

LOCAL GOVERNMENT ACT, 1933 : SECTIONS 141 AND 142

RE-ARRANGEMENT OF PARISHES

THE COUNTY OF NORTHUMBERLAND (PARISHES IN THE RURAL DISTRICT OF ROTHBURY) CONFIRMATION ORDER, 1955

WHEREAS the county council of Northumberland, in pursuance of section 141 of the Local Government Act, 1933, made and submitted to the Minister of Housing and Local Government for confirmation an order for the alteration of certain parishes is the rural district of Rothbury in manner hereinafter appearing;

NOW THEREFORE the Minister of Housing and Local Government, in exercise of his powers under section 142 of the Local Government Act, 1933, and of all other powers enabling him in that behalf, hereby orders as follows :—

1. This order may be cited as the County of Northumberland (Parishes in the Rural District of Rothbury) Confirmation Order, 1955.
2. The order of the county council is hereby confirmed as set out in the Schedule hereto.

SCHEDULE

COUNTY OF NORTHUMBERLAND

RURAL DISTRICT OF ROTHBURY

WHEREAS the county council of Northumberland, in pursuance of section 141 of the Local Government Act, 1933, are satisfied that it is desirable that certain parishes in the rural district of Rothbury should be altered in manner hereinafter appearing ;

AND WHEREAS the county council have complied with the provisions of section 141 aforesaid and of the Local Government (Alteration of Areas) (Notices) Regulations, 1934 :

NOW THEREFORE the county council of Northumberland, in exercise of their powers under the said section, and of all other powers enabling them in that behalf, hereby make the following order :—

Title, commencement and interpretation

- 1.—(1) This order may be cited as the County of Northumberland (Parishes in the Rural District of Rothbury) Order, 1954.
- (2) This order shall come into operation for the following purposes, namely :—

- (a) the preparation or the re-arrangement of any register of electors under the Representation of the People Acts ;
- (b) any local government election under the said Acts for any area consisting in whole or in part of any area affected, or to be affected, by this order and proceedings preliminary or relating thereto ;
- (c) all proceedings preliminary or relating to the holding of the annual assembly of a parish meeting and the business to be transacted at such assembly ;
- (d) any alteration of the valuation list to take effect on the appointed day, or the preparation or revision of any estimate of the produce of a rate of a penny in the pound, or the preparation or service of any precept to be made in respect of a period commencing on the appointed day ; and
- (e) the preparation or approval of any rate to be made in respect of a period commencing on the appointed day,

on the confirmation hereof and for all other purposes on the appointed day.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :—

- “ the appointed day ” means the 1st day of April, 1955 ;
- “ existing ” means existing immediately before the appointed day ;
- “ the county ” means the administrative county of Northumberland ;
- “ the county council ” means the council of the county ;
- “ the rural district ” means the rural district of Rothbury ;
- “ the rural council ” means the council of the rural district ;
- “ the new parishes ” means the parishes constituted by this order, and
- “ new parish ” means one of such parishes ;
- “ new parish council ” means, in relation to any new parish, the parish council constituted by this order for such parish ; and
- “ the Minister ” means the Minister of Housing and Local Government.

(3) Where the day or the last day on which anything 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.

Alteration of areas

3.—(1) The existing parishes of Alnham, Alwinton, Barrow, Bickerton, Biddlestone, Brinkburn High Ward, Brinkburn Low Ward, Burradon, Castron, Callaly and Yetlington, Cartington, Clennell, Coatyards, Debdon, Elsdon, Ewesley, Fairhaugh, Fairley, Fallowlees, Farnham, Flotterton, Great Ryle, Greenleighton, Harbottle, Hartington, Hartington Hall, Harwood, Healey and Combhill, Hepple, High and Low Trewhitt, Hollinghill, Holystone, Kidland, Little Ryle, Linbridge, Linshecles, Lorbottle, Monkridge, Mount Healey, Netherton North Side, Netherton South Side, Newtown, Nunykirk, Peels, Prendwick, Raw, Ritton Colt Park, Ritton White House, Rothley, Scrainwood, Sharperton, Snitter, Todburn, Tosson, Unthank, Warton, Whitton, Wingates, Woodside and Wreighill shall cease to exist.

