

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*



## CHAPTER lxxiii.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Halifax and the West Riding of Yorkshire.

A.D. 1928.

[3rd August 1928.]

**W**HEREAS the Minister of Health has made the Provisional Orders set forth in the schedule hereto under the provisions of the Local Government Act 1888:

51 & 52 Vict.  
c. 41.

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

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

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

Orders in  
schedule  
confirmed.

2. This Act may be cited as the Ministry of Health (Halifax and West Riding Provisional Orders) Confirmation Act 1928.

Short title.

[Ch. lxxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

SCHEDULE.

COUNTY BOROUGH OF HALIFAX.

*Halifax  
Order.*

*Provisional Order made in pursuance of the Local Government Act 1888 for the extension of the County Borough of Halifax by the addition of a part of the Urban District of Southowram in the West Riding of Yorkshire.*

WHEREAS by virtue of section 54 of the Local Government Act 1888 the Minister of Health subject to the observance of the conditions imposed by section 2 of the Local Government (County Boroughs and Adjustments) Act 1926 may make a Provisional Order for altering the boundary of a county borough;

And whereas the existing Borough of Halifax is a county borough and the inhabitants are a body corporate by the name of the mayor aldermen and burgesses of the Borough of Halifax and act by the Council of the Borough;

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

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

And whereas the Urban District of Southowram in the administrative county of the West Riding of Yorkshire immediately adjoins the Borough of Halifax and is coextensive with the Parish of Southowram;

And whereas the conditions imposed by section 2 of the Local Government (County Boroughs and Adjustments) Act 1926 have been complied with:

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 First day of October Nineteen hundred and twenty-eight;

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

“ 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.

—  
*Halifax*  
*Order.*

“ The added area ” means the part of the existing Urban District of Southowram which is coloured yellow on the maps and is added to the existing Borough of Halifax by this Order;

“ The appointed day ” means the First day of October Nineteen hundred and twenty-eight;

“ The Borough ” means the existing Borough of Halifax as altered by this Order and any other Provisional Order which may be confirmed by Parliament during the present session;

“ 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 the West Riding of Yorkshire and the county council of that County;

“ The maps ” means the duplicate maps marked “ Map “ showing the area added to the Borough of Halifax “ by the Halifax (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 Halifax ” means the Parish of Halifax as altered by this Order and any other Provisional Order which may be confirmed by Parliament during the present session;

“ The Parish of Southowram ” means the Parish of Southowram as diminished by this Order;

“ The Urban District ” and “ the Urban Council ” mean respectively the Urban District of Southowram as diminished by this Order and the Urban District Council of Southowram.

2. As from the date on which the first new valuation list made under the Rating and Valuation Act 1925 for the Borough comes into operation any reference in this Order—

Construction of references to borough fund and borough rate.

(a) to the borough fund of the Borough shall be read as a reference to the general rate fund of the Borough; and

(b) to the borough rate of the Borough shall be read as a reference to the general rate of the Borough.

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

—  
*Halifax*  
*Order.*

Commence-  
ment of  
Order.

3.—(1) Save as otherwise expressly provided this Order shall come into operation on the First day of October Nineteen hundred and twenty-eight.

(2) 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) the revision of the basis of the county rate of the County or the preparation of any precept or contribution order to be made on or after the appointed day; and

(c) the provisions of this Order relating to valuation lists and assessment committees;

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

(3) For any purpose connected with the distribution and application of the moneys payable out of the Local Taxation Account or by the Postmaster-General in pursuance of the Act of 1888 of the Local Taxation (Customs and Excise) Act 1890 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) the existing Borough shall be deemed not to have been altered and the added area shall be deemed to continue part of the County until the First day of April Nineteen hundred and twenty-nine.

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 Urban District of Southowram as is coloured yellow on the maps.

(2) The Borough of Halifax as altered by this Order and any other Provisional Order which may be confirmed by Parliament during the present session shall for the purposes of the Municipal Corporations Acts and for all other purposes be the Borough of Halifax and shall be the county borough of Halifax for the purposes of the Act of 1888.

Alteration of  
parishes.

5. The added area shall be separated from the existing Parish of Southowram and shall be added to the existing Parish of Halifax.

Deposit and  
copies of  
maps.

6.—(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.

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

(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 date of the Act of Parliament confirming this Order to the clerk of the County Council to the clerk of the Urban Council to the clerk of the Halifax Guardians to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners.

A.D. 1928.

—  
*Halifax*  
*Order.*

7.—(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 boundary of the added area.

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 borough fund.

PART III.

PROVISIONS CONSEQUENT ON EXTENSION OF BOROUGH.

8. Subject to the provisions of the Municipal Corporations Acts the following provisions shall have effect—

Municipal  
wards and  
existing  
councillors.

(1) For the purposes of the election of councillors the added area shall be included in the Southowram Ward of the Borough:

(2) Any councillor who represents immediately before the appointed day the Southowram Ward shall on and after that day represent that Ward as extended by this Order and shall remain in office until the day on which he would have retired from office if this Order had not been made:

(3) If immediately before the appointed day a casual vacancy shall exist in the representation of the Southowram Ward the vacancy shall be deemed to exist in the representation of that Ward as extended by this Order.

9. 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.

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

*Halifax  
Order.*

Existing  
mayor and  
aldermen.

Powers and  
duties of  
justices  
coroner  
police &c.  
extended.

10. 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.

