CHAPTER cxxiii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Birmingham, Brighton, Burnley, Darwen, Lancaster, and Sheffield. [20th July 1894.]

A.D. 1894.

WHEREAS the Local Government Board have made the Provisional Orders 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 Orders should be confirmed by Parliament:

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:—

Orders in schedule confirmed.

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

Special provision relating to the Brighton Order as to houses of labouring class.

2. The urban sanitary authority for the borough of Brighton shall not, under the powers of this Act or of the Brighton Pavilion Order, 1894, without the consent of the Local Government Board, purchase or acquire, either compulsorily or by agreement, in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses, which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for

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wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others 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 Orders Confirmation (No. 11) Act, 1894.

SCHEDULE.

CITY OF BIRMINGHAM.

Birmingham Order.

Provisional Order for altering the Birmingham Corporation (Consolidation) Act, 1883.

To the Mayor, Aldermen, and Citizens of the City of Birmingham, being the Urban Sanitary Authority for that City ; —

To the Overseers of the Poor of the several Parishes of Aston, Birmingham, Edgbaston, Harborne and Smethwick, and Kings Norton ; —

And to all others whom it may concern.

WHEREAS the City of Birmingham (herein-after referred to as "the City") is an Urban Sanitary District, of which the Mayor, Aldermen, and Citizens, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the provisions of the Birmingham Corporation (Consolidation) Act, 1883 (herein-after referred to as "the Local Act"), are in force in the City ; 46 & 47 Vict. c. lxx.

And whereas by Section 218 of the Local Act it is enacted that all expenses incurred by the Corporation in the execution of that Act which are not otherwise provided for shall be defrayed by a rate to be called the improvement rate ;

And whereas by Section 223 of the Local Act it is enacted that, subject to the provisions of that Act, the Corporation may from time to time make, assess, collect, and levy the improvement rate in like manner as rates under the Towns Improvement Clauses Act, 1847, and that for the purposes of that enactment the provisions of that Act "with respect to the manner of making rates" (except Sections 175, 176, 177, 179, and 181), and "with respect to the appeal to be made against any rate," and "with respect to the recovery of rates" are thereby incorporated with the Local Act ; but it is provided that if the Corporation so resolve they may from time to time make an order on the overseers of parishes and parts of parishes in the City requiring them to assess, levy, or collect the improvement rate, and so long as any such order is in force such overseers shall have and exercise all or any of the powers of the Corporation and their officers for assessing, levying, or collecting the improvement rate as the Corporation shall by resolution delegate to them, and that in default of compliance with any such order of the Corporation the overseers shall be subject to all provisions and penalties provided by law concerning non-payment of contributions to a borough rate ; and it is further provided that any order made by the Corporation as aforesaid may be rescinded by a resolution of the Corporation, and so from time to time ;

And whereas it is expedient that provision be made for the audit by a district auditor of the accounts relating to the assessment and collection of the improve-

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Birmingham Order.
38 & 39 Vict. c. 55.

ment rate so long as the same shall be assessed, levied, or collected by the overseers in pursuance of any order of the Corporation as aforesaid:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, 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; viz.,—

Art. I. So long as any order of the Corporation under Section 223 of the Local Act is in force, and the overseers of the several parishes and parts of the parishes in the City shall collect the improvement rate pursuant to such order—

(1.) The accounts of the several overseers and the collectors relating to such rate shall be submitted to and be audited by the district auditor in the manner provided by Section 37 of the Divided Parishes and Poor Law Amendment Act, 1876, as if the rate were made and levied by the overseers.

39 & 40 Vict. c. 61.

(2.) The overseers of each parish and part of a parish in the City shall prepare and submit to the district auditor at every audit held pursuant to this Order a financial statement in duplicate in the form and containing the particulars from time to time prescribed by the Local Government Board; one of such duplicates shall have the stamp duty chargeable according to the scale contained in the District Auditors Act, 1879, affixed thereon, and calculated according to the total of the sums paid to the treasurer of the Corporation during the period to which the statement relates, and the provisions of the District Auditors Act, 1879, as to the duties of the auditor with reference to such duplicates, shall apply as if the said duplicates were prepared and submitted under that Act.

