

[21 & 22 GEO. 5.] *Ministry of Health* [Ch. lxxiv.]
Provisional Order Confirmation (Wareham Extension)
Act, 1931.



CHAPTER lxxiv.

An Act to confirm a Provisional Order of the Minister of Health relating to the borough of Wareham. A.D. 1931.
[31st July 1931.]

WHEREAS under the provisions of the Local Government Act 1888 the Minister of Health has made a provisional order which needs confirmation by Parliament : 51 & 52 Vict. c. 41.

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 of the Minister of Health which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Wareham Extension) Act 1931. Short title.

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SCHEDULE.

BOROUGH OF WAREHAM.

Wareham
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Order.

Provisional Order extending a borough.

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

And whereas the existing borough of Wareham in the administrative county of Dorset 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 burgeses of the borough of Wareham and for the election of councillors the borough is not divided into wards;

And whereas the borough of Wareham is coextensive with the parish of Wareham Lady Saint Mary and the parishes of Arne and Wareham Saint Martin immediately adjoin the borough and are contributory places in the rural district of Wareham and Purbeck:

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.

PRELIMINARY.

Short title.

1. This order may be cited as the Wareham (Extension) Order 1931.

Interpretation.

2. In this order unless the context otherwise requires—

“Existing” means existing immediately before the appointed day;

“The Act of 1888” means the Local Government Act 1888;

“The added areas” means the areas which by this order are added to the existing borough of Wareham;

“The appointed day” means the first day of October nineteen hundred and thirty-one;

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- “ The borough ” means the borough of Wareham as extended by this order; A.D. 1931.
- “ The corporation ” means the mayor aldermen and burgesses of the borough of Wareham acting by the council; *Wareham (Extension) Order.*
- “ The county ” means the administrative county of Dorset and “ the county council ” means the county council of Dorset;
- “ The maps ” means the duplicate maps marked “ Map of the Borough of Wareham as extended by the “ Wareham (Extension) Order 1931 ” 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 that Act and the Borough Councillors (Alteration of Number) Act 1925;
- “ The rural council ” means the rural district council of Wareham and Purbeck and “ the rural district ” means the rural district of Wareham and Purbeck.

3. Save as otherwise expressly provided this order shall come into operation on the first day of October nineteen hundred and thirty-one: Commencement of order.

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; and
- (b) the alteration of valuation lists to take effect on the appointed day or the preparation or revision of any estimate of the produce of a penny rate or the preparation of any precept to be made in respect of the half-year commencing on the appointed day;

this order shall operate from the date of the Act confirming it.

PART II.

EXTENSION OF BOROUGH AND OTHER ALTERATIONS OF AREA.

4.—(1) The boundary of the existing borough of Wareham the area of which is coloured pink on the maps shall be altered so as to include in addition to that area that portion of the existing parish of Arne in the rural district which is coloured yellow on the maps and that portion of the existing parish of Wareham Saint Martin in the rural district which is coloured blue on the maps. Extension of borough.

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Alterations
of parishes.

(2) The boundary of the borough shall be that shown by the inner edge of 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.

County
electoral
divisions.

5. The added areas shall be separated from the existing parishes of which they form part and shall be amalgamated with the existing parish of Wareham Lady Saint Mary.

6. For the purpose of the election of county councillors the added areas shall be separated from the Steeple electoral division and shall be included in the Wareham electoral division.

Deposit and
copies of
maps.

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

(2) Copies of the map deposited with the town clerk of Wareham certified by him to be true shall be sent by him within one month after the date of the Act confirming this order to the clerk of the county council the clerk of the rural council the Board of Inland Revenue the Commissioners of Customs and Excise the Registrar-General the Board of Trade the Minister of Transport the Minister of Agriculture and Fisheries and the Electricity Commissioners.

Copies of
map to be
evidence.

8.—(1) Copies of or extracts from the map deposited with the town clerk of Wareham 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.

(2) The map deposited with the town clerk of Wareham 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.

MEMBERS OF LOCAL AUTHORITIES AFFECTED BY ORDER.

Number of
councillors
and alder-
men.

9. Subject to the provisions of the Municipal Corporations Acts the number of councillors of the borough shall continue to be twelve and the number of aldermen of the borough shall continue to be four.

