

CHAPTER xi.

An Act to confirm a Provisional Order of the Minister of Health relating to the borough of Luton. [27th March 1939.]

WHEREAS under the provisions of the Local Government Act 1933 the Minister of Health has made a provisional order which needs confirmation by Parliament: 23 & 24 Geo. 5. c. 51.

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 (Luton Extension) Act 1939. Short title.

SCHEDULE.

BOROUGH OF LUTON.

Provisional Order made in pursuance of the Local Government Act 1933 *for altering borough boundaries.*

WHEREAS by virtue of section 140 of the Local Government Act 1933 the Minister of Health is empowered to make a provisional order for altering the boundary of any borough;

And whereas proposals have been made to the Minister of Health by the council of the borough of Luton for an alteration of the boundaries of the borough so as to include within the borough part of the parish of Hyde;

And whereas the Minister of Health has decided to make a provisional order with a view to effect being given to the proposals with certain modifications and to incidental consequential and supplemental arrangements:

Now therefore the Minister of Health in pursuance of the powers given to him by section 140 of the Local Government Act 1933 and of all other powers enabling him in that behalf and so far as relates to the electricity undertaking of the corporation with the consent of the Minister of Transport hereby makes the following order:—

PART I.

PRELIMINARY.

Short title.

1. This order may be cited as the Luton (Extension) Order 1939.

Division of order into parts.

2. This order is divided into the following parts (namely):—

Part I.—Preliminary.
Part II.—Alteration of areas.
Part III.—Membership of councils &c.
Part IV.—Administration of justice and county administration.
Part V.—Functions property liabilities &c. of local authorities.
Part VI.—Acts orders byelaws &c.
Part VII.—Rating and valuation.
Part VIII.—Officers.
Part IX.—Supplementary.

PART I. —*cont.*

Commencement of order.

3. Save as otherwise expressly provided this order shall come into operation on the appointed day :

Provided that this order shall be deemed to have come into operation as from such date earlier than the appointed day as may be necessary for the following purposes (namely) :—

(*a*) the alteration or re-arrangement of any register of electors under the Representation of the People Acts;

(*b*) all proceedings preliminary or relating to any election under the Act of 1933;

(*c*) 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

(*d*) the preparation of any rate to be made in respect of a period commencing on the appointed day.

Definition.

4. In this order unless the context otherwise requires the following expressions have the respective meanings hereby assigned to them :—

" the appointed day " means the first day of April nineteen hundred and thirty-nine;

" existing " means existing immediately before the appointed day;

" the map " means the map prepared in duplicate sealed with the official seal of the Minister and marked " Map referred to in the Luton (Extension) Order 1939 ";

" the county " means the county of Bedford and " the county council " means the county council of that county;

" the borough " means the borough of Luton;

" the corporation " means the corporation of the borough and " the borough council " means the council of the borough;

" the rural district " means the rural district of Luton and " the rural council " means the council of that rural district;

" the transferred area " means that area which is transferred to the borough;

PART I. —*cont.*

"the Act of 1929" means the Local Government Act 1929;
"the Act of 1933" means the Local Government Act 1933;
"the Minister" means the Minister of Health.

Regulations under Act of 1929.
19 & 20 Geo. 5. c. 17.
1 Edw. 8. & 1 Geo. 6. c. 22.

5. This order shall have effect subject to the provisions of any regulations made or to be made by the Minister under the Local Government Acts 1929 and 1937 with respect to grants payable thereunder.

Sundays and public holidays.

6. Where the day or the last day on which any thing is required or permitted by or in pursuance of this order to be done is a Sunday Christmas Day Good Friday bank holiday or a day appointed for public thanksgiving or mourning the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned.

Deposit and copies of map.

7.—(1) One duplicate of the map shall be deposited in the office of the Minister and the other shall be deposited in the office of the town clerk of the borough.

(2) Within one month after the confirmation of this order the town clerk shall send copies of the map each certified by him to be a true copy to the Secretary of State the Board of Inland Revenue the Registrar-General the Board of Trade the Minister of Transport the Minister of Agriculture and Fisheries the Electricity Commissioners the Commissioners of Customs and Excise the clerk of the county council and the clerk of the rural council.

Copies of map to be evidence.

8.—(1) A copy of or an extract from the map certified by the town clerk of the borough to be a true copy or extract shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of the map or of that part of the map which is extracted so far as the map relates to the alteration by this order of the boundary of any area.