42 Vict. c. 6.

(3.) The Corporation shall repay to the overseers the amount of any stamp duty which may be paid by them upon any financial statement pursuant to the provisions of this Order.

Art. II. The provisions of Sections 5 and 6 of the District Auditors Act, 1879, shall apply to the accounts of the overseers and collectors, and to the stamp duty on such financial statements as aforesaid; and any overseer who shall fail to comply with the provisions of this Order with respect to a financial statement shall be liable to the penalty provided in Section 7 of the last-mentioned Act.

Art. III. So long as the improvement rate shall be made and levied once only in each year the accounts of the overseers and the collectors in regard to such rate shall be made up to the Twenty-fifth day of March in each year, or to such other date as the Local Government Board shall from time to time prescribe, and the audit of such accounts shall be annual and not half-yearly.

Art. IV. This Order may be cited as the Birmingham Order, 1894.

Given under the Seal of Office of the Local Government Board, this Ninth day of May, One thousand eight hundred and ninety-four.

(L.S.) G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

A.D. 1894.

Brighton Order. (1.)

BOROUGH OF BRIGHTON.

Provisional Order for altering certain Local Acts and a Confirming Act.

To the Mayor, Aldermen, and Burgesses of the Borough of Brighton, being the Urban Sanitary Authority for that Borough; —

And to all others whom it may concern.

WHEREAS the Borough of Brighton (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 whereas under a Local Act passed in the thirteenth year of the reign of Her present Majesty Queen Victoria, intituled "An Act to enable the Commis- 13 Vict. c. v.
"sioners acting under an Act passed in the sixth year of the reign of His late "Majesty King George the Fourth, for better regulating, paving, improving, "and managing the Town of Brighthelmston, in the County of Sussex, and the "Poor thereof, to purchase, improve, and manage the Royal Pavilion at Brighton, "and the grounds thereof, and to enlarge, extend, and apply the powers and "provisions of the same Act with reference thereto" (herein-after referred to as "the Act of 1850"), the Brighton Town Commissioners, acting under the Brighton Town Act (herein-after referred to as "the Commissioners"), purchased 6 Geo. IV. c. clxxix.
the Royal Pavilion at Brighton, with the land and grounds, and the appurtenances thereto;

And whereas by Section 10 of the Act of 1850 the Commissioners were authorised, for the purposes of that Act, to make one or more equal rate or rates, assessment or assessments, upon the tenants or occupiers of all hereditaments within the Parish of Brighton (save as therein mentioned), so as such rate or rates, assessment or assessments, did not exceed in the whole in any one year, to be computed from the First day of January, the sum of fourpence in the pound on the scale or rate for the time being on which rates were raised to and for the relief of the poor of the Parish;

And whereas by Sections 1 and 2 of the Brighton Commissioners Transfer 18 Vict. c. vi.
Act, 1855 (herein-after referred to as "the Act of 1855"), it was enacted that the Commissioners should cease to exist and that the Corporation should be the Commissioners for carrying the Brighton Town Act and the Act of 1850 into execution, and that the property, powers, privileges, and liabilities of the Commissioners under those Acts, including the Royal Pavilion and the land and grounds and appurtenances thereto, should be transferred to and vested in the Corporation for the intents and purposes, and subject to the provisions for and subject to which the same were vested in, given to, conferred on, imposed on, or enjoyed by the Commissioners;

And whereas by Section 3 of the Brighton Pavilion Act, 1867 (herein-after 30 Vict. c. xxii.
referred to as "the Act of 1867"), it was enacted that the expression the "Pavilion Estates" meant the pavilion and the grounds thereof, and appurtenances belonging thereto, and all lands and hereditaments purchased and

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Brighton Order. (1.)

from time to time held by the Corporation under and by virtue of the Act of 1850;

And whereas by Section 4 of the Act of 1867 borrowing powers were conferred upon the Corporation;

And whereas by virtue of Section 21 of the Brighton Borough Extension Act, 1873, the rates or assessments authorised by Section 10 of the Act of 1850 are now made upon the tenants or occupiers of hereditaments within the Borough;

39 Vict. c. xxxiv.

And whereas by Section 7 of the Brighton Pavilion Acts Amendment Act, 1876 (herein-after referred to as "the Act of 1876"), the establishment and maintenance of a free library, museum, and picture gallery are declared to have been and to be purposes of the Act of 1850 within the meaning of Sections 10 to 14 (both inclusive) of that Act, and of Section 10 of the Act of 1867;

And whereas the Act of 1850, the Act of 1867, and the Act of 1876 are herein-after collectively referred to as "the Pavilion Acts";

54 & 55 Vict. c. lxx.