(2) The fifteen new parishes of Alnham, Alwinton, Biddlestone, Brinkburn, Callaly, Cartington, Elsdon, Harbottle, Hepple, Hollinghill, Netherton, Nunykirk, Rothley, Snitter and Tosson shall be formed, each such parish shall comprise the areas set out in respect thereof in column (1) of the First Schedule to this order, and such parishes shall, with the parishes of Hesleyhurst, Longframlington, Rothbury, Thropton and Whittingham, form the rural district of Rothbury.

(3) Each new parish shall remain or form part of the electoral division of the county and petty sessional division named in respect thereof in columns (5) and (6) of the said Schedule and of the North Northumberland coroner's district.

Parish meetings

4.—(1) The first assemblies of the parish meetings for the new parishes shall be convened by the clerk of the rural council.

(2) At each such first assembly, if no chairman of the new parish council has been elected, the parish meeting may appoint a person to take the chair, and that person shall have, for the purposes of that meeting, the powers and authority of the chairman.

Dissolution of authorities

5. The representative body of each parish named in paragraph (1) of article 3 of this order shall be dissolved.

Rural district and parish councils

6.—(1) The number of rural district councillors for each new parish shall be that shown in respect thereof in column (3) of the First Schedule to this order, and as from the 20th day of May, 1955, the number of such councillors for each parish named in column (1) of the Second Schedule to this order shall be increased from that shown in respect of the parish in column (2) of the said Second Schedule to that so shown in column (3), and the number of rural district councillors for the rural district shall thereby be decreased from sixty-two to forty-four.

(2) There shall be a parish council for each new parish and the number of councillors for each parish shall be that shown in respect thereof in column (4) of the First Schedule to this order.

(3) The first meeting of each new parish council shall be convened by the clerk of the rural council and shall be the annual meeting for the year 1955.

Councillors

7.—(1) Any person in office at the appointed day as county councillor for the Harbottle or Rothbury electoral division shall represent the electoral division as altered by this order until the date on which he would have retired if this order had not been made.

(2) Any casual vacancy which exists at the date of the confirmation of this order or occurs before the appointed day in the offices of county councillors aforesaid shall be deemed to have arisen in the office of councillor for the electoral division as altered by this order.

(3) Any casual vacancy which exists at the date of the confirmation of this order or occurs before the appointed day in the offices of rural district councillors for any parish named in paragraph (1) of article 3 of this order shall not be filled.

(4) Any person in office at the appointed day as rural district councillor for any parish named in paragraph (1) of article 3 of this order shall retire from office on that day.

(5) The first elections of rural district councillors for the new parishes shall be held on such day or days prior to the appointed day as the returning officer shall appoint and the rural district council election rules for the time being in force shall apply to the said elections with any necessary modifications.

(6) The persons declared to be elected as rural district councillors as a result of the said elections shall come into office on the appointed day and shall retire on the 20th day of May, 1958.

(7) The first elections of parish councillors for the new parishes shall be held on such day or days prior to the appointed day as the returning officer shall appoint and the parish council election rules for the time being in force shall apply to the said elections with any necessary modifications.

(8) The persons declared to be elected as parish councillors as a result of an election provided for in the preceding paragraph shall come into office on the appointed day and shall retire on the 20th day of May, 1958.

(9) For the purpose of the determination of the qualification of any person to be a parish councillor for a new parish, or a member of any committee, joint board or joint committee, this order shall be deemed to have come into operation on the 1st day of February, 1954.

Local government electors

8.—(1) If the register of local government electors is not so framed as to show the persons entitled to vote at any election for the Harbottle or Rothbury electoral division as altered by this order or any election or parish meeting for a new parish, the registration officer shall make such re-arrangement of the register as may be necessary for the purpose of such election or meeting.

(2) The clerk of the rural council shall render such assistance as may be required by the registration officer in the re-arrangement of the register under this article.

(3) Any necessary expense incurred by the registration officer solely in the re-arrangement of the register under this article shall be defrayed by the county council.