(2) The duplicate of the map deposited with the town clerk shall at all reasonable times be open to inspection by any person affected by this order and on payment of a reasonable fee to be determined by the borough council any such person shall be entitled to a copy of or an extract from the map and every such copy or extract shall be certified by the town clerk to be a true copy or extract.

(3) All fees so paid shall be carried to the credit of the general rate fund of the borough.

PART II.

ALTERATION OF AREAS.

Extension of borough.

9.—(1) The borough shall be extended so as to include that portion of the rural district which comprises the part of the

parish of Hyde which is shown coloured pink and blue on the map. PART II. —*cont.*

(2) The transferred area shall be transferred to the parish of Luton.

(3) That part of the transferred area which is shown coloured pink on the map shall be transferred to the Stopsley ward of the borough and to the Luton No. 18 electoral division of the county and that part of the transferred area which is shown coloured blue on the map shall be transferred to the St. Mary's ward of the borough and to the Luton No. 9 electoral division of the county.

PART III.

MEMBERSHIP OF COUNCILS &C.

Existing county councillors.

10.—(1) Any person who at the appointed day has been elected as a county councillor for any electoral division of the county which is altered shall be deemed to have been elected for the altered electoral division.

(2) Any casual vacancy which may exist at the appointed day in the office of county councillor for any electoral division of the county which is altered shall be deemed to exist in the office of county councillor for the altered electoral division.

Existing mayor aldermen and councillors.

11. The persons who at the appointed day have been elected as mayor aldermen and councillors of the existing borough shall be deemed to have been elected as mayor aldermen and councillors of the altered borough and any councillor who is serving for an existing ward of the borough which is altered shall serve for the altered ward.

Casual vacancies.

12.—(1) Any casual vacancy which may exist at the appointed day in the office of mayor or alderman of the borough shall be deemed to exist in the office of mayor or alderman of the altered borough.

(2) Any casual vacancy which may exist at the appointed day in any office of councillor for an existing ward of the borough which is altered shall be deemed to exist in the office of councillor for the altered ward.

Existing rural district councillor.

13. The person who at the appointed day has been elected as rural district councillor for the existing parish of Hyde shall be deemed to have been elected for the altered parish.

Casual vacancies.

14. Any casual vacancy which may exist at the date of the confirmation of this order or may occur after that date in the office of rural district councillor for the parish of Hyde shall be

PART III. —*cont.*

filled as if the vacancy had occurred in the office of councillor for the altered parish and any person elected before the appointed day to fill the vacancy shall come into office on the appointed day.

Existing parish councillors.

15. The persons who at the appointed day are the parish councillors of the existing parish of Hyde shall become the councillors of the altered parish.

Qualifications of members of councils joint boards and committees.

16.—(1) For the purpose of the determination of the qualification of a person for election as a member of the council of the borough the rural district or the parish of Hyde the alterations of area made by this order shall be deemed to have had effect on the first day of February nineteen hundred and thirty-eight.

(2) Save as otherwise expressly provided any person who continues in office after the appointed day as a member of the council of the borough the rural district or the parish of Hyde or as a member of a committee joint board or joint committee shall not during his existing term of office be deemed to lose his qualification for being a member by reason of any alteration of area made by this order and shall retire from office on the day on which he would have retired if this order had not been made.

PART IV.

ADMINISTRATION OF JUSTICE AND COUNTY ADMINISTRATION.

Justices police &c.

17. The functions of the justices of the peace for the existing borough and of the clerk to those justices and of the police constables and other peace officers of the existing borough shall respectively apply to the altered borough.

Pending proceedings before justices.

18. Notwithstanding the alterations of area made by this order—

(*a*) every person committing an offence before the appointed day in any area affected by this order shall be tried and dealt with as if this order had not been made; and

(*b*) every proceeding which has been begun before the appointed day by or before any court or justice in relation to any matter arising in or concerning any such area may be continued and completed in like manner and with the like incidents and consequences as nearly as may be as if this order had not been made.

Saving for private street works.
55 & 56 Vict. c. 57.

19.—(1) Nothing in this order shall affect any notices given or proceedings taken under the Private Street Works Act 1892 by the county council in relation to any street within the transferred area and any proceedings taken or works commenced thereunder in relation to such street may be continued and completed in accordance with the provisions thereof by the

borough council as if that council had given the notices and taken the proceedings or commenced the works thereunder.