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10.—(1) The persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing borough shall on the appointed day become the mayor aldermen and councillors of the borough.

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(2) Any casual vacancy in the office of councillor of the existing borough which may exist on the appointed day shall be filled by the election of a councillor of the borough.

Existing mayor
aldermen and
borough
councillors.

11. Any person who immediately before the appointed day is a county councillor representing an existing electoral division of the county which is altered by this order shall be deemed to have been elected to represent that electoral division as so altered.

Existing
county
councillors.

12. Any person immediately before the appointed day in office as a rural district councillor or parish councillor for any existing parish which is altered by this order shall on the appointed day become a rural district councillor or parish councillor for that parish as so altered.

Rural district
councillors
and parish
councillors
for altered
parishes.

13.—(1) For the purposes of the determination after the appointed day of the qualification of a person for election as an alderman of the borough or as a county councillor borough councillor district councillor or parish councillor the alterations of area made by this order shall be deemed to have had effect on the first day of September nineteen hundred and thirty.

Qualification
of aldermen
and coun-
cillors.

(2) Any alderman of the existing borough and any county councillor or councillor of a borough district or parish 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 or councillor by reason of any alteration of area made by this order.

14. Any member of a local authority affected by this order shall retire from office on the day on which he would have retired from office if this order had not been made and any person elected to fill a casual vacancy in the office of member of a local authority so affected shall retire from office on the day on which the person in whose place he is elected would have retired from office if this order had not been made.

Term of
office of
members of
local autho-
rities.

PART IV.

ADOPTIVE ACTS ORDERS BYELAWS &C.

15.—(1) The provisions of the Public Health Acts Amend-
ment Act 1890 and such of the provisions of the Public Health
Act 1925 as are in force immediately before the appointed day
within the existing borough by virtue of an adoption by the
corporation of those provisions shall be in force within and

Adoptive
Acts.

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(2) The provisions of any adoptive Act in force within any of the added areas shall subject to subsection (1) of this section cease to be in force within the added areas.

(3) Any order under the Infectious Disease (Notification) Act 1889 which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas in substitution for any order under the Infectious Disease (Notification) Act 1889 which may be in force within the added areas.

Joint burial
committee.

16. The joint committee appointed for the purpose of the Burial Acts 1852 to 1906 for the existing borough and for the existing parishes of Arne and Wareham Saint Martin shall be deemed to have been appointed for the borough and for the parishes of Arne and Wareham Saint Martin as altered by this order and shall consist of the same number of members as heretofore.

Adaptation
of Poole
Harbour
Order 1915.

17. References to the borough of Wareham in the Poole Harbour Order 1915 which was confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1915 shall be read as references to that borough as extended by this order.

Adaptation
of Wey-
mouth Port
Order 1897.

18. Subject to any future order of the Minister any reference in the Weymouth Port Order 1897 to the rural district of Wareham and Purbeck and the council of that district shall be read as a reference to that rural district as diminished by this order and the council of that district as so diminished.

Orders under
Shop Hours
Act 1904 or
Shops Acts
1912 to 1928.

19. Any order made under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1928 and in force immediately before the appointed day in any area affected by this order shall subject to the provisions of those Acts remain in force and apply to the area to which it then applied.

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

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

(1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if the said parts or sections were accordingly declared to be in force within the borough;

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(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; A.D. 1931.
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(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 in this section provided cease to be in force within the added areas.

21. All the powers duties and liabilities of an urban authority and all the powers in relation to the chargeability of expenses with which the rural council are invested by any order made by the Local Government Board or the Minister under the Public Health Acts 1875 to 1926 in respect of any existing parish which is altered by this order shall be deemed to vest in and attach to the rural council in respect of that parish as so altered. Urban powers &c. in excluded parts of parishes.

22. References which apply to the existing borough of Wareham or the existing parish of Wareham Lady Saint Mary in any order of the Local Government Board or the Minister made under section 33 of the Local Government Act 1894 and in force immediately before the appointed day shall be read as references to the borough of Wareham and to the parish of Wareham Lady Saint Mary as extended by this order. Orders under 56 & 57 Vict. c. 73 s. 33.

23.—(1) All byelaws made by the corporation for good rule and government and all byelaws made by the corporation and confirmed by the Secretary of State 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. Byelaws regulations scales of charges &c.