11.—(1) The powers and duties of the quarter sessions recorder clerk of the peace coroner and justices of the peace for the existing Borough and of the clerk to those justices and of the police constables and other peace officers of the existing Borough shall extend to and apply throughout the Borough:

Provided that—

(a) every person committing an offence in any part of 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 or coroner in relation to any matter arising in or concerning any part of 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.

(2) The added area shall cease to form part of any petty sessional division of the County and shall cease to be within the Halifax coroner's district of the Honor of Pontefract.

Corporation  
property  
liabilities  
&c.

12. 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.

Mortgage  
debts of  
Corporation.

13.—(1) Subject to the provisions of the Rating and Valuation Act 1925 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 corresponding fund or rate of the Borough.

(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

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

which the same are otherwise required to be repaid or are made repayable. A.D. 1928.

14.—(1) Subject to the provisions of this Order the provisions of—

—  
*Halifax  
 Order.*

Local Acts  
 and Orders  
 relating to  
 existing  
 Borough.

(a) the local Acts and of the confirmation Acts specified in the Schedule to this Order so far as those confirmation Acts relate to the Provisional Orders specified in that Schedule;

(b) any other local Act or Provisional Order duly confirmed and affecting the existing Borough or the Corporation (including any such Act or 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 thereof shall be deemed to refer to the Borough and the Corporation thereof.

(2) Nothing in this Order shall extend the area for the supply of electricity by the Corporation or shall affect the undertaking or powers of Electrical Distribution of Yorkshire Limited under the Queensbury and District Electricity Special Order 1926.

(3) Nothing in this Order or in any local Act or Order as extended and applied to the Borough by this Order shall prejudicially affect the undertaking or powers of the Yorkshire Electric Power Company in relation to the added area under the Yorkshire Electric Power Acts 1901 to 1927 and in relation to the added area the Acts of 1901 to 1927 shall continue to apply as if within the meaning of those Acts the added area were an urban district of which the Corporation of the Borough were the Council and formed no part of the Borough and as if no consent of a distributing authority were required in any case to enable the Company to supply energy in the added area.

15. The added area shall cease to form part of the Brighthouse Joint Hospital District and references to the Urban District of Southowram and the Urban District Council of Southowram in the Brighthouse Joint Hospital Orders 1893 to 1906 shall be read as references to the Urban District as altered by this Order and the Council thereof.

Brighthouse  
 Joint  
 Hospital  
 District.

16.—(1) The provisions of—

(a) the Infectious Disease (Prevention) Act 1890;

(b) the Public Health Acts Amendment Act 1890; and

(c) the Public Libraries Acts 1892 to 1919;

Adoptive  
 Acts.

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928. shall be in force within and apply to the Borough as if the same had been adopted for the Borough.

—  
*Halifax  
Order.*

(2) The provisions of any Act adopted by the Urban Council (or their predecessors) shall subject to the provisions of this article 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 capacities liabilities and obligations under the Private Street Works Act 1892 with which the Urban 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 Urban 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 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 area and any order under the Infectious Disease (Notification) Act 1889 in force immediately before that day within the added area shall cease to be in force within that area.

Corporation  
to be Burial  
Board for  
Borough.

17.—(1) 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 Halifax shall be required in respect of any act of the Corporation as the Burial Board.

(2) Any table of fees and charges in force in respect of any existing burial ground maintained by the Corporation 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.

Order under  
s. 33 of Act  
of 1894.

18. The order under section 33 of the Act of 1894 made by the Local Government Board on the Third day of March Nineteen hundred and eleven with respect to charities held wholly or partly for the benefit of the inhabitants of the existing Parish of Halifax shall have effect as if any reference therein to the Borough as it then existed extended and applied to the Borough and as if any reference in that order to the Parish of Halifax as it then existed extended and applied to the Parish of Halifax.



[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

A.D. 1928.

19. 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.

*Halifax Order.*

Orders under Shop Hours Act 1904 or Shops Acts.

20. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force immediately before the appointed day within the existing Borough shall extend to the added area and any order under those Acts which is then in force within the County shall cease to apply to the added area.

Orders under Wild Birds Protection Acts.

21.—(1) Any byelaws made by—

(a) the Corporation for good rule and government or under the Education Act 1921 or any enactment repealed by that Act or with respect to any park pleasure ground or recreation ground; or

(b) the Corporation or their Watch Committee and confirmed by the Secretary of State;

Byelaws regulations scales of charges &c.

which immediately before the appointed day are in force within the existing Borough shall extend and apply to the Borough until the byelaws are repealed or altered by further byelaws.

(2) Subject to the foregoing provision all byelaws made by the Corporation or by the Urban Council and in force within the existing Borough or within the added area immediately before the appointed day—

(a) if made before the First day of January Nineteen hundred and eight shall continue to apply to the existing Borough or to the added area as the case may be for a period of 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 eight shall continue to apply to the existing Borough or to the added area as the case may be until they are repealed or altered by byelaws made by the Corporation.

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

(4) All byelaws made by the County Council or by the standing joint committee of the County and in force immediately

[Ch. lxxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928. before the appointed day within the added area shall cease to be in force within that area.

*Halifax  
Order.*

(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 Urban 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 area;

may be taken by the Corporation as if the Corporation had been substituted therein for the Urban 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) Any scale of charges made by the Corporation and in force immediately before the appointed day throughout the existing Borough shall extend and apply to the Borough until the scale is repealed or altered by a further scale of charges made by the Corporation.