(2) Where before the appointed day any works under the Private Street Works Act 1892 have been commenced but not completed by the county council in a street within the transferred area the borough council shall be entitled to recover—

(*a*) such of the expenses incurred in commencing the works as the county council could have recovered under that enactment; and

(*b*) such of the expenses incurred by them in completing the works as the county council could have recovered under that enactment had they completed the works;

and the borough council shall have all such powers for the recovery of the expenses aforesaid as they would have had if they had executed the whole of such works.

Registers of electors.

20.—(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 to be held for any electoral division ward or other voting area the registration officer of the parliamentary county of Bedford shall make such alteration or re-arrangement of the register as may be necessary for the purpose of that election.

(2) It shall be the duty of every officer designated for the performance of the duties of overseers in relation to the preparation of the registers of electors in the borough or the rural district 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 of the registers for the borough or district or any area transferred thereto or therefrom.

(3) Any additional expense incurred by the registration officer solely for the purpose of making any alteration or re-arrangement of a register under this section shall be defrayed by the borough council.

Jury service.

21. For the purposes of summoning jurors and of jury service any parish which is affected by this order shall be deemed to continue in existence unaffected until a new jurors book comes into force.

PART V.

FUNCTIONS PROPERTY LIABILITIES &C. OF LOCAL AUTHORITIES.

The borough.

22. Subject to the provisions of this order all functions (not being functions in relation to charities) property (not being property held on any charitable trust) and liabilities vested in or attaching to the corporation shall be discharged or held by them for the benefit or in respect of the altered borough:

PART V. —*cont.*

Provided that any functions property or liabilities so vested or attaching in relation exclusively to any part of the borough (including property held under any trust for such part or the inhabitants or parishioners thereof) shall be discharged or held for the benefit or in respect of that part and in the case of property held in trust as aforesaid shall be held in trust for that part or for the inhabitants or parishioners of that part for the same purposes as heretofore.

Rural district.

23. Subject to the provisions of this order all property (not being property held on any charitable trust) and liabilities vested in or attaching to the rural council in relation exclusively to the transferred area or any part thereof shall by virtue of this order be transferred to and vest in or attach to the corporation and the rural council shall cease to discharge any functions in relation to the transferred area.

Parish.

24. All property (not being property held on any charitable trust) and liabilities vested in or attaching to the parish council of Hyde in relation exclusively to the transferred area or any part thereof shall by virtue of this order be transferred to and vest in or attach to the corporation.

Housing schemes.

26 Geo. 5 & 1 Edw. 8. c. 51. 1 & 2 Geo. 6. c. 16.

25. Any houses or land held by the rural council for the purposes of the Housing Acts 1936 and 1938 and situate within the transferred area shall by virtue of this order be transferred to and vest in the corporation.

Transferred property and liabilities.

26. Save as otherwise provided and without prejudice to any necessary adjustment all property and liabilities transferred to the corporation shall be held or discharged by them for the benefit or in respect of the altered borough.

Mortgage and other securities.

27.—(1) Where by this order or by any adjustment made in consequence thereof the liability for the repayment of the whole or any part of a debt secured by a mortgage of a public body or their predecessors in title is transferred from or by one public body (in this subsection referred to as the transferor authority) to another public body (in this subsection referred to as the transferee authority) then in each such case the mortgage shall thenceforward take effect in all respects as a mortgage by the transferee authority of their revenues to secure the debt or part of the debt transferred and the interest thereon and a mortgage by the transferor authority of their revenues to secure the part (if any) of the debt for the repayment of which they remain liable and the interest thereon and the covenants contained in the mortgage so far as they relate to the debt or part of the debt transferred or the interest thereon shall be enforceable against the transferee authority and so far as they relate to the part (if any)

of the debt for the repayment of which the transferor authority remain liable and the interest thereon shall be enforceable against the transferor authority. PART V. —*cont.*

(2) Subject as aforesaid where by this order or by any adjustment made in consequence thereof any liability or part of a liability which is charged on any fund or revenues of a public body is transferred to another public body the liability so transferred shall thenceforward be charged indifferently on all the revenues of the public body to whom it is transferred and shall cease to be a charge on the fund or revenues on which it was theretofore charged.

PART VI.

ACTS ORDERS BYELAWS &C.