And whereas by a Provisional Order of the Local Government Board dated the Sixth day of May, One thousand eight hundred and ninety-one, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act, 1891 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), certain provisions of the Pavilion Acts were repealed;

And whereas by Article III. of the Order Section 7 of the Act of 1876 was altered so that the words "public library, museum, and art gallery" should be deemed, from the passing of that Act, to have been substituted for the words "free library, museum, and picture gallery"; and so that the words "purposes of "the Act of 1850 and of the Act of 1867" should be deemed from that date to have been substituted for the words "purposes of the Act of 1850, within the meaning "of Sections 10 to 14 (both numbers included) of that Act, and of Section 10 "of the Act of 1867";

And whereas by Article IV. of the Order the Pavilion Acts were further altered so as to provide that, in addition to the sums authorised to be borrowed by the Pavilion Acts, the Corporation might, with the sanction of the Local Government Board, and subject to the provisions of the Order, borrow for all or any of the purposes of the Pavilion Acts, as thereby altered, to which capital is properly applicable, and on the security of the rates and assessments authorised by Section 10 of the Act of 1850, and of the district fund and general district rate of the Borough, or upon any of such securities, either together or separately, such sums as they might from time to time think requisite, not exceeding the sum of forty thousand pounds:

38 & 39 Vict. c. 55.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Pavilion Acts and the Confirming Act, so far as it relates to the Order, shall be altered so as to provide as follows:—

Art. I. The Corporation may, in addition to the public library already established upon the Pavilion Estate, provide public libraries and news-rooms in any part of the Borough, and for that purpose may purchase, hire, or otherwise

acquire and hold land, and erect, take down, rebuild, alter, repair and extend buildings, and fit up, furnish, and supply the same with all requisite furniture, fittings and conveniences, and do and provide all other acts and things that may be necessary or proper in connexion therewith; and wherever in any of the Pavilion Acts as altered by the Order reference is made to the public library already established, it shall be deemed to include any library or news-room provided under this Order. The Corporation may, for the purpose of providing, maintaining, and carrying on such public libraries and news-rooms, exercise in relation thereto and to any land so purchased, hired, or otherwise acquired as aforesaid all or any of the powers and authorities conferred upon them by the Pavilion Acts as altered by the Order with reference to the Pavilion Estate as if the same were or were situate upon part of that estate.

Art. II. In addition to the sums authorised to be borrowed by the Pavilion Acts and the Order, the Corporation may, with the sanction of the Local Government Board, borrow for all or any of the purposes of the Pavilion Acts as altered by the Order and this Order, to which capital is properly applicable, and on the security of the rates and assessments authorised by Section 10 of the Act of 1850, and of the district fund and general district rate of the Borough, or upon any of such securities, either together or separately, such sums as they may from time to time think requisite, not exceeding the sum of five thousand pounds, and the provisions of subdivisions (2) to (9) of Article IV. of the Order shall apply to all moneys so borrowed.

Art. III. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Pavilion Acts or 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 out of such fund or rate as the Local Government Board may direct, 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. IV. The Pavilion Acts and the Order and this Order may for all purposes be cited together as the Brighton Pavilion Acts, 1850 to 1894, and each of those Acts and Orders may for all purposes be cited separately as the Brighton Pavilion Act or Order of the year in which it was passed or confirmed, as the case may be.

Given under the Seal of Office of the Local Government Board, this Thirteenth day of April, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

A.D. 1894.

Burnley Order. (2.)

BOROUGH OF BURNLEY.

Provisional Order for altering the Burnley Borough Improvement Act, 1871.

To the Mayor, Aldermen, and Burgesses of the Borough of Burnley, being the Urban Sanitary Authority for that Borough;—

And to all others whom it may concern.