(2) Subject to subsection (1) of this section all byelaws made by the corporation or by the rural council and in force within the existing borough or the added areas immediately before the appointed day—

(a) if made before the first day of January nineteen hundred and twenty shall continue to apply to the area to which they apply immediately before the appointed day for a period of one year after the appointed day (unless previously repealed or altered in their application to the borough 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;

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(b) if made on or after the first day of January nineteen hundred and twenty shall continue to apply to the area to which they apply immediately before the appointed day until they are repealed or altered in their application to the borough by byelaws made by the corporation.

(3) In their application to the added areas any byelaws made by the rural council shall have effect as if they had been made by the corporation.

(4) 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.

(5) 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.

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

(a) any byelaws of the rural council; or

(b) any byelaws of the county council or the standing joint committee which by virtue of this section cease to apply to the added areas;

may be taken by the corporation as if the corporation had been substituted therein for the rural 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.

(7) In this section the expression "byelaws" includes any regulation and the expression "scale of charges" includes any list of tolls or tables of fees or payments not prescribed by byelaws and any reference in this section to byelaws made by the rural council shall be read as including a reference to byelaws made by the predecessors of the rural council.

PART V.

PROPERTY LIABILITIES POWERS &C. OF EXISTING AUTHORITIES.

Corporation
property
liabilities &c.

24. 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

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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 them for the benefit of the existing borough and all liabilities which immediately before the appointed day attach to the corporation in respect of the existing borough shall on that day attach to them in respect of the borough.

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25.—(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 or the revenues of the existing borough shall be charged upon the corresponding fund or rate of the borough or the revenues of the borough.

Mortgage
debits of
corporation.

(2) All borrowed moneys to which this section 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.

26.—(1) Any property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation exclusively to one of the added areas (or any portion of one of those areas) 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 1926.

Property and
liabilities of
rural council.

(2) Any property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation to one of the added areas (or any portion of one of those areas) conjointly with any other area shall be a matter for adjustment under this order with the corporation.

27. Any balance standing on the appointed day in the books of the rural council in respect of the general rate of the rural district or in respect of any special rate levied on the existing parish of Arne or the existing parish of Wareham Saint Martin shall be a matter for adjustment under this order.

Balances of
rural council.

28.—(1) The parish council of any existing parish which is diminished by this order shall be the parish council of that parish as so diminished.

Parish
councils and
powers pro-
perty &c. of
existing
parishes.

(2) Any powers or duties vested in or imposed on the parish council of any existing parish which is diminished by this order shall so far as regards that part of the parish which is added to the existing borough be vested in or imposed on the corporation.

(3) Any property or liabilities held or incurred by the parish council of any existing parish which is diminished by this order

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in relation exclusively to that part of the parish which is added to the existing borough (or any portion of any such added part) shall by virtue of this order be transferred to and vest in or attach to the corporation.

(4) Any property or liabilities held or incurred by the parish council of any existing parish which is diminished by this order in relation to that part of the parish which is added to the existing borough (or any portion of any such added part) conjointly with any other area shall be a matter for adjustment under this order with the corporation.

PART VI.

RATING AND VALUATION.

Differential
rating in
added areas.

29.—(1) On an application made in writing at any time before the first day of September nineteen hundred and thirty-one by—

(a) the rural council; or

(b) the parish council of Arne or the parish council of Wareham Saint Martin;

the Minister may order that the total amount in the pound of the general rate or rates to be levied by the corporation for the purpose of meeting their own expenditure upon any rateable hereditament situate in a part of the borough comprising any of the added areas shall in each year be less than the total amount in the pound of the general rate or rates to be levied by the corporation for the purpose of meeting their own expenditure in the same year upon any hereditament within the remainder of the borough by such sum or sums in the pound and for such period commencing on the appointed day as may seem equitable to the Minister after considering any representations made to him by the corporation.

(2) An order under this section may provide for the allowance to owners or occupiers of such of the rateable hereditaments within any area as 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 section to such less extent than the relief from rates allowed by the order to owners or occupiers of other rateable hereditaments within the area as the Minister may consider equitable.

(3) Any relief from a general rate afforded in pursuance of this section shall be specified in all demand notes for rates issued to ratepayers of the area to which the relief extends and the net amount in the pound of the rate shall be distinguished.

