

DISSOLUTION, TRANSFER OF POWERS, ETC., OF DISTRICT COUNCIL.

4.—(1) On the appointed day the District Council shall cease to exist and subject to the provisions of this Scheme their powers and duties including those under any local Act, Provisional Order or Order shall be transferred to and attach to the Corporation, and the Corporation shall be the successors of the District Council.

(2) All powers and duties which immediately before the appointed day are exercisable by or attach to the District Council for the benefit of the District shall be exercisable by or attach to the Corporation for the benefit of the Borough.

PROPERTY AND LIABILITIES OF DISTRICT COUNCIL.

5. Subject to the provisions of this Scheme:—

(1) All property or liabilities which immediately before the appointed day are vested in or attach to the District Council shall on the appointed day by virtue of this Scheme be transferred to, vest in and attach to the Corporation, subject to all trusts affecting the same, and where the property was acquired or the liabilities were incurred in the execution of an Act of Parliament the property and liabilities shall be held by and be discharged by the Corporation in accordance with such of the provisions of that Act as apply to the council of a borough.

(2) All property which immediately before the appointed day is vested in the District Council for the benefit of the District shall by virtue of this Scheme be held by the Corporation for the benefit of the Borough, and all liabilities which immediately before the appointed day attach to the District Council in respect of the District shall on the appointed day attach to them in respect of the Borough.

(3) Any balance immediately before the appointed day to the credit or debit of any fund of the Urban District shall on the appointed day become a balance to the credit or debit of a corresponding fund to be opened for the Borough.

LOANS OF DISTRICT COUNCIL.

6.—(1) Subject to the provisions of this Scheme:—

(a) The liability for the repayment of so much of any moneys borrowed by the District Council as immediately before the appointed day are owing and for the payment of the interest thereon shall by virtue of this Scheme be transferred to and attach to the Corporation;

(b) So much of any moneys borrowed by the District Council as, immediately before the appointed day are owing and charged upon a fund or rate of that Council shall be charged upon that fund or rate of the Borough from which the expenses of the council of a borough in the execution of the Act authorising the borrowing of the moneys are directed to be defrayed;

(c) So much of any moneys borrowed by the District Council as a Burial Authority as immediately before the appointed day are owing shall by virtue of this Scheme be charged upon the general fund and general rate of the Borough.

(2) All borrowed moneys to which this article applies shall together with the interest to accrue due thereon 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.

(3) Nothing in this Scheme shall prejudice or affect any mortgage or other security which has been granted in respect of any borrowed moneys the liability for the repayment of which is transferred from the District Council to the Corporation by this article or the powers of any person entitled under any such mortgage or other security to enforce the same as if this Scheme had not been confirmed, and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Scheme the power may continue to be exercised as if this Scheme had not been confirmed.

LOCAL ACTS, PROVISIONAL ORDERS, ETC.

7. Subject to the provisions of this Scheme:—

(a) The unrepealed provisions of any Local Act, Provisional Order duly confirmed, or Order having the force of an Act, and affecting the District or the District Council (including any such Local Act or Provisional Order passed or confirmed during the present Session of Parliament), as the same respectively are in force within the District immediately before the appointed day shall extend and apply to the Borough.

(b) Any reference in any local Act, Confirmation Act or Provisional Order, or in any Order having the force of an Act—

(i) To the Rowley Regis Local Board or the Rowley Regis Urban District Council shall be read as a reference to the Corporation; and

(ii) To the Local Government District of Rowley Regis or the Urban District of Rowley Regis shall be read as a reference to the Borough.

Provided nevertheless that any Order made under the Shop Hours Act, 1904, or under the Shops Acts, 1912-1928, and in force immediately before the appointed day in any area affected by this Scheme shall, subject to the provisions of those Acts, remain in force and apply to the area to which it then applied.

8. The Provisions of any protective clause for the benefit of the District Council (or their predecessors) contained in any local Act, Confirmation Act or Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the District enure to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to the District Council, or their predecessors, as the case may be.

ADOPTIVE ACTS OR ACTS APPLIED BY ORDER.

9. Such of the provisions of the following Acts or the parts thereof:—

(a) The Public Health Acts Amendment Act, 1890;

(b) The Infectious Disease (Prevention) Act, 1890;