WHEREAS the Borough of Burnley (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 Burnley Borough Improvement Act, 1871 (herein-after referred to as "the Local Act"), as altered by certain Local Acts and certain Provisional Orders duly confirmed by Parliament, are in force in the Borough;

34 & 35 Vict. c. cliv.

And whereas by Section 3 of the Local Act it is (inter alia) enacted that in that Act the term "court of quarter sessions" means the court of general or quarter sessions for the County of Lancaster holden at Preston;

And whereas by Section 437 of the Local Act it is enacted that the Council may, subject and according to the provisions of that Act, from time to time, annually, or oftener as and when they think fit, make, assess, and levy within the Borough a rate called the borough rate, but that such rates shall not exceed in any one year two shillings in the pound on the annual value of the property to be assessed:

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, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect; viz.,—

Art. I. Section 3 of the Local Act shall be altered by the insertion of the words "The term 'court of quarter sessions' means the court of quarter sessions holden in and for the Borough" in lieu of the words "The term 'court of "quarter sessions' means the court of general or quarter sessions for the said "County holden at Preston."

Art. II. Section 437 of the Local Act shall be altered by the omission of the words "but such rates shall not exceed in any one year two shillings in the pound on the annual value of the property to be assessed."

Art. III. This Order may be cited as the Burnley Order (No. 2), 1894.

Given under the Seal of Office of the Local Government Board, this Twenty-sixth day of April, One thousand eight hundred and ninety-four.

(L.S.)

G. SHAW-LEFEVRE, President.
HUGH OWEN, Secretary.

A.D. 1894.

Darwen Order.

BOROUGH OF DARWEN.

Provisional Order for partially repealing and altering certain Local Acts and a Confirming Act.

To the Mayor, Aldermen, and Burgesses of the Borough of Darwen, being the Urban Sanitary Authority for that Borough; —

And to all others whom it may concern.

WHEREAS the Borough of Darwen (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 whereas by Section 3 of the Over Darwen Local Board Waterworks and Gasworks Act, 1873 (herein-after referred to as "the Act of 1873"), the undertaking of the Darwen Waterworks Company (herein-after referred to as "the waterworks company") was transferred to and vested in the Local Board of Health for the District of Over Darwen (herein-after referred to as "the Local Board"), but subject (inter alia) to the mortgage debt of the waterworks company, amounting to the sum of eight thousand two hundred pounds; 36 Vict. c. lxix.

And whereas by Section 18 of the Act of 1873 the Local Board were required to grant to the holders of the share capital of the waterworks company perpetual annuities (herein-after referred to as "the waterworks annuities") as therein mentioned;

And whereas by Section 21 of the Act of 1873 the undertaking of the Over Darwen Gaslight Company (herein-after referred to as "the gas company") was transferred to and vested in the Local Board, subject (inter alia) to the mortgage debt of the gas company, amounting to the sum of eight thousand and fifty pounds;

And whereas by Section 36 of the Act of 1873 the Local Board were required to grant to the holders of the share capital of the gas company perpetual annuities (herein-after referred to as "the gasworks annuities") as therein mentioned;

And whereas by Section 56 of the Act of 1873 provision was made for the creation of a sinking fund for the redemption of the waterworks annuities and the gasworks annuities, and by Section 57 of that Act provision was made as to the application of the sinking fund so created;

And whereas on the Thirty-first day of March, One thousand eight hundred and ninety-four, the gasworks annuities outstanding amounted to the sum of two thousand six hundred and eight pounds seventeen shillings and sixpence per annum, and the waterworks annuities outstanding amounted to the sum of two thousand three hundred and seventy-six pounds and six shillings per annum;

And whereas by Section 61 of the Act of 1873 the Local Board were empowered to borrow, with the sanction of the Local Government Board, such sums as they might think requisite for any of the purposes of that Act, not exceeding in the whole eighty thousand pounds;

And whereas all the powers, rights, duties, capacities, liabilities, obligations, and property exerciseable by, attaching to, or vested in the Local Board have passed to, and become exerciseable by, and vested in the Corporation;

A.D. 1894.

Darwen Order.

42 & 43 Vict. c. ccii.