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30.—(1) The County of Dorset (Assessment Areas and Assessment Committees) Scheme 1926 shall be read and have effect as if for references therein to the borough of Wareham and the Wareham borough council there were substituted references to that borough as extended by this order and the council thereof and as if for references to the rural district of Wareham and Purbeck and the Wareham and Purbeck rural district council there were substituted references to the rural district as diminished by this order and the council thereof.

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 Assessment
 areas and
 committees.

(2) Any person who immediately before the appointed day represents on any assessment committee the corporation or the rural council shall continue to represent the corporation or the rural council.

31. For the purposes of all valuation lists of the borough the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of the Rating and Valuation Act 1925 from the net annual 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 22 per cent. and such adjustments of the value of those hereditaments shall be made by the corporation as may be necessary to give effect to the provisions of this section.

Deduction in
 ascertaining
 rateable
 value of
 tithes
 railways
 canals &c.

32.—(1) Before the fifteenth day of September nineteen hundred and thirty-one the clerk of the rural council shall prepare copies in duplicate of all entries in the valuation list of the rural district then in force which relate to hereditaments within the added areas and shall send one duplicate to the town clerk of Wareham and the other duplicate to the clerk of the East Dorset assessment committee.

Valuation
 lists.

(2) Subject to such adjustments of the value of hereditaments as are required by the preceding section of this order—

(a) the town clerk of Wareham shall incorporate with the valuation list of the existing borough the particulars received by him under subsection (1) of this section to form the valuation list of the borough as from the appointed day; and

(b) the clerk of the East Dorset assessment committee shall incorporate with the copies of the valuation lists in his possession the particulars received by him under subsection (1) of this section.

(3) That portion of the valuation list of the existing rural district which does not relate to hereditaments within the added areas shall as from the appointed day form the valuation list of the rural district as altered by this order.

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Estimated
product of
rates and
precepts.

33.—(1) For the purpose of ascertaining the amounts due under precepts issued by the county council to the corporation and the rural council respectively in respect of the half-year commencing on the appointed day the product of a penny rate in the borough and in the rural district as altered by this order shall notwithstanding anything in the Rating and Valuation Act (Product of Rates and Precepts) Rules 1929 be determined separately for that half-year and the amounts due in respect of that half-year under those precepts shall be ascertained accordingly.

(2) It shall be the duty of the town clerk and the clerk of the rural council before the appointed day to furnish the county council in respect of the half-year commencing on the appointed day with revised estimates of the product of a penny rate levied in the borough and in the rural district as altered by this order and the revised estimates shall be calculated in accordance with the provisions of the Rating and Valuation Act (Product of Rates and Precepts) Rules 1929.

(3) Notwithstanding the alterations of area effected by this order all precepts made by any local authority in respect of a financial period commencing before the appointed day shall be as valid in law as if this order had not been made.

Arrears of
rates.

34. All rates not collected immediately before the appointed day in respect of hereditaments within any of the added areas shall be collected and recovered by the rural council as the rating authority or by the proper officer of that council as if this order had not been made.

PART VII.

OFFICERS.

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

35. 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 any officer or servant whose remuneration is paid by a local authority.

Continuance
of officers of
corporation.

36. The town clerk and all other officers of the corporation in office immediately before the appointed day shall continue in office and shall hold their offices by the same tenure as before that day.

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37.—(1) Every officer in office on the date of the passing of the Act 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 for that loss no other provision is made by any enactment for the time being in force) shall be entitled to compensation under this order from the corporation for that loss.

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 Compensation to existing officers.

(2) For the purposes of this section any officer whose appointment is determined 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.

38.—(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.

Determination of compensation.

(2) Any compensation payable under this order to any officer shall be paid out of the general rate fund 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.

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(3) In computing the service of any officer for the purpose of the award of compensation the corporation shall take into account all the service of that officer after he attained the age of eighteen years under any local authority :

Provided that where the officer held two or more offices and the claim for compensation is based on a loss of one or some only of those offices account shall not be taken under this subsection of service in an office which the officer continues to hold unless throughout the period of his service in that office he devoted the whole of his time to the duties of offices held by him under one or more local authorities.

(4) The compensation payable under this order to an officer who immediately before the appointed day shall hold two or more offices under one or more 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 those offices and for the purpose of this subsection 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 late 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 the officer before his appointment had been employed as a deputy assistant or clerk by a permanent officer for the purpose of the discharge of his official duties 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.