Certain Acts and orders affecting borough or rural district.

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

(*a*) any local Act or provisional order confirmed by Parliament affecting the borough or the rural district; and

(*b*) any order having the force of an Act which affects either of those areas;

shall apply to the altered area and any reference therein which is applicable to the existing area shall be construed as a reference to the altered area.

(2) The provisions of any protective section for the benefit of the rural council (or their predecessors) which may be contained in any local Act provisional order confirmed by Parliament or order having the force of an Act by whomsoever obtained so far as they relate to or affect the transferred area or any part thereof shall enure to the benefit of the corporation and in relation to such area those provisions shall be construed as if a reference to the corporation were substituted therein for any reference to the rural council.

(3) Any provision prescribing a maximum price to be charged within the existing borough for the supply of electricity by the corporation shall extend and apply to the borough as altered by this order in substitution for any such provision which might apply to the transferred area.

(4) Save as otherwise provided in this section 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 provisional order confirmed by Parliament or order made in pursuance of the Gas Undertakings Acts 1920 to 1934 or the

PART VI. —*cont.*

Electricity (Supply) Acts 1882 to 1936 or shall prejudice or affect the existing powers or charges of any such company body or local authority under any such Act or order.

Infectious disease notification.
26 Geo. 5. & 1 Edw. 8. c. 49.

29. Any order in force under section 147 of the Public Health Act 1936 throughout the borough shall apply to the altered borough and any such order in force in the rural district shall cease to have effect in relation to the transferred area.

Orders relating to shops.
4 Edw. 7. c. 31.

30. Nothing in this order shall prejudice or affect any order in force under the Shops Hours Act 1904 or under the Shops Acts 1912 to 1936 in any area affected by this order and that order shall subject to the provisions of those Acts remain in force and apply to the area to which it applied immediately before the appointed day.

Adoptive Acts.

31.—(1) Subject to the provisions of this order the provisions of any public general Act in force throughout the borough by virtue of an adoption by the borough council or their predecessors and any order in force under such Act throughout the borough shall apply to the altered borough.

(2) Subject to the provisions of subsection (1) of this section the provisions of any public general Act in force in the transferred area by virtue of an adoption by the rural council or their predecessors and any order in force under such Act in the transferred area shall cease to have effect in relation to such area.

Orders under Public Health Acts Amendment Act 1907 and Public Health Act 1925.
7 Edw. 7. c. 53.
15 & 16 Geo. 5. c. 71.

32. Subject to any order which the Minister or the Secretary of State may make to take effect on or after the appointed day any order by virtue of which any provision of the Public Health Acts Amendment Act 1907 or the Public Health Act 1925 is in force throughout the borough and any other order under any provision of either of those Acts so in force shall apply to the altered borough.

County byelaws.
18 & 19 Geo. 5. c. 32.
7 Edw. 7. c. 27.
15 & 16 Geo. 5. c. 52.

33.—(1) Any byelaws made by the county council under section 11 of the Petroleum (Consolidation) Act 1928 or the Advertisements Regulation Acts 1907 and 1925 and in force within any area transferred to the borough shall continue to apply to the transferred area for a period of three years after the appointed day unless previously repealed or altered but save as aforesaid shall on the expiration of that period cease to be in force within the transferred area.

(2) In their application to the transferred area any byelaws so continued in force therein shall have effect as if they had been made by the borough council 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 before the appointed day within the transferred area may be taken by the borough council. PART VI. —*cont.*

(3) Any other byelaws made by the county council and any byelaws made by the standing joint committee of the county and in force within the transferred area shall in so far as byelaws to the like effect could be made by the borough council or the watch committee thereof cease to be in force within the transferred area.

(4) Subject as aforesaid any byelaws made by the county council or the standing joint committee of the county and in force within the borough shall apply to the altered borough.

Borough byelaws regulations scales of charges &c.

34.—(1) Subject to the provisions of this order any local government byelaws in force which were made by the borough council or the rural council shall continue to apply to the area to which the byelaws extend for three years after the appointed day (unless previously repealed or altered) but no longer and any byelaws so continued in force in the transferred area shall have effect as if they had been made by the borough council.

(2) Any proceedings which if this order had not been made might have been taken by the rural council in respect of an offence committed before the appointed day against any byelaws which by this section are continued in force in the transferred area may be taken by the borough council.

