CHAPTER clxx.

An Act to confirm a Provisional Order of the Local Government Board relating to Wolverhampton. A.D. 1896.

[7th August 1896.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the schedule hereto under the provisions of the Public Health Act 1875: 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Order should be confirmed by Parliament and that the provisions herein contained should be enacted with reference thereto:

Be it therefore enacted by the Queen'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:—

Order in schedule confirmed.

1. The Order as altered and set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Restriction of power to take houses of labouring class.

2. The urban sanitary authority for the Borough of Wolverhampton shall not under the powers of the Wolverhampton Order 1896 (No. 2) hereby confirmed purchase or acquire either compulsorily or by agreement ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others

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except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 21) Act 1896.

SCHEDULE.

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BOROUGH OF WOLVERHAMPTON.

Wolverhampton Order. (2.)

Provisional Order for altering the Wolverhampton Improvement Act 1869.

To the Mayor Aldermen and Burgesses of the Borough of Wolverhampton;—

And to all others whom it may concern.

WHEREAS the Borough of Wolverhampton (herein-after referred to as "the Borough") is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority and the unrepealed provisions of the Wolverhampton Improvement Act 1869 (herein-after referred to as "the Local Act") as altered by certain other Local Acts and Provisional Orders duly confirmed by Parliament but which do not affect the subject-matter of this Order are in force in the Borough; 32 & 33 Vict. c. cxxxi.

And whereas by Section 129 of the Local Act it is (inter alia) enacted that nothing in that Act shall authorise the Corporation to interfere with any river canal dock harbour lock reservoir or basin so as to injuriously affect the navigation thereon or the use thereof or to interfere with any towing-path so as to interrupt the traffic thereof in the cases mentioned in sub-section (2) of that section or to interfere with any watercourse or stream in such manner as to injuriously affect the supply of water to any river canal dock harbour reservoir or basin in the cases mentioned in sub-section (3) of that section without the consent in every case of the corporation company undertakers commissioners conservators trustees or individuals affected expressed in writing;

And whereas by Section 133 of the Local Act it is enacted that nothing in that Act shall authorise the Corporation to injuriously affect any reservoir river or stream or the feeders of any reservoir river or stream or the supply quality or fall of water contained in any reservoir river or stream or feeders of any reservoir river or stream in cases where any company or individuals would if the Local Act had not passed have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir river stream feeders supply quality or fall of water unless the Corporation have first obtained the consent in writing of such company or individuals so entitled as aforesaid;

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And whereas by Section 136 of the Local Act it is enacted that the Corporation shall continue and maintain and may alter and improve their existing waterworks and subject to the provisions of that Act may from time to time make and maintain on lands belonging to them or authorised to be used by them for the purposes of waterworks all necessary pipe tracks sluices embankments channels of communication byewashes filtering beds tanks culverts engines drains floodgates and other conveniences for the effectual use and maintenance of the works by the Local Act authorised to be continued and maintained ;

(2)

And whereas by Section 185 of the Local Act it is enacted that the Acts parts whereof are set forth in the Third Schedule to that Act shall to the extent of those parts but not further be binding against and in favour of the Corporation as if the obligations and powers by those parts imposed and conferred on a company (otherwise than in relation to the Corporation) had been originally imposed and conferred on the Corporation instead of on a company ;

And whereas the parts of the Acts set forth in the Third Schedule to the Local Act contain provision for the protection of the Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation (herein-after referred to as "the Canal Company") and the Right Honourable Lord Wrottesley ;

And whereas by Sections 343 and 344 of the Local Act the Corporation were empowered to borrow money for defraying the expenses of the execution by them of the Local Act ;

And whereas the Corporation propose to purchase the lands and to construct the waterworks herein-after described and the Canal Company and Lord Wrottesley have agreed subject to certain terms and conditions to give such consents as may be required under Sections 129 and 133 of the Local Act or Section 327 and 332 of the Public Health Act 1875 in respect of the construction of the said works :

38 & 39 Vict. c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be altered so that the following provisions shall have effect :—

Art. I. The Corporation may for the purposes of their water undertaking purchase by agreement with the owner but not otherwise all those pieces of land situate in the Parishes of Penn and Wombourn which are numbered 138 and 173 in the Parish of Penn and 741 in the Parish of Wombourn on Sheet No. LXI. 16 of the 25-inch Ordnance Map of Staffordshire which bears the heading "First Edition 1883" together with all mines and minerals lying under such lands.

Art. II. The Corporation with the approval of the Local Government Board may sink and drive on the lands referred to in Article I. of this Order or some of them wells boreholes tunnels or adits and may construct on the said lands engines and boilers engine and boiler houses and dwellings for their workmen and may lay pumping mains and other mains and pipes and execute and do all other necessary acts and works so as to connect the said works so to

be constructed with the existing waterworks of the Corporation and may execute or construct any compensation or other works which may be necessary to carry into effect the terms and conditions subject to which the Canal Company and Lord Wrottesley have agreed to give their consent as aforesaid. (2.)

Art. III.—(1.) In executing the works by Article II. of this Order authorised the Corporation shall be subject to the restrictions imposed by Sections 129 and 133 of the Local Act and by Sections 327 and 332 of the Public Health Act 1875.

(2.) The provisions of Section 308 of the Public Health Act 1875 shall apply as if the powers conferred by Article II. of this Order were powers conferred by that Act.

Art. IV. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the security of the revenue arising from their water undertaking and of the improvement fund and improvement rate of the Borough or upon either of such securities such sums not exceeding in the whole the sum of twenty-five thousand pounds as may from time to time be necessary for the purposes of Articles I. and II. of this Order.

Art. V. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys raised and borrowed on mortgage by virtue of this Order.

Art. VI. The moneys borrowed by virtue of this Order shall be repaid within such period not exceeding fifty years from the date of borrowing as the Corporation with the sanction of the Local Government Board shall determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall be the prescribed period for the purpose of the Local Loans Act 1875.

Art. VII.—(1.) The Corporation shall repay the moneys borrowed by virtue of this Order other than moneys borrowed under the provisions of the Local Loans Act 1875 by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

(2.) Subject to the provisions of Article VIII. of this Order if the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed and maintained either—

(*a*) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund or

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per

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centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities other than securities of the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(4.) In the case of a non-accumulating sinking fund the interest on the investment of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(5.) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(6.)—(*a.*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation.

(*b.*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(7.) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

Art. VIII.—(1.) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(2.) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

(4.) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(5.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Art. IX. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed by virtue of this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow:

Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Art. X.—(1.) The town clerk of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have

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been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2.)

(2.) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by Order direct that the sum in such Order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. XI. All moneys from time to time borrowed by virtue of this Order shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation with the approxal of the Local Government Board determine.

Art. XII.—(1.) The mortgagees of the Corporation by virtue of this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2.) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Art. XIII. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by that Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Corporation and the Local Government Board may certify the amount of the costs so incurred and any sum so certified and directed by that Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

Art. XIV. This Order may be cited as the Wolverhampton Order 1896 (No. 2).

Given under the Seal of Office of the Local Government Board this Seventeenth day of June One thousand eight hundred and ninety-six.

(L.S.)

Henry Chaplin President.
C. N. Dalton Assistant Secretary.

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