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

Adjustment  
of financial  
relations  
between  
County and  
County  
Boroughs.

22.—(1) In any case where the extension of the existing Borough by this Order affects the distribution between the County and the Borough or between the County and the Borough on the one hand and any other county borough on the other hand of the moneys payable out of the Local Taxation Account or by the Postmaster-General in pursuance of the Act of 1888 of the Local Taxation (Customs and Excise) Act 1890 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution or financial relations or questions equitable adjustments may be made.

(2) Any adjustment authorised by paragraph (1) of this article may be made by agreement between the Councils of the Borough the County and the county borough affected and if such adjustment has not been made before the First day of April Nineteen hundred and thirty or such later day as may be allowed by the Minister then on the application of any of the councils

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

interested the Minister may if he thinks fit make or appoint an arbitrator to make the adjustment.

A.D. 1928.

*Halifax  
Order.*

(3) In any case in which an agreement for equitable adjustments as aforesaid has not been made the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Minister or an arbitrator appointed by him as the case may be shall be substituted in those provisions for the commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Order or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Minister be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed by him shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

Provided that—

- (a) in lieu of subsection (6) of section 61 of the Act of 1888 subsections (1) and (5) of section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Minister under this article and to the costs of those inquiries ; and
- (b) subsection (6) of section 32 of the Act of 1888 shall apply to any agreement or award made under this article.

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

Adjustment  
for purposes  
of Licensing  
(Consolidation)  
Act  
1910.

(2) Such adjustment shall be made by agreement between the compensation authorities within the meaning of the Licensing (Consolidation) Act 1910 for the Borough and the County within twelve months after the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly.

24.—(1) The Minister may by order at any time after the passing of the Act of Parliament confirming this Order make such

Insurance  
committees.

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

*Halifax  
Order.*

provisions as appear to him to be necessary for transferring to the insurance committee for the Borough such of the property rights and liabilities of the insurance committee for the County as relate to persons resident in the added area.

(2) An order made under this article may authorise the insurance committee for the County to continue to act as insurance committee for the added area until such date not being later than the Thirty-first day of March Nineteen hundred and twenty-nine as may be specified in the order and may for that purpose postpone the operation of this Order so far as relates to the rights and duties of the respective insurance committees for the County and the Borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister necessary or expedient.

(3) An order under this article shall have effect as if enacted in the National Health Insurance Act 1924 and may be revoked revised or amended by an order made in like manner as the original order.

(4) Subject to any order under this article the persons who immediately before the appointed day are members of the respective insurance committees for the existing County and the existing Borough shall be deemed to have been appointed or elected as and shall be the members of the respective insurance committees for the County as altered by this Order and the Borough.

County  
police.

25.—(1) On the appointed day such members of the police force of the County as before that day shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the County and the watch committee of the Corporation or in default of agreement by the Secretary of State shall be transferred to and become part of the police force of the Borough :

Provided that no member of the police force of the County shall be so transferred without his consent.

(2) Every member of the county police force so transferred shall hold office in the police force of the Borough upon the same tenure and subject to the same terms and conditions as the other serving members of the borough police force of the same rank as such member and any period of service which the transferred member was entitled to reckon before the transfer for purposes of pay promotion or pension in the police force of the County shall be reckoned for the same purpose in the police force of the Borough :

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

Provided that where the scale of ordinary pensions applicable to a member of the police force of the County who is so transferred is by virtue of section 29 (1) (a) of the Police Pensions Act 1921 a scale other than that prescribed in Part I. of the First Schedule to that Act such scale shall continue to apply to him as if he had not been so transferred.

A.D. 1928.

—  
*Halifax*  
*Order.*

(3) The provisions of subsection (2) of section 8 of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of a police force transferred under this article as if that member had removed with the written sanction of the chief constable of the County and notwithstanding that at the date of the transfer that member may not have completed one year's approved service in the police force of the County.

26. Subject to the provisions of this Order—

Property &c.  
of Urban  
Council.

- (1) Any property or liabilities which immediately before the appointed day are vested in or attach to the Urban 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 Urban Council in relation to the added area (or any part thereof) conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

PART IV.

OFFICERS.

27. 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.

28. 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.

Officers of  
Corporation  
continued.

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

—  
*Halifax*  
*Order.*

Compensa-  
tion to  
existing  
officers.

29.—(1) Every officer in office on the date 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 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.

(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.

Determina-  
tion of com-  
pensation.

30.—(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.

(2) Any compensation payable under this Order to any officer shall be paid out of the borough fund and borough 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 ”;

(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

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. Ixiii.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

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.

A.D. 1928.

—  
*Halifax*  
*Order.*

(4) The compensation payable under this Order to an officer who immediately before the appointed day 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 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.

31. No officer shall be entitled to receive 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.

Compensa-  
tion and  
superannua-  
tion.

#### PART V.

##### SUPPLEMENTARY PROVISIONS.

32.—(1) For the purpose of the election of county councillors the added area shall cease to form part of the Hipperholme Electoral Division.

Election of  
county  
councillors.

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

*Halifax  
Order.*

(2) The person who immediately before the appointed day is the county councillor representing the existing Hipperholme Electoral Division shall be deemed to have been elected to represent that 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.

Urban  
district  
councillors.

33. The urban district councillors for the existing Urban District shall be deemed to have been elected for the Urban District as altered by this Order.

