one.

Jurisdiction
powers and
duties of
borough
justices &c.
extended.

12.—(1) 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—

- (a) every person committing an offence in any of the added areas 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

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in relation to any matter arising in or concerning any of the added areas 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.

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(2) The added areas shall cease to form part of any petty sessional division of the County.

13.—(1) For the purpose of the election of county councillors the added parts of Godalming Rural and the added part of Witley shall be separated from the Godalming Rural Electoral Division and shall be included in the Godalming Borough Electoral Division which shall be coextensive with the Borough.

County
electoral
divisions.

(2) Any person who immediately before the appointed day represents as a county councillor any electoral division mentioned in paragraph (1) of this article shall represent that electoral division as altered by this Order and shall retire from office on the day on which he would have retired if this Order had not been made.

14. 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.

Corporation
property
liabilities &c.

15.—(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 of the existing Borough shall be charged upon the general rate fund or general rate of the Borough.

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.

16. Subject to the provisions of this Order—

Property &c.
of Rural
Councils.

(1) Any property or liabilities which immediately before the appointed day are vested in or attach to—

(a) the Guildford Council in relation exclusively to the added parts of Godalming Rural or any portion of those added parts;

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(b) the Hambledon Council in relation exclusively to the added part of Witley or any portion of that added part;

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 Guildford Council or to the Hambledon Council in relation to those portions of the added areas which are within the existing district of that Council conjointly with any other portion of their district shall be a matter for adjustment under this Order.

Parish
Councils.

17.—(1) The Parish Council of each of the existing Parishes of Godalming Rural and Witley shall be deemed to have been elected as and shall be the Parish Council of that parish as altered by this Order.

(2) Any person who immediately before the appointed day is a parish councillor for an existing ward of the existing Parish of Godalming Rural shall be deemed to have been elected for that ward as altered by this Order.

Powers
property &c.
of Parish
Councils.

18.—(1) Subject to the provisions of this Order any powers or duties vested in or imposed on the Parish Councils of the existing Parish of Godalming Rural and the existing Parish of Witley (in this article called "the continuing Parish Councils") shall so far as regards the added parts of Godalming Rural and the added part of Witley be vested in or imposed on the Corporation.

(2) Any property or liabilities held or incurred by either of the continuing Parish Councils in relation exclusively to the added parts of Godalming Rural or the added part of Witley or any portion of either of those added parts shall by virtue of this Order be transferred to and vest in or attach to the Corporation.

(3) Any property or liabilities held or incurred by either of the continuing Parish Councils in relation to the added parts of Godalming Rural or the added part of Witley or any portion of either of those added parts conjointly with any other area shall be a matter for adjustment under this Order.

Repeal of
certain Pro-
visional
Orders.

19. The confirmation Acts mentioned in the First Schedule to this Order in so far as they relate to the Provisional Orders specified in that Schedule are hereby repealed.

Extension of
local Act
and orders
applying to
existing
Borough.

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

- (a) the local Act and of the confirmation Acts specified in the Second Schedule to this Order so far as the last-

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mentioned Acts respectively relate to the Provisional Orders specified in that Schedule;

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(b) any other local Act or 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); and

(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 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 but this paragraph of this article shall not apply to the Godalming Electric Lighting Order 1896.

(2) Nothing in this Order shall affect the rights or powers of the mayor aldermen and burgesses of the Borough of Guildford in relation to the supply of water within the limits described in the Second Schedule to the Guildford Corporation Act 1886 as such limits were constituted at the passing of that Act.

(3) Nothing in this Order shall affect the rights or powers of the Godalming Gas and Coke Company Limited or the Guildford Gas Light and Coke Company.

21.—(1) Notwithstanding the transfer by the Corporation to the Urban Electric Supply Company Limited of the undertaking authorised by the Godalming Electric Lighting Order 1896 the Corporation shall be the undertakers for the purposes of that Order within the added part of Witley which shall be included within the area of supply for the purposes of that Order and may if they think fit transfer the undertaking within the added part of Witley to any company or local authority to be approved by the Electricity Commissioners and on such terms and conditions as may be approved by the Electricity Commissioners by deed approved by the Commissioners.

Electricity.

(2) Nothing in this Order shall affect the rights or powers of the mayor aldermen and burgesses of the Borough of Guildford under the Guildford Electricity Act and Orders 1921 to 1927 in relation to that part of the Parish of Godalming Rural which is described in the First Schedule to the Guildford Electricity (Extension) Special Order 1927 as constituted at the commencement of that Order.

