



CHAPTER iii.

An Act to confirm a Provisional Order of the Minister of Health relating to the borough of Maidstone. A.D. 1932.
—
[29th February 1932.]

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 (Maidstone Extension) Act, 1932. Short title.

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SCHEDULE.

BOROUGH OF MAIDSTONE.

*Maidstone
(Extension)
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 borough of Maidstone in the administrative county of Kent is a borough within the meaning of the Local Government Act 1888 and the inhabitants are a body corporate by the name of the mayor aldermen and burgesses of the borough of Maidstone and for the election of councillors the borough is divided into six wards;

And whereas the borough has a separate court of quarter sessions commission of the peace recorder coroner clerk of the peace and police force and in pursuance of the Education Act 1921 the council of the borough are the local education authority for the purposes of elementary education;

And whereas the borough is coextensive with the parish of Maidstone and the parish of Boxley immediately adjoins the borough and is a contributory place in the rural district of Hollingbourn:

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 Maidstone (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 area” means the area which by this order is added to the existing borough of Maidstone;

- “ The appointed day ” means the first day of April
 nineteen hundred and thirty-two; A.D. 1932.
- “ The borough ” means the borough of Maidstone as
 extended by this order; *Maidstone*
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- “ The corporation ” means the mayor aldermen and
 burgesses of the borough of Maidstone acting by the
 council;
- “ The county ” means the administrative county of Kent
 and “ the county council ” means the county council
 of Kent;
- “ The maps ” means the duplicate maps marked “ Map
 “ of the Borough of Maidstone as extended by the
 “ Maidstone (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 parish of Boxley ” means that parish as diminished
 by this order; and
- “ The rural council ” means the rural district council of
 Hollingbourn and “ the rural district ” means the
 rural district of Hollingbourn.

3. Save as otherwise expressly provided this order shall
 come into operation on the first day of April nineteen hundred
 and thirty-two : Commence-
 ment of
 order.

Provided that for the purposes of—

- (a) the alteration or re-arrangement of any register of
 electors made under the Representation of the People
 Acts;
- (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 or service of any precept to be made in
 respect of the financial year commencing on the
 appointed day; and
- (c) the preparation or approval of any general rate or
 special rate to be made in respect of a period
 commencing on the appointed day;

this order shall operate from the confirmation of this order by
 Act of Parliament.

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PART II.

*Maidstone
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Extension
of borough.

EXTENSION OF BOROUGH AND OTHER ALTERATIONS OF AREA.

4.—(1) The boundary of the existing borough of Maidstone 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 Boxley in the rural district which is coloured green on the maps.

(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.

(3) The added area shall be included within the North ward of the borough.

Alteration of
parishes.

5. The added area shall be separated from the existing parish of Boxley and shall be amalgamated with the existing parish of Maidstone.

County
electoral
divisions.

6. For the purpose of the election of county councillors the added area shall be separated from the Hollingbourn electoral division and shall be included in the Maidstone borough (No. 2) electoral division.

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

7.—(1) The powers and duties of the quarter sessions recorder coroner and clerk of the peace of the existing borough of the justices of the peace appointed 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.

(2) The added area shall cease to form part of any petty sessional division or coroner's district of the county.

(3) Notwithstanding the foregoing provisions of this section—

(a) every person committing an offence in 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 court or justice or coroner in relation to any matter arising in or concerning the added area may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this order had not been made.

Deposit and
copies of
maps.

8.—(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 Maidstone at his office.

(2) Copies of the map deposited with the town clerk of Maidstone certified by him to be true shall be sent by him within one month after the confirmation of 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.

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9.—(1) Copies of or extracts from the map deposited with the town clerk of Maidstone certified by him to be true shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of the map so far as it relates to the boundary of the borough and the alterations of parishes made by this order.

Copies of map to be evidence.

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

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

Number of borough councillors and aldermen.

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

Existing mayor aldermen and borough councillors.

(2) Any councillor who immediately before the appointed day represents the North ward of the existing borough shall as from the appointed day represent that ward as extended by this order.

(3) If immediately before the appointed day a casual vacancy exists in the representation of the North ward of the existing borough the vacancy shall be deemed to exist in the representation of that ward as extended by this order.

12. 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.

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Rural district
councillors
and parish
councillors.

13. Any person immediately before the appointed day in office as a rural district councillor or parish councillor for the existing parish of Boxley shall on the appointed day become a rural district councillor or parish councillor for the parish of Boxley.

Qualification
of members
of local
authorities.

14.—(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 March nineteen hundred and thirty-one.

(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.

Term of
office of
members
of local
authorities.

15. 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.

PART IV.

PROPERTY LIABILITIES POWERS &C. OF EXISTING AUTHORITIES.