(3) Subject to the provisions of this order all byelaws other than local government byelaws and any scale of charges made by the borough council or the rural council and in force throughout the existing borough or the existing rural district shall apply to the altered borough or rural district until repealed or altered.

(4) In this section—

(*a*) the following expressions have the respective meanings hereby assigned to them :—

(i) " byelaws " includes any regulation and " local government byelaws " means byelaws which if made on the appointed day would require to be confirmed by the Minister;

(ii) " scale of charges " includes any list of tolls or table of fees or payments not prescribed by byelaws;

(*b*) any reference to byelaws or a scale of charges made by a council shall be read as including a reference to byelaws or a scale of charges made by their predecessors.

PART VII.

RATING AND VALUATION.

Special properties.

35.—(1) The Ascertainment of Rateable Values (No. 1) Order 1926 shall have effect with the substitution of a reference to the altered borough for the reference to the existing borough.

(2) The borough council shall make such adjustments in the values of rateable hereditaments situate in the transferred area as may be necessary to give effect to this provision.

Valuation lists &c.

36.—(1) Before the appointed day such alterations of the valuation lists in force shall be made as may be necessary for the purpose of ensuring that the valuation lists of the borough and the rural district shall correspond with the altered areas.

(2) For this purpose the clerk of the rural council shall not later than the twenty-fifth day of March nineteen hundred and thirty-nine send to the town clerk of the borough and to the clerk of the Luton assessment committee copies of all entries in the valuation list of the rural district which relate to hereditaments wholly comprised within the transferred area and shall cancel the entries in that valuation list.

(3) Subject to such adjustments in the values of hereditaments as may be required by the last preceding section the town clerk shall incorporate the copies of entries received by him under the last preceding subsection with the valuation list of the borough and the clerk of the Luton assessment committee shall alter the copies of valuation lists in his possession as may be necessary.

(4) Where in consequence of this order any hereditament is situate partly in the borough and partly in the rural district the clerk of the rural council shall furnish a copy of the entry in the valuation list relating to that hereditament to the town clerk.

Rating of owners and discount for rates.

37. Any direction for the rating of owners or the allowance of a discount in respect of rates which may be in force in the existing borough shall apply to the altered borough.

Precepts.

38.—(1) For the purpose of securing that precepts for county contributions for the financial year commencing on the appointed day may be based on rating areas and parishes as altered by this order the clerk of the county council shall make such adaptations of and alterations in the estimates of the produce of a rate of a penny in the pound furnished to the county council by the borough council and the rural council as may be necessary to bring those estimates into conformity with the alteration of rating areas and parishes.

PART VII. —*cont.*

(2) It shall be the duty of the town clerk of the borough and the clerk of the rural council to supply the clerk of the county council with such information as he may require for the purpose of giving effect to the provisions of this section.

(3) Notwithstanding the alteration of areas effected by this order all precepts made 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.

39. All rates made but not collected at the appointed day in respect of hereditaments within the transferred area shall be collected and recovered by the borough council.

PART VIII.

OFFICERS.

Compensation.

40.—(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 reason of the determination of his appointment or the diminution of his emoluments and for whose compensation for that loss no other provision is made by any enactment or any other statutory order for the time being in force shall be entitled to compensation under this order for that loss.

(2) Any compensation payable under this order to an officer shall be awarded and paid by the borough council and any claim for compensation shall be made by the officer accordingly.

(3) For the purposes of the determination and payment of compensation to officers under this order the provisions set out in the Fourth Schedule to the Act of 1933 are hereby incorporated with this order.

PART IX.

SUPPLEMENTARY.

Housing.

41.—(1) Any resolution passed or other proceeding taken by the rural council under the Housing Acts or any of them (including orders notices agreements undertakings and demands made given or entered into under any of those Acts) may so far as the resolution or proceeding relates to any houses buildings or land within the transferred area be carried into effect or continued by the borough council as if the resolution or proceeding had been passed or taken by them.

PART IX. —*cont.*

(2) References to the rural council in any order made by that council under the Housing Acts or any of them and confirmed or approved by the Minister shall so far as the order relates to houses buildings or land within the transferred area be read as references to the borough council.

(3) For the purposes of this section the expression "the Housing Acts" has the same meaning as in the Housing Act 1936 as amended by the Housing (Financial Provisions) Act 1938.

Town and country planning.