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Guildford
Godalming
and Woking
Joint
Hospital
District.

22.—(1) The added part of Witley shall be included in and shall form part of the Guildford Godalming and Woking Joint Hospital District.

(2) The Guildford Godalming and Woking Joint Hospital Orders 1893 to 1903 shall be read and have effect as if for references to the existing Borough of Godalming and the Corporation thereof there were substituted references to the Borough as altered by this Order and the Corporation thereof and as if for references to the existing Rural District of Guildford and the Rural District Council of Guildford there were substituted references to the Rural District as altered by this Order and the Council thereof.

Surrey
Smallpox
Hospital
District.

23. The added part of Witley shall be excluded from and cease to form part of the Surrey Smallpox Hospital District constituted by the Surrey Smallpox Hospital District Order 1904 of the County Council dated the Twenty-sixth day of July Nineteen hundred and four and that Order shall be altered and have effect accordingly.

Adoptive
Acts.

24.—(1) The provisions of—

- (a) Parts III. and IV. of the Public Health Acts Amendment Act 1890;
- (b) The Public Libraries Acts 1892 to 1919; and
- (c) The Private Street Works Act 1892;

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

(2) Any provisions of the Public Health Act 1925 which may immediately before the appointed day be in force within the existing Borough by virtue of an adoption by the Corporation of those provisions shall be in force within and apply to the Borough.

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

(4) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive enactment mentioned in this article which is in force immediately before the appointed day throughout the existing Borough shall extend and apply to the added areas and any order under the Infectious Disease (Notification) Act 1889 in force immediately before that day within the added areas shall cease to be in force within those areas.

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25. For the purposes of—

(a) The Public Libraries Acts 1892 to 1919; and

(b) The Small Dwellings Acquisition Acts 1899 to 1923;

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

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Order.*

Public
libraries
small
dwellings
acquisition
&c.

26.—(1) The Burial Acts 1852 to 1906 shall be in force within and apply to the Borough and the Parish of Godalming Rural and the added areas shall be excluded from any other burial area in which those Acts are in force.

Burial Acts
1852 to 1906.

(2) The Godalming and Godalming Rural Joint Burial Committee appointed for the purpose of the Burial Acts 1852 to 1906 for the existing Borough and for the existing Parish of Godalming Rural shall be deemed to have been appointed for the Borough and for the Parish of Godalming Rural and shall consist of eleven members as heretofore.

(3) Any table of fees and charges in force in respect of any existing burial ground maintained by the Godalming and Godalming Rural Joint Burial Committee shall extend and apply to inhabitants of the burial area as extended by this Order as such table applies to inhabitants of the existing burial area.

(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.

(5) Nothing in this Order shall prejudicially affect any right privilege authority or duty which immediately before the appointed day is exerciseable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

27. 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
Shop Hours
Act 1904 or
Shops Acts.

28. 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 :—

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

(1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing

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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 areas :
- (3) The provisions of any order made before the appointed day and declaring to be in force within the added areas any parts or sections of either of those Acts shall cease to apply to the added areas 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 areas.

Urban
powers &c.
in excluded
parts of
Parishes.

29. All the powers duties and liabilities of an urban authority and all the powers in relation to the chargeability of expenses with which the Guildford Council or the Hambledon Council are invested in pursuance of any order made by the Local Government Board or the Minister under the Public Health Acts 1875 to 1925 in respect of any contributory place which is altered by this Order shall be deemed to vest in and attach to the Guildford Council or the Hambledon Council in respect of that contributory place as altered by this Order.

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

30. The powers duties and liabilities of a parish council under subsection (3) of section 14 of the Act of 1894 conferred upon the Corporation by the order of the Local Government Board dated the Fifth day of March Eighteen hundred and ninety-six shall be deemed to have been conferred on the Corporation in respect of the Parish of Godalming.

Byelaws
regulations
scales of
charges &c.

31.—(1) Subject to the provisions of this Order all byelaws made by the Corporation by the Guildford Council or by the Hambledon 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 areas immediately before the appointed day—

- (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 or added areas in which they are in force 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

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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 or added areas in which they are in force 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 or by the Watch Committee of 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 or by the standing joint committee of the County and in force immediately before the appointed day within the added areas shall in so far as byelaws to the like effect could be made by the Corporation cease to be in force within the added areas.