Corporation
property
liabilities &c.

16. 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 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.

Mortgage
debts of
corporation.

17.—(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 as the case may require.

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(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.

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18.—(1) Any property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation exclusively to the added area 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 the added area conjointly with any other area shall be a matter for adjustment under this order.

19. 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 Boxley shall be a matter for adjustment under this order.

Balances of
 rural council.

20.—(1) The parish council of the existing parish of Boxley (in this section called "the parish council") shall be the parish council of that parish as diminished by this order.

Parish
 council of
 Boxley
 Powers

(2) Any powers or duties vested in or imposed on the parish council shall so far as regards the added area be vested in or imposed on the corporation.

property &c.

(3) Any property or liabilities held or incurred by the parish council—

(a) in relation exclusively to the added area shall by virtue of this order be transferred to and vest in or attach to the corporation; or

(b) in relation to the added area conjointly with any other area shall be a matter for adjustment under this order.

PART V.

LOCAL ACTS ADOPTIVE ACTS ORDERS BYELAWS &C.

21.—(1) Subject to the provisions of this order the unrepealed provisions of—

Extension of
 local Acts
 and orders
 relating to
 existing
 borough.

(a) the local Acts and of the confirmation Acts specified in the first schedule to this order so far as those confirmation Acts respectively relate to the provisional orders specified in that schedule;

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(b) any other local Act or provisional order duly confirmed and affecting the existing borough or the corporation; 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 which is applicable to the existing borough shall save as otherwise provided in this order be deemed to refer to the borough.

(2) Notwithstanding anything in the Maidstone Electricity (Extension) Special Order 1926 the prices from time to time to be charged by the corporation for electrical energy supplied by them within the added area shall not exceed the prices charged by the corporation in the like circumstances within that part of the borough which comprises the existing borough.

(3) 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 except as provided in subsection (2) of this section shall prejudice or affect the existing powers or charges of any such company body or local authority under any such Act or order.

Adoptive
Acts.

22.—(1) The provisions of the adoptive Acts mentioned in the second schedule to this order which are in force within the existing borough shall be in force within and apply to the borough as if they had been adopted for the borough.

(2) The provisions of any Act adopted by the rural council and in force within the added area shall subject to the provisions of this section cease to be in force within and apply to the added area.

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

The
Maidstone
burial board.

23.—(1) The added area shall form part of the district of the Maidstone burial board.

(2) Any table of fees and payments which applies to any existing burial ground maintained by the Maidstone burial board and may be in force immediately before the appointed day shall extend and apply to inhabitants of the parish of Maidstone

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as extended by this order as that table applies to inhabitants of the existing parish of Maidstone.

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

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

24. For the purposes of the Notification of Births Acts 1907 and 1915 and the Maternity and Child Welfare Act 1918 the corporation shall be the authority for the borough to the exclusion of the county council.

25. 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.

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

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

27. 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

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Maternity
child welfare
&c.

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

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

Urban
powers &c.
in parish of
Boxley.

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Byelaws
regulations
scales of
charges &c.
of corpora-
tion or
district
council.

by the Local Government Board or the Minister under the Public Health Acts 1875 to 1926 in respect of the existing parish of Boxley shall be deemed to vest in and attach to the rural council in respect of the parish of Boxley.

28.—(1) All 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 markets public baths or any park pleasure ground or open space; or
- (b) the corporation or their watch committee 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 and in substitution for any such byelaws which may be in force within the added area.

(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 area immediately before the appointed day—

- (a) if made before the first day of January nineteen hundred and twenty-one 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;
- (b) if made on or after the first day of January nineteen hundred and twenty-one 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 area any byelaws made by the rural council shall have effect as if they had been made by the corporation.

(4) 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.

(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 any byelaws of the

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

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(6) 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.

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29.—(1) Any byelaws made by the county council under the Advertisements Regulation Acts 1907 and 1925 which immediately before the appointed day are in force within the added area shall continue to apply to that area for a period of three years after the appointed day unless they are previously repealed or altered by byelaws made by the corporation but shall on the expiration of that period of three years cease to be in force within the added area.

Byelaws of
county
council or
standing
joint com-
mittee.

(2) In their application to the added area any byelaws to which subsection (1) of this section applies shall have effect as if they had been made by the corporation and any proceedings which if this order had not been made might have been taken by the county council in respect of a contravention of or failure to comply with those byelaws which may occur before the appointed day and arises within the added area may be taken by the corporation.

(3) Subject to the foregoing provisions of this section 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 area shall in so far as byelaws to the like effect could be made by the corporation or their watch committee cease to be in force within the added area.