42.—(1) Any resolution passed or other proceeding taken by or on behalf of the rural council under the Act of 1932 (including agreements orders and consents entered into made or given thereunder) shall so far as it affects land within the transferred area have effect as if the same had been passed or taken by or on behalf of the borough council.

(2) Any dispensation approval or consent given by the Minister under or in pursuance of the Act of 1932 to the rural council shall so far as it affects land or the planning of land within the transferred area have effect as if the same had been given to the borough council.

22 & 23 Geo. 5. c. 48.

(3) In this section "the Act of 1932" means the Town and Country Planning Act 1932 or any enactment thereby repealed.

Local land charges registers.

43.—(1) The local land charges registrar for the county shall within fourteen days after the appointed day supply to the registrar for the borough an office copy of every entry in the land charges register of the county relating to a charge affecting land within the transferred area which on the appointed day will become a charge enforceable by the borough council.

(2) The registrar for the rural district shall within fourteen days after the appointed day supply to the registrar for the borough an office copy of every entry in the register of the rural district relating to a charge affecting land within the transferred area.

(3) A registrar by whom an office copy is supplied under the foregoing provisions shall be paid in respect of that copy by the borough council such fees as are prescribed by the rules under the Land Charges Act 1925.

15 & 16 Geo. 5. c. 22.

(4) The registrar for the borough shall within fourteen days after the receipt of an office copy under the foregoing provisions enter the particulars contained therein with any necessary modifications in the appropriate part of the register of the borough.

PART IX. —*cont.*

(5) Until the first day of May nineteen hundred and thirty-nine or until the date on which all the entries required by the foregoing provisions have been made whichever is the earlier the following provisions shall have effect in relation to land within the transferred area :—

(*a*) where application is made by any person for a personal search in the register of the borough the registrar shall give notice to the applicant that additional searches should be made in the register of the rural district and in the register of the county;

(*b*) where application is made for an official search in the register of the borough the registrar shall issue free of charge a certificate of official search in that register and shall forward to the registrar for the rural district the application received by him together with the fees paid in respect thereof and he shall also forward a copy of the application to the registrar for the county;

(*c*) the registrar for the rural district and the registrar for 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 they would have possessed and been subject to if this order had not been made;

(*d*) where an entry of a charge which has been duly made in the register of the rural district or of the county is required by this section to be 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.

Charities.

44. Any power of appointing trustees of a charity subject to the jurisdiction of the Charity Commissioners which is exerciseable by any local authority and which ceases to be exerciseable in consequence of the alteration of area made by this order may be exercised by such authority as the Charity Commissioners may direct but nothing in this section shall in any way prejudice or affect the power of the Charity Commissioners under the Charitable Trusts Acts 1853 to 1925 to establish a scheme for the regulation of the charity.

Existing contracts &c. and proceedings.

45.—(1) Save as otherwise expressly provided all contracts deeds bonds agreements and instruments subsisting in favour of or against and all notices in force which were given by or by the predecessors of any public body in relation exclusively to the

PART IX. —*cont.*

transferred area or any part thereof shall be of full force and effect in favour of or against the borough council.

(2) If immediately before the appointed day any action or proceeding or any cause of action or proceeding is pending or existing by or against any public body in relation to a matter exclusively affecting the transferred area or any part thereof the same shall not be prejudicially affected by reason of this order but may be continued prosecuted and enforced by or against the borough council.

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

General savings.

46. Nothing in this order shall—

(*a*) restrict any statutory powers of the Minister or the Registrar-General or restrict the powers of the Secretary of State or the county council under the Local Government Act 1894 the Act of 1929 or the Act of 1933;

56 & 57 Vict. c. 73.

(*b*) affect the area of any coroner's district;

(*c*) affect any power for the division of the parliamentary county of Bedford into polling districts for parliamentary elections or for the division of the county into polling districts for the election of county councillors or any existing order or scheme for either of those purposes or for naming the polling places at any election;

(*d*) affect the area of any district or sub-district for the purposes of the Births and Deaths Registration Acts 1836 to 1929 or the Marriage Acts 1811 to 1934;

(*e*) affect the ecclesiastical divisions of any parish or the constitution of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment;

(*f*) operate so as to continue in force any byelaw which would otherwise cease to have effect by virtue of any limitation on the duration of that byelaw by the Public Health Act 1936; or

(*g*) affect land tax.

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