Transfer of property and liabilities

9.—(1) All property (not being property held on a charitable trust) and liabilities vested in or attaching to the parish meetings or the representative bodies of the existing parishes of Debdon and Snitter, or any of them, exclusively in respect of the lands common to the parishes, shall be transferred to and vest in or attach to the new parish council of Cartington, and shall be held or discharged by them in respect of the new parish.

(2) Subject to the provisions of the preceding paragraph, all property (not being property held on a charitable trust) and liabilities vested in or attaching to the parish meeting or the representative body of any parish named in column (1) of the First Schedule to this order shall be transferred to and vest in or attach to the parish council of the new parish specified in respect of such parish in column (2), and shall be held or discharged by them in respect of the new parish.

(3) Any byelaws in force for the regulation of any property transferred by this article shall have effect as if they had been made by the new parish council to whom such property is transferred.

(4) Any consent to the borrowing of money issued in relation to any property or liability transferred by this article may, in so far as it has not been acted on and subject to the terms thereof, be acted on by the new parish council to whom such property or liability is transferred.

Mortgage and other securities

10.—(1) Where by this order, or by any adjustment made in consequence hereof, 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 is transferred from or by one public body (hereinafter referred to as "the transferor authority") to another public body (hereinafter 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 and 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.

(2) Subject to the provisions of the preceding paragraph, where by this order, or by any adjustment made in consequence hereof, 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.

Audit of accounts

11. The accounts of the parish meeting or the representative body of any parish named in column (1) of the First Schedule to this order and of the committees and officers thereof shall be made up to the appointed day and shall be audited in like manner and subject to the like incidents and consequences as if this order had not been made :

Provided that any sum certified by a district auditor at any such audit as due from any person shall be paid to the parish council of the new parish specified in respect of such parish in column (2).

Existing contracts, etc. and proceedings

12.—(1) Save as otherwise expressly provided, all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the parish meetings or the representative bodies of the existing parishes of Debdon and Snitter, or any of them, exclusively in respect of the lands common to the parishes, shall be of full force and effect in favour of, or against, the new parish council of Cartington.

(2) Subject to the provisions of the preceding paragraph and save as otherwise expressly provided, all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the parish meeting or the representative body of any parish named in column (1) of the First Schedule to this order shall be of full force and effect in favour of, or against, the parish council of the new parish specified in respect of such parish in column (2).

(3) Any action or proceeding or any cause of action or proceeding, pending or existing at the appointed day, by, or against, the parish meetings or the representative bodies of the existing parishes of Debdon and Snitter, or any of them, exclusively in respect of the lands common to the parishes, shall not be prejudicially affected by reason of this order, and may be continued, prosecuted and enforced by, or against, the new parish council of Cartington.

(4) Subject to the provisions of the preceding paragraph, any action or proceeding or any cause of action or proceeding, pending or existing at the appointed day, by, or against, the parish meeting or the representative body of any parish named in column (1) of the First Schedule to this order shall not be prejudicially affected by reason of this order, and may be continued, prosecuted and enforced by, or against, the parish council of the new parish specified in respect of such parish in column (2).

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

Valuation list

13. The appropriate valuation officer of the Commissioners of Inland Revenue shall cause such alterations to be made in the valuation list for the rural district as may be necessary to give effect to the alteration of areas made by this order.

Jury service

14. For the purposes of summoning jurors and of jury service, the parishes named in paragraph (1) of article 3 of this order shall be deemed to continue in existence until a new jurors book comes into force.

Charities

15. Any power of appointing trustees of a charity subject to the jurisdiction of the Charity Commissioners or the Minister of Education which is exercisable by a parish council or parish meeting and which ceases to be exercisable in consequence of the alteration of areas made by this order may be exercised by such authority as the Charity Commissioners or the Minister of Education, as the case may be, may direct, but nothing in this article shall in any way prejudice or affect the power of the Charity Commissioners or the Minister of Education under the Charitable Trusts Acts, 1853 to 1939, to establish a scheme for the regulation of the charity.

Compensation to officers

16.—(1) Every officer in office at the date of the confirmation of this order who by virtue of this order, or of anything done in pursuance or in consequence hereof, 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 article shall be awarded and paid by the rural council.