(4) 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 any byelaws of the county council or the standing joint committee which by virtue of subsection (3) of this section cease to apply to the added area may be taken by the corporation as if the corporation had been substituted therein for the county council or the standing joint committee and as if those byelaws had remained in force.

PART VI.

RATING AND VALUATION.

30.—(1) The County of Kent (Assessment Areas and Assessment Committees) Scheme 1926 shall be read and have effect as if for references therein to the borough of Maidstone and the Maidstone 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 Hollingbourn and

Assessment
areas and
committees.

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Order.*

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

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

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 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 31 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.

Valuation
lists.

32.—(1) Before the fifteenth day of March nineteen hundred and thirty-two the clerk of the rural council shall prepare and send to the town clerk of Maidstone a copy of all entries in the valuation list of the rural district then in force which relate to hereditaments within the added area.

(2) Subject to such adjustments of the value of hereditaments as are required by the preceding section of this order the town clerk of Maidstone shall incorporate with the valuation list of the existing borough the particulars received by him under this section and the clerk of the Maidstone and District assessment committee shall alter the copies of the valuation lists in his possession so as to bring them into conformity with the alterations of area made by this order.

(3) The entries of which copies are furnished under this section by the clerk of the rural council shall be cancelled in the valuation list of the rural district.

Precepts.

33.—(1) Precepts of the county council for the financial year commencing on the appointed day shall be based on the rating areas and parishes as altered by this order.

(2) The county council may make such adaptations and alterations of the estimates of the produce of a rate of a penny in the pound furnished to them by any rating authority as may be necessary to bring those estimates into conformity with the alterations of rating areas and of parishes made by this order.

(3) It shall be the duty of the clerk of any rating authority to supply the county council with such information as may be necessary for the purposes of subsection (2) of this section.

(4) Notwithstanding the alterations of area effected by this order all precepts made by any local authority in respect of a

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financial period commencing before the appointed day shall be as valid in law as if this order had not been made.

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

Arrears of rates.

PART VII.

OFFICERS.

35. 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 any officer or servant whose remuneration is paid by a local authority and any teacher employed in a public elementary school which is maintained by a local education authority.

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.

Continuance of officers of corporation.

37.—(1) Every officer in office on the date of the confirmation of 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.

Compensation to existing officers.

(2) For the purposes of this section any officer whose office is abolished or 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 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.

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(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.

(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

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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 :

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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 that 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.

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.

Compensa-
tion and
superannua-
tion.

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 third 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.

[Ch. iii.] *Ministry of Health* [22 GEO. 5.]
*Provisional Order Confirmation (Maidstone
Extension) Act, 1932.*

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Unclassified
roads within
added area.

Maidstone
and District
guardians
committee.

Alteration
&c. of
registers of
electors.

Jury service.

41. The liability for the maintenance and repair of any unclassified road within the added area 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 that area any powers or duties under Part I or Part II of the first schedule to the Local Government Act 1929.

42.—(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 Maidstone and the rural district of Hollingbourn there were substituted references to the borough and the rural district respectively as altered by this order.

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

43.—(1) 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 of the parliamentary county of Kent shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election or parish meeting.

(2) 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.

(3) It shall be the duty of the town clerk of Maidstone 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.

(4) 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.

44. For the purpose of summoning jurors and of jury service any parish which is altered by this order shall be deemed to continue unaltered until a new jurors book shall come into force.

[22 GEO. 5.] *Ministry of Health* [Ch. iii.]
*Provisional Order Confirmation (Maidstone
Extension) Act, 1932.*

45.—(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 area.

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Order.*

Local land
charges
registers.

(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 area and to charges which on the appointed day become borough charges.

(3) The local registrar by whom an office copy is supplied under the foregoing provisions 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.

(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 area—

(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

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and the fees payable to the local registrar for the county for any additional search in respect of land within the added area 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 legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

Parish
books and
documents.

46. 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.

Sewage of
premises
within
added area.

47. Any agreement made between the corporation and the rural council in so far as it extends to the reception and treatment by the corporation of sewage from premises within the added area shall cease to have effect without prejudice however to the recovery by the corporation of any sum which on the appointed day may be due to them under the agreement.

Saving for
contracts
legal pro-
ceedings &c.

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 any local authority or save as in this order otherwise expressly provided 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 the added area 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 the added area or any part thereof may except as in this order otherwise expressly provided be continued and enforced as fully and effectually as if instead of that local authority the corporation had been a party thereto.

[22 GEO. 5.] *Ministry of Health* [Ch. iii.]
*Provisional Order Confirmation (Maidstone
 Extension) Act, 1932.*

(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.

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 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.

49. Nothing in this order shall—

Other
 savings.