(4) In their application to the added areas any byelaws made by the Guildford Council or by the Hambledon Council shall have effect as if they had been made by the Corporation and as if that part of the added areas which is within the Guildford District or the Hambledon District (as the case may require) were referred to therein.

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

- (a) any byelaws of the Guildford Council or the Hambledon Council; or
(b) any byelaws of the County Council or the standing joint committee which by virtue of this article cease to apply to the added areas;

may be taken by the Corporation as if the Corporation had been substituted therein for the Rural District Council the County Council or the standing joint committee as the case may require and as if the byelaws of the County Council or the standing joint committee had remained in force.

(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 by the Guildford Council or by the Hambledon Council shall be read as including a reference to byelaws made by the predecessors of the Corporation or the Rural District Council as the case may require.

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Order.*

Assessment
areas and
committees.

PART IV.

RATING AND VALUATION.

32.—(1) The County of Surrey (Assessment Areas and Assessment Committees) Scheme 1926 as approved by the Minister on the Twenty-sixth day of July Nineteen hundred and twenty-six shall on and after the appointed day be read and have effect as if for references therein to the Borough of Godalming and the Godalming Borough Council there were substituted references to that Borough as extended by this Order and the Borough Council thereof and as if for references to each of the Rural Districts of Guildford and Hambledon and to each of the Guildford and Hambledon Rural District Councils there were substituted references to that Rural District as altered by this Order and the Council thereof.

(2) Any person who immediately before the appointed day represents the existing Borough an existing Rural District or an existing Union on the Surrey (South-Western) Assessment Committee shall on that day be deemed to have been appointed to represent the Borough the Rural District or the Union as altered by this Order (as the case may require) on that Committee.

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

33. 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 areas 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 39 per cent. and such alterations of the rateable value of rateable hereditaments within the added areas 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.

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 areas to the exclusion of the Guildford Council or the Hambledon Council (as the case may be) all the powers duties and liabilities of the rating authority under Part II. of the Rating and Valuation Act 1925.

(2) Those portions of the drafts of the first new valuation lists under the Rating and Valuation Act 1925 for the Guildford District and the Hambledon District which relate to the added areas shall upon the passing of the Act of Parliament confirming

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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 the lists by the 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.

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—
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Order.*

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

(4) Nothing in this Order shall before the appointed day affect the powers and duties of the Guildford Council or the Hambledon Council as the rating authority for their Rural District with respect to valuation lists prepared under the Union Assessment Acts 1862 to 1880.

35.—(1) On an application made in writing before the First day of January Nineteen and twenty-nine by—

- (a) the Guildford Council or the Hambledon Council; or
- (b) the Parish Council of the existing Parish of Godalming Rural or the Parish Council of the existing Parish of Witley;

Differential
rating in
added areas
by order of
Minister.

the Minister may by order direct that the total amount in the pound of the general rate or rates to be made and levied by the Corporation upon any rateable hereditament situate in the part of the Borough which comprises one of the added parts of Godalming Rural or the added part of Witley shall in each year be less than the total amount in the pound of the general rate or rates to be made and levied by the Corporation in the same year upon any hereditament within the part of the Borough which comprises the existing Parish of Godalming by such sum or sums in the pound and for such period as may seem equitable to the Minister after considering any representations made to him by the Corporation.

(2) An order under this article may provide for the allowance to owners or occupiers of rateable hereditaments which are included in class (3) of the hereditaments specified in column (1) of Part II. of the Second Schedule to the Rating and Valuation Act 1925 of relief from rates under this article to such less extent than the relief from rates allowed by the order to owners or occupiers of other rateable hereditaments within the area to which the order extends as the Minister may consider equitable.

(3) Any relief from a general rate afforded in pursuance of this article shall be specified in all demand notes for rates issued

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Contribu-
tion orders
precepts and
arrears of
rates.

to ratepayers of the area to which the order of the Minister under this article extends and the net amount in the pound of the rate shall be distinguished.

36.—(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.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added parts of Godalming Rural shall be collected and recovered by the Guildford Council as the Rating Authority and all rates not so collected in respect of hereditaments within the added part of Witley shall be collected and recovered by the Hambledon Council as the Rating Authority.

(3) Any rates so collected and recovered shall be a matter for adjustment under this Order.