Guardians of  
Poor.

34.—(1) For the purposes of the election of guardians the added area shall form part of the South-East Ward of the Parish of Halifax.

(2) The persons who immediately before the appointed day are the guardians for the existing South-East Ward of the Parish of Halifax shall be deemed to have been elected for that ward as extended by this Order and shall retire from office on the day on which they would have retired if this Order had not been made.

(3) Any person who immediately before the appointed day is a guardian for the existing Parish of Southowram shall be deemed to have been elected a guardian for the Parish of Southowram and shall retire from office on the day on which he would have retired if this Order had not been made.

Duplicate  
entries in  
electors' lists.

35.—(1) The Registration Officer of the Parliamentary County of the West Riding of Yorkshire shall supply the Registration Officer of the Parliamentary Borough of Halifax 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 the 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 Halifax to issue such notices and 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 the same parish or ward of a parish within the Borough for the purpose of guardians' elections.

(3) Where the Registration Officer of the Parliamentary Borough considers (whether on account of an expression of



[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

choice by a person affected by a duplicate entry or otherwise) that any correction required for any of the purposes mentioned in paragraph (2) of this article should be made in the electors' list of any registration unit comprising any part of the added area he shall forthwith notify the Registration Officer of the Parliamentary County of the West Riding of Yorkshire and that Officer shall make such correction accordingly.

A.D. 1928.

—  
*Halifax*  
*Order.*

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

36.—(1) For the purposes of the register of local government electors of the Borough prepared in the year Nineteen hundred and twenty-eight and of all matters connected with incidental to or consequent upon those purposes the added area shall be deemed to have formed part of the Borough as from the Twenty-eighth day of February Nineteen hundred and twenty-eight.

Provisions as  
to register of  
electors.

(2) 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 registers 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.

(3) 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 parish or ward or other voting area—

- (a) the Town Clerk of the Borough in the case of an election for any voting area within the Borough; and
- (b) the Registration Officer of the Parliamentary County of the West Riding of Yorkshire 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.

(4) 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.

(5) It shall be the duty of the Clerk of the Urban Council and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the Urban Council for the performance of the duties of overseers in relation to the

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

—  
*Halifax*  
*Order.*

preparation of the register of electors to render such assistance as may be required by the Town Clerk of the Borough or the Registration Officer of the Parliamentary County for the purpose of any alteration or re-arrangement authorised by paragraph (3) of this article.

(6) 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.

37.—(1) The local registrar for the Urban District under the Land Charges Act 1925 and the rules made thereunder shall within fourteen days after the appointed day deliver to the town clerk of the Borough as 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 Urban 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 Urban District the application received by him together with the fees paid in respect thereof;

(c) The local registrar for the Urban 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 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 the Urban District is in pursuance

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

of this Order transferred from the register of the Urban 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.

A.D. 1928.

—  
*Halifax*  
*Order.*

38. 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 adjust-  
ments.

(1) 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; and

(2) 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; and

(3) As if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in the section; and

(4) 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 poor rate or general rate as the case may be."

39. Any balance standing on the appointed day in the books of the Urban Council and any balance standing on that day in the books of the Guardians of the Halifax Union to the credit or debit of the existing Parish of Southowram shall be matters for adjustment under section 62 of the Act of 1888.

Balances in  
accounts of  
Urban  
Council and  
Guardians.

40.—(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

Valuation  
lists.

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

—  
*Halifax*  
*Order.*

Act of Parliament confirming this Order shall have as respects the added area to the exclusion of the Urban Council all the powers duties and liabilities of the rating authority under Part II. of the Rating and Valuation Act 1925.

(2) That portion of the draft of the first new valuation list under the Rating and Valuation Act 1925 for the existing Urban District which relates to the added area shall after 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 the list by the Halifax 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 after the passing of the Act of Parliament confirming this Order be transferred to the Corporation and for the purpose of any appeal against that valuation list the added area shall be deemed as from the passing of the confirmation Act to be within the jurisdiction of the quarter sessions of the Borough.

(4) That portion of the valuation list of the existing Parish of Southowram in force immediately before the appointed day which relates to hereditaments in the added area and the valuation list of the existing Parish of Halifax in force immediately before the appointed day shall on the appointed day together form the valuation list of the Parish of Halifax.

(5) 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.

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

Assessment  
areas and  
committees.

41.—(1) For the purposes of the revision and approval of the portions of the first new valuation list under the Rating and Valuation Act 1925 which relate to the added area that area shall cease on the passing of the Act confirming this Order to be within the Calder Assessment Area and shall form part of the Halifax Assessment Area.

(2) On and after the appointed day the County of the West Riding of Yorkshire (Assessment Areas and Assessment Committees) Scheme 1926 shall have effect as if for references to the

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

existing Urban District of Southowram there were substituted references to that Urban District as altered by this Order.

A.D. 1928.

—  
*Halifax*  
*Order.*

(3) Any person who immediately before the appointed day represents the existing Borough on the Halifax Assessment Committee or the existing Urban District on the Calder Assessment Committee shall be deemed to have been appointed to represent the Borough or the Urban 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 Calder Assessment Committee with respect to valuation lists of the Parish of Southowram to which the Union Assessment Acts 1862 to 1880 apply.