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

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39. No service of which account has been taken in assessing the compensation payable under this order to an officer in respect of the determination of any appointment held by him shall in the event of his accepting any other office after the appointed day be reckoned for the purpose of computing any sum payable in respect of that office under any superannuation scheme or other scheme for ensuring benefits to an officer on retirement whether under any enactment or otherwise.

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 Compensation and superannuation.

PART VIII.

SUPPLEMENTARY.

40.—(1) Where in consequence of any alteration of areas or authorities made by this order any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 62 of the Act of 1888 as set out and adapted in the schedule to this order.

Financial adjustments.

(2) This section shall not extend to any matter for the adjustment of which special provision as to the method of adjustment is made by any enactment or order.

41. The liability for the maintenance and repair of any unclassified road within the added areas shall by virtue of this order be transferred to and attach to the corporation and the county council shall cease to exercise as respects any unclassified road in those areas any powers or duties under Part I or Part II of the first schedule to the Local Government Act 1929.

Unclassified roads within added areas.

42. The rates and charges from time to time made by the corporation for the supply of water within the added areas shall not exceed the rates and charges made by the corporation in the like circumstances within that part of the borough which comprises the existing borough.

Water charges.

43.—(1) The administrative scheme of the county council under Part I of the Local Government Act 1929 shall have effect as if for the references therein to the borough of Wareham and the rural district of Wareham and Purbeck there were substituted references to the borough and the rural district respectively as altered by this order.

Wareham guardians committee.

(2) Any person who immediately before the appointed day is a representative on the Wareham guardians committee of either the corporation or the rural council shall continue to represent the corporation or the rural council.

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Provisions as
to register of
electors.

44.—(1) In the preparation of the register of electors in the present year so far as it relates to any area affected by this order it shall be competent to the registration officer of the parliamentary county of Dorset 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.

(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 or re-arrangement of an existing register of electors under this section shall be defrayed by the corporation.

(4) It shall be the duty of the town clerk of Wareham of the clerk of the rural council and of any officer designated by the corporation or by the rural council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by the registration officer for the purpose of any alteration or re-arrangement authorised by this section.

(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 section and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

Jury service.

45. 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 shall come into force.

Local land
charges
registers.

46.—(1) The local registrar for the rural district shall within fourteen days after the appointed day supply to the local registrar for the borough an office copy of every entry in his local land charges register relating to any premises situate within the added areas.

(2) The local registrar for the county shall within fourteen days after the appointed day supply to the local registrar for the borough an office copy of every entry in his local land charges register relating to any premises situate within the added areas

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and to charges which on the appointed day become borough charges. A.D. 1931.

(3) The local registrar by whom an office copy is supplied under subsection (1) or subsection (2) of this section shall be paid by the corporation in respect of that copy such fees as are prescribed by the rules made under the Land Charges Act 1925.

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(4) The local registrar for the borough shall within fourteen days after the receipt of an office copy under subsection (1) or subsection (2) of this section enter the particulars contained therein with any necessary modifications in the appropriate part of the local land charges register of the borough.

(5) Until the entries required by subsection (4) of this section are made or until the expiration of one month from the appointed day whichever shall be the earlier the following provisions shall have effect in respect of land within the added areas—

- (a) where application is made by any person for a personal search in the register of the borough the local registrar for the borough shall give notice to the applicant that additional searches should be made in the registers of the rural district and the county;
- (b) where application is made for an official search in the register of the borough the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof and shall also forward a copy of the application to the local registrar for the county;
- (c) the local registrars for the rural district and the county 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 and the fees payable to the local registrar for the county for any additional search in respect of land within the added areas and for any additional certificate in respect of that land shall be paid by the corporation.

(6) Where the entry of a local land charge which has been duly made in the local land charges register of the rural district or the county is in pursuance of this section 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

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A.D. 1931. legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

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Order.

Parish books
and docu-
ments.

47. Any ratepayer or inhabitant of any existing parish which by this order is altered shall at all times have the right of inspection and of making extracts from the books or documents of that existing parish which he would have had if this order had not been made.

Saving for
gas water or
electricity
undertakers.