Expenses of
Corporation
under this
Part of this
Order.

37. Any expenses incurred by the Corporation in the execution prior to the appointed day of this Part of this Order shall be charged by them on or after the appointed day to the general rate of the Borough.

PART V.

OFFICERS.

Meaning in
this Part of
“local
authority”
and
“officer.”

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

“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.

Officers of
Corporation
continued.

39. 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.

Compensa-
tion to exist-
ing officers.

40.—(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

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suffers any direct pecuniary loss by abolition of office by determination of his appointment 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.

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—
*Godalming
Order.*

(2) Any officer whose services are dispensed with or whose fees salary or emoluments are reduced within five years 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 shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Order.

41.—(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

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—
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Order.*

or the register of electors under the Representation of the People Acts 1918 to 1926 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 passing 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 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 provision 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
superannua-
tion.

42. 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 VI.

SUPPLEMENTARY.

Provisions
as to
register of
electors.

43.—(1) In the preparation of the register of electors 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

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Registration Officer of the Parliamentary County of Surrey 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.

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Order.*

(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 or parish meeting to be held for an electoral division parish or ward or other voting area the Registration Officer shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election or parish meeting.

(3) Any additional expense incurred by the 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.

(4) It shall be the duty of the Town Clerk of the Borough and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation by the Guildford Council or by the Hambledon 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 the 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.

44.—(1) The local registrars for the Guildford District and for the Hambledon District under the Land Charges Act 1925 and the rules made thereunder shall respectively 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 those portions of the added areas which are within the existing Guildford District or the existing Hambledon District and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

Local land
charges
registers.

(2) The local registrar for the Borough shall within fourteen days after the receipt of an office copy under 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.

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Extension) Act, 1928.*

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(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 areas—

- (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 Guildford District or the Hambledon District as the case may require;
- (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 the application received by him together with the fees paid in respect thereof to the local registrar for the Guildford District or the Hambledon District as the case may require;
- (c) The local registrars for the Guildford District and for the Hambledon District shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Order had not been made;
- (d) Where a local land charge duly registered in the local land charges register of a rural district is in pursuance of this Order transferred from that register 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.

Guardians
and rural
district
councillors.

45. Any person who immediately before the appointed day is in office as a guardian or a rural district councillor for any existing parish or ward of an existing parish altered by this Order shall be deemed to have been elected as a guardian or a rural district councillor for that parish or ward as altered by this Order and shall retire from office on the day on which he would have retired if this Order had not been made.

Qualification
of guardians.

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

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

47.—(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 any existing parish affected by this Order by reason of residence birth or other qualification in any existing parish or part of an existing parish specified in column 1 of the Third Schedule to this Order shall be deemed to have acquired or to be in the course of acquiring thereby a settlement in the parish denoted by the corresponding number in column 2 of that Schedule as if in each case the area specified in column 1 had always been the parish denoted by the corresponding number in column 2 of the Schedule or a part of that parish.

A.D. 1928.
 —
*Godalming
 Order.*
 Settlement
 and irre-
 movability.

(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 Guildford Union or the existing Hambledon Union by reason of residence in any of the existing parishes or part of an existing parish mentioned in column 1 of the Third Schedule to this Order shall be deemed to have acquired or to be in the course of acquiring a status of irremovability from the Poor Law Union named in column 3 of that Schedule opposite the name of the parish in which by virtue of paragraph (1) of this article he is to be deemed to have acquired or to be in the course of acquiring a settlement.

(3) For the purposes of this article consecutive periods of residence in any portions of an existing parish divided by this Order shall be aggregated and reckoned as continuous residence in that part of the existing parish in which the person was residing immediately before the appointed day.

48.—(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 Hambledon Union and—

Liabilities
 and pro-
 perty of
 Hambledon
 Guardians.

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

(b) who resided in the added part of Witley immediately before he last became chargeable to the Guardians of the Hambledon Union;

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

[Ch. lxii.] *Ministry of Health* [18 & 19 GEO. 5.]
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Extension) Act, 1928.*

A.D. 1928. (2) Any property debts and liabilities which immediately before the appointed day are vested in or attach to the Guardians of the Hambledon Union in relation to the added part of Witley conjointly with the remainder of the Hambledon Union shall be a matter for adjustment under this Order with the Guardians of the Guildford Union.

—
*Godalming
Order.*

Adaptation of provisions as to adjustments. 49.—(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—

(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.