- (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 Kent into polling districts for parliamentary elections or for the division of the administrative county of Kent 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 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
- (5) affect the ecclesiastical divisions of any parish or the constitution of any ecclesiastical parish.

50. The confirmation Acts and local Act mentioned in the fourth schedule to this order are hereby repealed to the extent shown in the third column of that schedule.

Repeal in
 part of
 confirmation
 Acts and
 local Act.

A.D. 1932.

*Maidstone
 (Extension)
 Order.*

SCHEDULES.

FIRST SCHEDULE.

LOCAL ACTS AND CONFIRMATION ACTS EXTENDED TO THE
 BOROUGH.

PART I.—LOCAL ACTS.

Session and chapter.	Title or short title.
59 Geo. 3. c. xvi.	An Act to enlarge the powers of three Acts of His present Majesty for paving cleansing and lighting the streets and other public places within the King's Town of Maidstone in the county of Kent and better supplying the inhabitants with water and for watching the said town and making public wharfs therein.
5 Geo. 4. c. cix.	The Maidstone Markets Act 1824.
40 & 41 Vict. c. cxxxviii.	The Maidstone Bridge Act 1877.
13 & 14 Geo. 5. c. xxxi.	The Maidstone Corporation Act 1923.

PART II.—CONFIRMATION ACTS.

Session and chapter.	Short title.	Order thereby confirmed.
29 & 30 Vict. c. 107.	The Local Government Supplemental Act 1866 (No. 4).	The order relating to Maidstone dated the 17th July 1866.
42 & 43 Vict. c. xliii.	The Local Government Board's Provisional Orders Confirmation (Ashton-under-Lyne &c.) Act 1879.	The order relating to Maidstone dated the 20th March 1879.

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*Provisional Order Confirmation (Maidstone
 Extension) Act, 1932.*

Session and chapter.	Short title.	Order thereby confirmed.	A.D. 1932. — <i>Maidstone (Extension) Order.</i>
6 & 7 Geo. 5. c. xxxv.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1916.	The Maidstone Order 1916.	
17&18 Geo.5. c. lviii.	The Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1927.	The Maidstone Corporation (Trolley Vehicles) Order 1927.	
20 Geo. 5. c. v.	The Ministry of Health Provisional Orders Confirmation (No. 10) Act 1929.	The Maidstone Order 1929.	
20&21 Geo. 5. c. cvi.	The Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1930.	The Maidstone Corporation (Trolley Vehicles) Order 1930.	

SECOND SCHEDULE.

ADOPTIVE ACTS IN FORCE WITHIN THE EXISTING BOROUGH.

1. The Baths and Washhouses Acts 1846 to 1925.
2. The Infectious Disease (Prevention) Act 1890.
3. Parts II III and V of the Public Health Acts Amendment Act 1890.
4. The Museums and Gymnasiums Act 1891.
5. The Public Libraries Acts 1892 to 1919.
6. The Private Street Works Act 1892.
7. The Small Dwellings Acquisition Acts 1899 to 1923.
8. The Local Government and other Officers' Superannuation Act 1922.
9. Parts II to V of the Public Health Act 1925.

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THIRD 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 the Maidstone (Extension) Order 1931 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.

(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 section 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 section 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 section, 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.

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(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 or order of an arbitrator, shall be a purpose for which the council or other authority may borrow under any public general or local 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 equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund or stock redemption fund set apart, invested and applied in accordance with the Act under which the money is borrowed, or with the regulations which apply to stock created by the council or other authority.

(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 section, 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.

(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.

[Ch. iii.] *Ministry of Health* [22 GEO. 5.]
*Provisional Order Confirmation (Maidstone
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FOURTH SCHEDULE.

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CONFIRMATION ACTS AND LOCAL ACT IN PART REPEALED.

Session and chapter.	Short title.	Extent of repeal.
39 & 40 Vict. c. ccii.	The Local Government Board's Provisional Orders Confirmation (Birmingham &c.) Act 1876.	So much of the Act as confirms the provisional order relating to the borough of Maidstone which is printed in the schedule to the Act.
4 & 5 Geo. 5. c. xlvii.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1914.	So much of the Act as confirms the Maidstone Order 1914.
13 & 14 Geo. 5. c. xxxi.	The Maidstone Corporation Act 1923.	Section 70 section 75 sections 77 to 80 section 83 section 85 section 87 section 90 sections 107 to 109 sections 112 and 113 section 118 sections 128 and 129 section 131 section 141 section 145 and tions 148 to 150.
16 & 17 Geo. 5. c. xix.	The Ministry of Health Provisional Orders Confirmation (No. 1) Act 1926.	So much of the Act as confirms the Maidstone Order 1926.

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