48. Nothing in this order shall alter the area for the supply of gas water or electricity by any company body or local authority under any local Act or any provisional order confirmed by Parliament or under any order made in pursuance of the Gas Undertakings Acts 1920 and 1929 or the Electricity (Supply) Acts 1882 to 1928 or shall prejudice or affect the existing powers or charges of any such company body or local authority under any such Act or order.

Contracts
legal pro-
ceedings &c.

49.—(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 any local authority or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by any local authority :

Provided that—

- (a) Any cause of action or proceeding by or against any local authority in relation exclusively to one of the added areas or any part thereof may be 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 any local authority in relation exclusively to one of the added areas or any part thereof shall be of as full force and effect against or in favour of the corporation and may be enforced as fully and effectually as if instead of the local authority 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 to bring them into conformity with the provisions of this order.

(3) Any reference in this section to a local authority shall be read as including a reference to the predecessors of that local authority.

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50. 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 Local Government Act 1894 or the Local Government Act 1929;
- (2) affect any power for the division of the parliamentary county of Dorset into polling districts for parliamentary elections or for the division of the administrative county of Dorset into polling districts for the election of county councillors or any existing order or scheme for either of those purposes or for naming the polling places at any election;
- (3) prejudice vary or affect any power right interest or jurisdiction in or over or in connection with any charitable endowment;
- (4) affect the area of any petty sessional division or coroner's district;
- (5) affect the area of any district or sub-district for the purpose of the Births and Deaths Registration Acts 1836 to 1929 or the Marriage Acts 1811 to 1929; or
- (6) affect the ecclesiastical divisions of any parish or the constitution of any ecclesiastical parish.

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Other
savings.

SCHEDULE.

SECTION 62 OF THE LOCAL GOVERNMENT ACT 1888
AS ADAPTED BY THIS ORDER.

62.—(1) Any councils or other authorities affected by any alteration of areas or authorities made by an order authorised by this Act may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses (so far as affected by the alteration) of the parties to the agreement, and the agreement may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any duties, and for payment by either party to the agreement in respect of property, debts, duties, and liabilities so transferred or retained, or of such joint user, and in respect of the salary, remuneration or compensation payable to any officer or person, and that either by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the Minister.

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(2) In default of an agreement as to any matter requiring adjustment, such adjustment may be made by an arbitrator appointed by the parties, or in case of difference as to the appointment, appointed by the Minister.

(3) An arbitrator appointed under this Act shall be deemed to be an arbitrator within the meaning of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the arbitrator may state a special case, and notwithstanding anything in the said Acts, shall determine the amount of the costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily.

(4) Any award or order made by any arbitrator under this Act may provide for any matter for which an agreement might have provided.

(5) Any sum required to be paid by a council or other authority for the purpose of adjustment, or of any award made by an arbitrator under this Act, may be paid out of such fund or rate as may be specified in the agreement of adjustment or award, or if no fund or rate is so specified, either out of the fund or rate from which the general expenses of the council or authority are defrayed, or out of such special fund or rate as the council or other authority with the approval of the Minister may direct.

(6) The payment by any council or other authority of any capital sum required to be paid for the purposes of the adjustment, or of any award of an arbitrator, shall be a purpose for which—

(a) a county council may borrow under this Act, and a borough council may borrow under the Municipal Corporations Act, 1882, or any local Act;

(b) any other council or authority may borrow under any Act conferring on them a power to borrow;

and any such sum may be borrowed on the security of all or any of the funds, rates, and revenues of the council or other authority, and either by the creation of stock or in any other manner in which they are for the time being authorised to borrow, and such sum may be borrowed without the consent of any authority, so that it be repaid within such period as the Minister may sanction, by such method as is mentioned in Part Four of this Act for paying off a loan, or, if the sum is raised by stock under a local Act, by such method as is directed by that Act.

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(7) Any capital sum paid to any council or other authority for the purpose of any adjustment, or in pursuance of any award of an arbitrator under this Act, shall be treated as capital, and applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may be applied.

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(8) If it is necessary for the purpose of giving effect to any agreement or award of adjustment that a separate rate should be levied in part only of a rating area or parish, the agreement or award may authorise the levy of an additional item of the general rate, or a special rate, over the part of the rating area or parish.

(9) In this section, the expression "the Minister" means the Minister of Health.

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