42. For the purposes of the first new valuation list to be prepared under the Rating and Valuation Act 1925 and of any subsequent valuation list to be prepared under that Act the amounts of the deductions 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 such percentage of the net annual value as corresponds with the relief from consolidated rates of the existing Borough afforded to the owners and occupiers of like hereditaments by section 45 of the Halifax Corporation Act 1920.

Deductions  
for rateable  
value of  
tithes  
railways  
canals &c. in  
added area.

43.—(1) Subject to any future revision the basis of the county rate of the County shall be altered as follows—

County rate  
basis.

(a) From the amounts respectively appearing therein as the net annual values of the agricultural land and of other hereditaments in the existing Parish of Southowram there shall be deducted such sums in each case as represent the net annual value of the agricultural land and of other hereditaments in the added area;

(b) The amounts appearing in the basis as the net annual value and the assessable value of the property in the existing Parish of Southowram shall be altered so as to correspond with the alterations made as above directed in the net annual value of the agricultural land and of other hereditaments in that existing Parish.

(2) In this article "net annual value" and "assessable value" mean the net annual value and assessable value according to the basis of the county rate which is being altered in pursuance of this article.

[Ch. Ixiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

—  
*Halifax*  
*Order.*

Contribu-  
tion orders  
precepts and  
arrears of  
rates.

44.—(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 area shall be collected and recovered by the Urban Council as the Rating Authority or by the proper officer of that Council.

(3) Any rates so collected and recovered shall be a matter for adjustment under section 62 of the Act of 1888.

Levy of  
rate in added  
area and  
apportion-  
ment of  
balances &c.

45.—(1) The Corporation shall not before the First day of April Nineteen hundred and twenty-nine levy a consolidated rate within the added area.

(2) As soon as practicable after the appointed day the County Council and the Urban Council as regards any cash balance in their hands on that day shall estimate the proportion thereof derived from contributions paid by the added area and subject to a deduction on account of undischarged liabilities in respect of that area accruing up to the appointed day shall transfer such amount to the Corporation.

(3) This article shall apply to any sum received after the appointed day by the County Council or the Urban Council under a precept issued before that day in respect of any area in which the added area is comprised as if such sum were a cash balance in the hands of the Council at the appointed day.

(4) The apportionment under this article of any balance or sum received under a precept shall be subject to review on an adjustment under this Order.

Settlement  
of poor.

46.—(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 Halifax or in the existing Parish of Southowram by reason of residence birth or other qualification in—

- (i) the existing Parish of Halifax; or
- (ii) the added area; or
- (iii) the excluded part of Southowram;

shall be deemed to have acquired or to be in the course of acquiring thereby—

- (a) in the first and second cases a settlement in the Parish of Halifax as if the existing Parish of Halifax as altered by any other Provisional Order which may be confirmed during the present session of Parliament and the added area had always been the Parish of Halifax; and
- (b) in the third case a settlement in the Parish of Southowram as if the excluded part of Southowram had always been the Parish of Southowram.

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

(2) For the purposes of this article consecutive periods of residence in the added area and in the excluded part of Southowram shall be aggregated and reckoned as continuous residence in that part of the existing Parish of Southowram in which the person was residing immediately before the appointed day.

A.D. 1928.  
 —  
*Halifax*  
*Order.*

(3) In this article "the excluded part of Southowram" means that part of the existing Parish of Southowram which is not by this Order added to the existing Borough.

47. For the purpose of summoning jurors and of jury service any parish affected by this Order shall be deemed to continue unaltered until a new jurors book relating to the parish as altered comes into force.

Jury service.

48.—(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 Urban Council or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by the Urban Council or their predecessors :

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 Urban Council in relation to the added area 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 Urban Council (or their predecessors) in relation to the added area or any portion 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.

49. 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.

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

A.D. 1928.

—  
*Halifax*  
*Order.*

Other  
savings.

50. Nothing in this Order shall—

- (1) restrict the powers of the Secretary of State the Minister or the council of any county or county borough 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;
- (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.

51. This Order may be cited as the Halifax (Extension) Order 1928.

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SCHEDULE.

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PART I.—LOCAL ACTS.

Session and Chapter.	Title or Short Title.
3 Geo. IV. c. xxx.	- An Act for lighting with Gas the Town and Township of Halifax and the neighbourhood thereof within the Parish of Halifax in the West Riding of the County of York.
4 Geo. IV. c. xc.	- An Act for paving lighting cleansing watching and improving the Township of Halifax and for supplying the same with water.
13 & 14 Vict. c. xlii.	- An Act to confirm the incorporation of certain Boroughs and to provide for the payment of the expenses of the incorporation of new Boroughs.
16 & 17 Vict. c. clxvii.	- The Halifax Improvement Act 1853.
18 & 19 Vict. c. cxliv.	- The Halifax Gas Act 1855.
21 & 22 Vict. c. xci.	- The Halifax Park and Improvement Act 1858.