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

Adoptive Acts

17.—(1) The provisions of any adoptive Act in force throughout the area of a new parish shall apply to the new parish.

(2) The area in which the provisions of any other adoptive Act are in force in a new parish shall not be affected by the alteration of areas made by this order.

(3) The new parish council shall be the authority in any new parish for the execution of any provisions to which this article applies.

(4) In this article the expression " adoptive Act " means any Act (other than the Burial Acts, 1852 to 1906) which is in force by virtue of its adoption by a parish meeting or other parochial authority.

Cemeteries

18.—(1) The Longframlington Cemetery shall be maintained by the rural council for the common benefit of the new parish of Brinkburn and the parish of Longframlington.

(2) The Rothbury Cemetery shall be maintained by the rural council for the common benefit of the new parishes of Cartington, Hepple, Hollinghill, Netherton, Snitter and Tosson and the parishes of Hesleyhurst, Rothbury and Thropton.

(3) The provisions in relation to inhabitants or parishioners in any regulations or table of fees or charges in force in respect of the Longframlington Cemetery shall apply to the inhabitants or parishioners of the parishes named in paragraph (1) of this article.

(4) The provisions in relation to inhabitants or parishioners in any regulations or table of fees or charges in force in respect of the Rothbury Cemetery shall apply to the inhabitants or parishioners of the parishes named in paragraph (2) of this article and the area of the existing parish of Raw.

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

Orders under the Public Health Acts

19. 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 provisions of the Public Health Acts, 1875 to 1932, or the Public Health Act, 1936, are in force throughout the area of a new parish, and any other order under any of those Acts so in force, shall apply to the new parish.

Urban powers

20. All the functions and liabilities of an urban authority with which the rural council are invested by any order of the Local Government Board, the Minister of Health or the Minister under the Public Health Acts, 1875 to 1932, the Public Health Act, 1936, or the Local Government Act, 1933, in respect of the whole of the area of a new parish shall be discharged by the council in respect of the new parish.

Special expenses

21.—(1) All expenses which may be incurred by the rural council in the exercise of their powers under the Public Health (Interments) Act, 1879, to maintain the Longframlington Cemetery, except so far as those expenses relate to their establishment and officers, shall be special expenses separately chargeable on the contributory places in the parishes named in paragraph (1) of article 18 of this order in proportion to the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act, 1925, in such contributory places, but shall be levied in such contributory places together with, and as additional items of, the general rate and not by special rates.

(2) All such expenses which may be incurred by the rural council to maintain the Rothbury Cemetery, except as aforesaid, shall be special expenses separately chargeable on the contributory places in the parishes named in paragraph (2) of article 18 of this order in proportion as aforesaid, but shall be levied in such contributory places together with, and as additional items of, the general rate, and not by special rates.

(3) All expenses which may be incurred by the rural council in the exercise of their powers to remove house refuse and cleanse earthclosets, privies and ashpits under section 72 of the Public Health Act, 1936, in any contributory place in the new parishes, except as aforesaid, shall be special expenses separately chargeable on such contributory place, but shall be levied in such contributory place together with, and as an additional item of, the general rate, and not by a special rate.

Schools

22. Any governor or manager of a county or voluntary school in a new parish who was so appointed by, or upon the nomination of, a minor authority within the meaning of the Education Act, 1944, either alone or jointly with another such authority, shall vacate office on the appointed day and the power to appoint any such governor or manager shall thereafter be exercisable by the new parish council.

General savings

23. Nothing in this order shall affect

- (a) any statutory power of the Minister or the Registrar General or the powers of the Secretary of State or the county council under the Local Government Act, 1894, the Local Government Act, 1929, the Local Government Act, 1933, or the Registration Service Act, 1953 ;
- (b) the existing division of any parliamentary constituency into polling districts and designation of polling places ;
- (c) any district or sub-district for the purposes of the Registration Service Act, 1953, the Births and Deaths Registration Act, 1953, or the Marriage Act, 1949 ;
- (d) the ecclesiastical divisions of any parish or the constitution of any ecclesiastical parish ;
- (e) the area for the supply of water of any local authority, company or other body, or the powers, byelaws or existing charges of any such local authority, company or other body ;
- (f) any order in force under the Shops Act, 1950 ;
- (g) any right or interest under any inclosure award ; or
- (h) save as is otherwise provided, any charitable endowment.