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

50.—(1) As soon as practicable after the appointed day the Guildford Council and the Hambledon Council as regards any balance in their hands derived from a general rate or a special rate shall estimate the proportion thereof derived from the added parts of Godalming Rural and the added part of Witley respectively and subject to a deduction on account of undischarged liabilities in respect of those added parts accruing up to the appointed day shall transfer the amount to the Corporation.

A.D. 1928.

—
*Godalming
 Order.*

Apportion-
 ment by
 Rural
 Councils of
 balances of
 rates.

(2) The apportionment under this article of any balance shall be subject to review on an adjustment under this Order.

51. Any balance standing on the appointed day in the books of the Guardians of the Guildford Union or the Hambledon Union or of the Guildford Council or the Hambledon Council to the credit or debit of any existing parish which is altered by this Order shall be a matter for adjustment under this Order.

Balances in
 accounts of
 Guardians
 and Rural
 Councils.

52.—(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 Guildford Council or the Hambledon Council or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by that Council or the predecessors of either Council :

Savings for
 legal pro-
 ceedings
 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 Guildford Council in relation to the added parts of Godalming Rural or any portion thereof or the Hambledon Council in relation to the added part of Witley or any portion thereof may be continued prosecuted and enforced by or against the Corporation; and
- (b) All contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by the Guildford Council (or their predecessors) in relation to the added parts of Godalming Rural or any portion thereof or the Hambledon Council (or their predecessors) in relation to the added part of Witley or any portion thereof may be continued and enforced as full and effectually as if instead of that Council (or their predecessors) the Corporation had been a party thereto.

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Order.*

(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.

School
managers.

53. Any manager of any public elementary school within the added areas who was appointed by a parish council shall vacate office on the appointed day.

Saving for
qualification
of aldermen
councillors
and
guardians.

54. 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
main roads
within added
areas.

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

Other
savings.

56. 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 elections 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.

Short title.

57. This Order may be cited as the Godalming (Extension) Order 1928.

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*Provisional Order Confirmation (Godalming
 Extension) Act, 1928.*

SCHEDULES.

A.D. 1928.

FIRST SCHEDULE.

*Godalming
 Order.*

CONFIRMATION ACTS REPEALED IN SO FAR AS THEY RELATE TO
 CERTAIN PROVISIONAL ORDERS THEREBY CONFIRMED.

Session and Chapter.	Short Title.	Order relating to Godalming thereby confirmed.
44 & 45 Vict. c. i.	The Local Government Board's Provisional Orders Confirmation (Godalming &c.) Act 1881.	The order dated 1st February 1881.
45 & 46 Vict. c. clxx.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1882.	The order dated 10th May 1882.
53 & 54 Vict. c. clxxix.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1890.	The order dated 30th May 1890.

SECOND SCHEDULE.

LOCAL ACT AND CONFIRMATION ACTS EXTENDED TO THE
 BOROUGH.

PART I.—LOCAL ACT.

Session and Chapter. Short Title.

62 & 63 Vict. c. ccix. - - The Godalming Corporation Water Act 1899.

PART II.—CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order relating to Godalming thereby confirmed.
4 Edw. 7. c. cxviii.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1904.	The Godalming Order 1904.
9 & 10 Geo. 5. c. lxxv.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1919.	The Godalming Order 1919.
12 & 13 Geo. 5. c. xli.	The Ministry of Health Provisional Orders Confirmation (No. 5) Act 1922.	The Godalming Order 1922.

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

A.D. 1928.

THIRD SCHEDULE.

Godalming
 Order.

SETTLEMENT AND IRREMOVABILITY.

<p>Column 1. Existing Parish or part of existing Parish.</p>	<p>Column 2. Parish in which a settlement is to be acquired or in course of acquisition.</p>	<p>Column 3. Poor Law Union in which irremovability to be acquired or in course of acquisition.</p>
<p>1. The existing Parish of Godalming and the added areas. 2. The excluded parts of Godalming Rural. 3. The excluded part of Witley</p>	<p>1. The Parish of Godalming. 2. The Parish of Godalming Rural. 3. The Parish of Witley.</p>	<p>1. The Guildford Union. 2. The Guildford Union. 3. The Hamble- don Union.</p>

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

(L.S.)

MICHAEL HESELTINE
 Assistant Secretary Ministry of Health

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