[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

Session and Chapter.	Title or Short Title.	A.D. 1928.
25 Vict. c. xli.	The Halifax Improvement Act 1862.	<i>Halifax Order.</i>
28 & 29 Vict. c. cxl.	The Halifax Extension and Improvement Act 1865.	
31 & 32 Vict. c. cxxvii.	The Halifax Corporation Waterworks and Improvement Act 1868.	
33 & 34 Vict. c. xcvi.	The Halifax Water and Gas Extension Act 1870.	
39 & 40 Vict. c. ccxxxiv.	The Halifax Water and Gas Extension Act 1876.	
45 & 46 Vict. c. ccxxxiv.	The Halifax Corporation Act 1882.	
51 & 52 Vict. c. xliv.	The Halifax Corporation Waterworks Act 1888.	
60 & 61 Vict. c. xciv.	The Halifax Corporation Tramways Act 1897.	
61 & 62 Vict. c. cxlvi.	The Halifax Corporation Act 1898.	
63 & 64 Vict. c. ccxxxiv.	The Halifax Corporation Act 1900.	
2 Edw. 7. c. cxxiv.	The Halifax Corporation Act 1902.	
5 Edw. 7. c. ccv.	The Halifax Corporation Act 1905.	
1 & 2 Geo. 5. c. cxiii.	The Halifax Corporation Act 1911.	
5 & 6 Geo. 5. c. xxvi.	The Halifax Corporation Act 1915.	
10 & 11 Geo. 5. c. lxxvi.	The Halifax Corporation Act 1920.	
12 & 13 Geo. 5. c. lxvi.	The Halifax Corporation Act 1922.	
14 & 15 Geo. 5. c. lxx.	The Halifax Corporation Act 1924.	
16 & 17 Geo. 5. c. xxix.	The Halifax Corporation Act 1926.	

PART II.—CONFIRMATION ACTS.

Session and Chapter	Short Title.	Order thereby confirmed.
14 & 15 Vict. c. ciii.	The Public Health Supplemental Act 1851 (No. 3).	The Halifax Order 1851.
19 & 20 Vict. c. xxvi.	The Public Health Supplemental Act 1856.	Section 2 relating to Halifax.
44 & 45 Vict. c. lxvi.	The Local Government Board's Provisional Orders Confirmation (Halifax &c.) Act 1881.	The Halifax Order 1881.
49 & 50 Vict. c. lxi.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1886.	The Halifax Order 1886.
50 & 51 Vict. c. cxxii.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1887.	The Halifax Order 1887.
52 & 53 Vict. c. cxiii.	The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1889.	The Halifax Order 1889.
53 & 54 Vict. c. lxxxii.	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1890.	The Halifax Order 1890.

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

A.D. 1928.  
*Halifax*  
*Order.*

Session and Chapter.	Short Title.	Order thereby confirmed.
55 & 56 Vict. c. xxxvii.	The Electric Lighting Orders Confirmation (No. 2) Act 1892.	The Halifax Corporation Electric Lighting Order 1892.
55 & 56 Vict. c. lxxi.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1892.	The Halifax (No. 2) Order 1892.
55 & 56 Vict. c. cc.	The Local Government Board's Provisional Orders Confirmation (No. 9) Act 1892.	The Halifax (No. 3) Order 1892.
55 & 56 Vict. c. ccxxii.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1892.	The Borough of Halifax Order 1892.
58 & 59 Vict. c. lxxvi.	The Commons Regulation (Halifax) Provisional Order Confirmation Act 1895.	Provisional Order dated 30th April 1895.
59 Vict. c. xxix.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1896.	The Halifax Order 1896.
62 & 63 Vict. c. cxi.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1899.	The Borough of Halifax Order 1899.
62 & 63 Vict. c. cli.	The Tramways Orders Confirmation (No. 1) Act 1899.	The Halifax Corporation Tramways Order 1899.
1 Edw. 7. c. cxlvii.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1901.	The Halifax and Sowerby Bridge Order 1901.
2 & 3 Geo. 5. c. cxxxiii.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1912.	The Halifax (Extension) Order 1912.
8 & 9 Geo. 5. c. i.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1918.	The Halifax Order 1918.
14 & 15 Geo. 5. c. xvii.	The Ministry of Health Provisional Orders Confirmation (No. 5) Act 1924.	The Halifax Order 1924.

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

(L.S.)

MICHAEL HESELTINE  
Assistant Secretary Ministry of Health.

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

COUNTY OF THE WEST RIDING OF  
YORKSHIRE.

A.D. 1928.

*Provisional Order made in pursuance of the Local Government Act 1888 for the transfer of a part of the County Borough of Halifax to the County of the West Riding of Yorkshire and the Urban District of Sowerby.*

*West Riding  
Order.*

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 county or borough;

And whereas a representation has been made to the Minister of Health by the Council of the County of the West Riding of Yorkshire that it is desirable that the common boundary of that County and the County Borough of Halifax should be altered by the transfer from the County Borough to the County and the Urban District of Sowerby of that part of the Crow Wood Park of the Urban District Council of Sowerby which is situate within the County Borough of Halifax;

And whereas by the Halifax (Extension) Order 1928 it is proposed that on the First day of October Nineteen hundred and twenty-eight a part of the Urban District of Southowram in the administrative county of the West Riding of Yorkshire should be added to the County Borough of Halifax:

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.