THE FIRST SCHEDULE TO THE COUNTY COUNCIL'S ORDER

ALTERATION OF AREAS RURAL DISTRICT AND PARISH COUNCILLORS FOR NEW PARISHES TRANSFER OF PROPERTY AND LIABILITIES AUDIT OF ACCOUNTS EXISTING CONTRACTS, ETC. AND PROCEEDINGS (Articles 3, 6, 9, 11 and 12)

(1) Areas comprised in new parish	(2) New parish	(3) Number of rural district councillors	(4) Number of parish councillors	(5) Electoral division	(6) Petty sessional division
The existing parishes of Alnham, Great Ryle, Little Ryle, Prendwick, Scrainwood and Unthank	Alnham	2	5	Harbottle	North Coquetdale Ward
The existing parishes of Alwinton, Barrow, Fairhaugh, Kidland, Linbridge and Linsheelles	Alwinton	2	5	Harbottle	West Coquetdale Ward
The existing parishes of Biddlestone and Clennell	Biddlestone	1	5	Harbottle	West Coquetdale Ward
The existing parishes of Brinkburn High Ward, Brinkburn Low Ward and Raw	Brinkburn	2	5	Rothbury	West Coquetdale Ward
The existing parishes of Callaly and Yetlington and Lorbottle	Callaly	2	5	Harbottle	North Coquetdale Ward
The existing parishes of Cartington and Mount Healey, and the existing parish of Debdon and the lands common to it and the existing parish of Snitter	Cartington	1	5	Rothbury	West Coquetdale Ward

(Continued overleaf)

FIRST SCHEDULE—continued.

(1) Areas comprised in new parish	(2) New parish	(3) Number of rural district councillors	(4) Number of parish councillors	(5) Electoral division	(6) Petty sessional division
The existing parishes of Elsdon and Monkridge	Elsdon	3	5	Harbottle	Bellingham
The existing parishes of Harbottle, Holystone, Peels and Sharperton	Harbottle	2	5	Harbottle	West Coquetdale Ward
The existing parishes of Bickerton, Caistron, Farnham, Hepple, Woodside and Wreighill	Hepple	2	5	Harbottle	West Coquetdale Ward
The existing parishes of Fallowlees, Greenleighton, Harwood and Hollinghill	Hollinghill	1	5	Rothbury	West Coquetdale Ward
The existing parishes of Burradon, High and Low Trehitt, Netherton North Side and Netherton South Side	Netherton	2	5	Harbottle	West Coquetdale Ward
The existing parishes of Coatyards, Ewesley, Healey and Combhill, Nunnykirk, Ritton Colt Park, Ritton White House, Todburn and Wingates	Nunnykirk	2	5	Rothbury	Morpeth Ward
The existing parishes of Fairnley, Hartington, Hartington Hall and Rothley	Rothley	2	5	Rothbury	West Coquetdale Ward
The existing parishes of Flotterton and Warton, and the existing parish of Snitter without the lands common to it and the existing parish of Debdon	Snitter	1	5	Rothbury	West Coquetdale Ward
The existing parishes of Newtown, Tosson and Whitton	Tosson	1	5	Rothbury	West Coquetdale Ward

THE SECOND SCHEDULE TO THE COUNTY COUNCIL'S ORDER

RURAL DISTRICT COUNCILLORS FOR CERTAIN EXISTING PARISHES
(Article 6)

(1) Parish	(2) Existing number of rural district councillors	(3) Number of rural district councillors as from 20th May, 1955
Longframlington	2	3
Rothbury	6	9
Thropton	1	2
Whittingham	2	3

Given under the official seal of the Minister of Housing and Local Government this twenty-first day of February, nineteen hundred and fifty-five.



S. G. G. WILKINSON
Assistant Secretary,
Ministry of Housing and Local Government.