1. In this Order unless the context otherwise requires— Definitions.
  - “ Existing ” in relation to any area altered by this Order or by the Halifax (Extension) Order 1928 means existing immediately before the First day of October Nineteen hundred and twenty-eight;
  - “ Officer ” includes a servant and any person whose remuneration is paid by a local authority;
  - “ The Act of 1888 ” and “ the Act of 1894 ” mean respectively the Local Government Act 1888 and the Local Government Act 1894;

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

*West Riding  
Order.*

“The appointed day” means the First day of October Nineteen hundred and twenty-eight;

“The Borough” means the existing Borough of Halifax as altered by this Order and the Halifax (Extension) Order 1928;

“The Corporation” means the mayor aldermen and burgesses of the Borough of Halifax acting by the Council;

“The County” and “the County Council” mean respectively the administrative county of the West Riding of Yorkshire as altered by this Order and the Halifax (Extension) Order 1928 and the county council of that County;

“The maps” means the triplicate maps marked “Map showing the area transferred from the Borough of Halifax by the West Riding of Yorkshire Order 1928” and sealed with the official seal of the Minister;

“The Minister” means the Minister of Health;

“The Parish of Halifax” means the Parish of Halifax as altered by this Order and the Halifax (Extension) Order 1928;

“The Parish of Sowerby” means the Parish of Sowerby as extended by this Order;

“The transferred area” means the part of the existing Borough of Halifax which is coloured blue on the maps and is transferred by this Order to the administrative county of the West Riding of Yorkshire and the Urban District of Sowerby;

“The Urban District” and “the Urban Council” mean respectively the Urban District of Sowerby as extended by this Order and the Urban District Council of Sowerby.

Construction  
of references  
to district  
fund and  
general  
district rate.

2. As from the date on which the first new valuation list made under the Rating and Valuation Act 1925 for the Urban District comes into operation any reference in this Order—

(a) to the district fund of the Urban District shall be read as a reference to the general rate fund of the Urban District; and

(b) to the general district rate of the Urban District shall be read as a reference to the general rate of the Urban District.

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

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

A.D. 1928.  
 —  
*West Riding Order.*

Provided that for any purpose connected with the distribution and application of the moneys payable out of the Local Taxation Account or by the Postmaster-General in pursuance of the Act of 1888 of the Local Taxation (Customs and Excise) Act 1890 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) the existing Borough shall be deemed not to have been altered and the transferred area shall be deemed to continue part of the County until the First day of April Nineteen hundred and twenty-nine.

Commence-  
 ment of  
 Order.

PART II.

ALTERATIONS OF BOUNDARY.

4.—(1) That part of the existing Borough which is coloured blue on the maps shall be transferred to the Administrative County of the West Riding of Yorkshire and the Urban District of Sowerby.

Transfer of  
 part of  
 existing  
 Borough to  
 County and  
 Urban  
 District.

(2) The transferred area shall form part of the Sowerby Bridge Electoral Division for the election of county councillors and of the East Ward of the Urban District of Sowerby for the election of urban district councillors.

5. The transferred area shall be separated from the existing Parish of Halifax and shall be added to the existing Parish of Sowerby and shall form part of the No. 2 Ward of that Parish for the election of guardians.

Alteration of  
 parishes.

6. The transferred area shall form part of the West Morley Petty Sessional Division and shall be separated from the district of the coroner for the Borough of Halifax and added to the Halifax Coroner's District of the County.

Alteration of  
 petty sessional  
 division and  
 coroners'  
 districts.

7.—(1) One of the maps shall be deposited in the office of each of the following persons namely :—

Deposit and  
 copies of  
 maps.

- (a) the Minister ;
- (b) the clerk of the County Council ; and
- (c) the town clerk of the Borough.

(2) Copies of the map deposited with the clerk of the County Council certified by him to be true shall be sent by him within one month after the date of the Act of Parliament confirming this Order to the clerk of the Urban Council to the clerk of the Halifax Guardians to the Board of Inland Revenue to the Commissioners

[Ch. lxiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

A.D. 1928. of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners.  
 —  
*West Riding Order.*

Copies of map to be evidence.

8.—(1) Copies of or extracts from the map deposited with the clerk of the County Council or the town clerk of the Borough certified by the clerk 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 alteration of boundaries made by this Order.

(2) The maps so deposited shall at all reasonable times be open to inspection by any person liable to any rate leviable within the Borough or the Urban District and any such person shall be entitled to a copy of or extract from the map certified by the clerk to be true on payment of a reasonable fee to be determined by the Corporation or the County Council.

(3) All fees so received shall be carried to the borough fund or county fund as the case may require.

PART III.

PROVISIONS CONSEQUENT ON ALTERATION OF COUNTY BOUNDARY.

Powers and duties of justices coroner police &c. extended.

9. The powers and duties of—

- (1) the quarter sessions justices and clerk of the peace of the County;
- (2) the chief constable police constables and other peace officers of the County; and
- (3) the coroner for the Halifax District of the County;

shall extend to the transferred area :

Provided that—

- (a) every person committing an offence in the transferred 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 or coroner in relation to any matter arising in or concerning any part of the transferred 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.

Assessment areas and committees.

10.—(1) The County of the West Riding of Yorkshire (Assessment Areas and Assessment Committees) Scheme 1926 shall have effect as if for references to the existing Urban District

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

of Sowerby there were substituted references to that Urban District as altered by this Order. A.D. 1928.

(2) Any person who immediately before the appointed day represents the existing Urban District on the Calder Assessment Committee shall be deemed to have been appointed to represent the Urban District on that Committee. *West Riding Order.*

11. The provisions in Part III. of the Halifax (Extension) Order 1928 which relate to the adjustment of— Adjustments of financial relations and for purposes of Licensing (Consolidation) Act 1910.

(1) financial relations between the County and county boroughs; and

(2) interests in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or any enactment repealed by that Act;

shall extend to the alteration of areas made by this Order and any reference in those provisions to the added area shall be read as including a reference to the transferred area as defined in this Order.

#### PART IV.

##### SUPPLEMENTAL.

12. Subject to the provisions of this Order all property immediately before the appointed day vested in the Urban Council for the benefit of the existing Urban District (not being property held on any charitable trust) shall by virtue of this Order be held by the Urban Council for the benefit of the Urban District and the Urban Council shall hold enjoy and exercise for the benefit of the Urban District all the powers which immediately before that day are exerciseable by or vested in them for the benefit of the existing Urban District and all liabilities which immediately before the appointed day attach to the Urban Council in respect of the existing Urban District shall on that day attach to them in respect of the Urban District. Property liabilities &c. of Urban Council.

13.—(1) Subject to the provisions of the Rating and Valuation Act 1925 so much of any sums borrowed by the Urban Council as immediately before the appointed day are owing and charged upon a fund or rate of the existing Urban District shall be charged upon the corresponding fund or rate of the Urban District. Mortgage debts of Urban Council.

(2) All borrowed moneys to which this article applies with the interest thereon shall be repaid by the Urban Council within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within

[Ch. Ixiii.] *Ministry of Health* [18 & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928.

*West Riding  
Order.*

Local Acts  
and Pro-  
visional  
Orders.

which the same are otherwise required to be repaid or are made repayable.

14.—(1) Subject to the provisions of this Order the provisions of any local Act or Provisional Order confirmed by Parliament which immediately before the appointed day are in force within that part of the existing Urban District which is co-extensive with the Urban District of Sowerby Bridge as it formerly existed shall extend and apply to the transferred area and any reference therein which is applicable to the existing Urban Council shall be read as a reference to the Council of the Urban District.

(2) The transferred area shall cease to be within the limits of the Corporation for the supply of gas and shall be included within the limits of the Urban Council for the supply of gas.

(3) Nothing in this Order shall affect the limits of the Corporation for the supply of water or electricity.

(4) Nothing in this Order or in any local Act or Provisional Order as extended and applied to the transferred area by this Order shall affect the undertaking or powers of the Yorkshire Electric Power Company under the Yorkshire Electric Power Acts 1901 to 1927 or any provision in those Acts for the protection of the Corporation.

Adoptive  
Acts orders  
byelaws  
regulations  
&c.

15.—(1) Subject to the provisions of this Order any adoptive Act order of a government department or local authority byelaw regulation or scale of charges which immediately before the appointed day is in force within—

(a) the existing Urban District shall extend and apply to the transferred area; and

(b) the transferred area as part of the existing Borough shall save as provided in the foregoing provision of this article cease to be in force within and apply to the transferred area.

(2) In this article "scale of charges" includes any list of tolls or table of fees and payments.

Existing  
councillors  
and  
guardians.

16.—(1) Any person who immediately before the appointed day represents as a councillor or guardian any existing electoral division or ward which is altered by this Order shall on and after that day represent that electoral division or ward as altered by this Order and shall remain in office until the day on which he would have retired from office if this Order had not been made.

(2) If immediately before the appointed day a casual vacancy shall exist in the representation of any existing



[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lxiii.]  
*(Halifax and West Riding Provisional Orders)*  
*Confirmation Act, 1928.*

electoral division or ward which is altered by this Order the vacancy shall be deemed to exist in the representation of that electoral division or ward as altered by this Order.

A.D. 1928.  
 —  
*West Riding Order.*

17. The clerk and all other officers of the Council of the existing Urban District who hold office immediately before the appointed day shall continue to be the clerk and officers of the Council of the Urban District and shall hold their offices by the same tenure as before that day.

Existing officers of Urban Council.

18.—(1) Every officer in office on the date 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 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 Urban Council.

Compensation to existing officers.

(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.

(3) The provisions in Part IV. of the Halifax (Extension) Order 1928 which relate to the determination award and payment of compensation and to compensation and superannuation shall extend to compensation under this Order:

Provided that any reference to the Corporation in the applied provisions shall be read as a reference to the Urban Council and any reference to the borough fund and borough rate of the Borough shall be read as a reference to the district fund and general district rate of the Urban District.

19. Subject to the provisions of the Halifax (Extension) Order 1928 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 Sowerby or in the existing Parish of Halifax shall be deemed to have acquired or to be in the course of acquiring a settlement in the Parish of Sowerby or the Parish of Halifax as the case may require.

Settlement of poor.

20. 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 adjustments.

[Ch. lxiii.] *Ministry of Health* [18. & 19 GEO. 5.]  
(*Halifax and West Riding Provisional Orders*)  
*Confirmation Act, 1928.*

A.D. 1928. subject to the modifications mentioned in article 38 of the  
Halifax (Extension) Order 1928.

—  
*West Riding  
Order.*

Saving for  
sewers of  
Corporation.

21. Nothing in this Order shall transfer to the Urban Council any sewer within the transferred area which may be vested in the Corporation or shall authorise the Urban Council without the consent of the Corporation to connect to any such sewer any drain or sewer within the Urban District.

Other  
savings.

22. Nothing in this Order shall—

- (1) restrict the powers of the Secretary of State the Minister or the council of any county or county borough 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;
- (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 and  
collective  
titles.

23. This Order may be cited as the West Riding of Yorkshire Order 1928 and the Halifax (Extension) Order 1928 and this Order may be cited together as the Halifax and West Riding Orders 1928.

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

(L.S.)

MICHAEL HESELTINE  
Assistant Secretary Ministry of Health.

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