And whereas by Section 80 of the Over Darwen Improvement Act, 1879 (herein-after referred to as "the Act of 1879"), the Corporation were empowered to borrow (inter alia) for payment of the sums payable by the Corporation to the Mayor, Aldermen, and Burgesses of the Borough of Blackburn in respect of the purchase by the Corporation of the property and rights of the said Mayor, Aldermen, and Burgesses in connexion with their gas and water undertakings in the area by the Act of 1879 added to the Borough such sum or sums as might be requisite, not exceeding in the whole thirteen thousand five hundred pounds;

50 & 51 Vict. c. clii.

And whereas by Section 151 of the Darwen Corporation Act, 1887 (herein-after referred to as "the Act of 1887"), the Corporation were empowered to borrow (inter alia) for the extension and improvement of the waterworks ten thousand pounds, and for the extension and improvement of the gasworks seventy thousand pounds;

And whereas by Section 153 of the Act of 1887 all provisions subsisting at the passing of that Act prescribing the time at which or the mode in which any moneys borrowed and then owing or to be re-borrowed in lieu thereof by the Corporation should be repaid were thereby, so far as they related to the sums specified in columns 4 and 8 of the Seventh Schedule to the Act of 1887, but not further or otherwise, annulled and repealed as from the Thirty-first day of March, One thousand eight hundred and eighty-seven, except as therein provided;

And whereas it appears from the eighth column of the Seventh Schedule to the Act of 1887 that the amount of debt outstanding on the Thirty-first day of March, One thousand eight hundred and eighty-seven, in respect of gasworks (including the mortgage debt of the gas company) was forty-seven thousand four hundred and twenty-two pounds sixteen shillings and threepence, which comprised the sum of thirty-three thousand nine hundred and twenty-two pounds sixteen shillings and threepence in respect of moneys borrowed or owing under the Act of 1873, and the sum of thirteen thousand five hundred pounds borrowed under the Act of 1879, and that the amount of debt outstanding at that date in respect of waterworks (including the mortgage debt of the waterworks company) was thirty-eight thousand three hundred and forty-three pounds;

And whereas on the Thirty-first day of March, One thousand eight hundred and ninety-four, the sum of thirty-four thousand seven hundred and twenty-four pounds sixteen shillings and threepence remained outstanding in respect of the said sum of forty-seven thousand four hundred and twenty-two pounds sixteen shillings and threepence, and the sum of twenty-eight thousand six hundred and two pounds in respect of the said sum of thirty-eight thousand three hundred and forty-three pounds;

And whereas it appears from column 8 of the Seventh Schedule to the Act of 1887 that the sum of ninety-four thousand one hundred and fifty-four pounds and elevenpence (being the balance of the sum of one hundred and seventy-nine thousand nine hundred and nineteen pounds seventeen shillings and twopence mentioned in that column) was on the Thirty-first day of March, One thousand eight hundred and eighty-seven, outstanding in respect of moneys borrowed by the Corporation or their predecessors for purposes other than gasworks or waterworks, and from column 4 of the said Schedule that the sum

of five thousand and fifty-nine pounds seventeen shillings and sixpence was the amount which having been borrowed for such purposes had been temporarily repaid, and was intended to be re-borrowed, such sums together amounting to the sum of ninety-nine thousand two hundred and thirteen pounds eighteen shillings and fivepence ;

And whereas on the Thirty-first day of March, One thousand eight hundred and ninety-four, there remained outstanding in respect of the said sum of ninety-nine thousand two hundred and thirteen pounds eighteen shillings and fivepence the sum of seventy-five thousand three hundred and forty pounds and elevenpence, of which the sum of sixty-one thousand five hundred and ninety pounds and elevenpence is chargeable to district fund account and the sum of thirteen thousand seven hundred and fifty pounds is chargeable to borough fund account ;

And whereas by virtue of Section 153 of the Act of 1887 the Corporation are required to repay or provide for the repayment of the said sums of thirty-four thousand seven hundred and twenty-four pounds sixteen shillings and threepence, twenty-eight thousand six hundred and two pounds, sixty-one thousand five hundred and ninety pounds and elevenpence, and thirteen thousand seven hundred and fifty pounds within the period of twenty-five years from the Thirty-first day of March, One thousand eight hundred and eighty-seven, and to repay all moneys borrowed or to be borrowed by them under the powers of the Act of 1887 within thirty years from the date of borrowing ;

And whereas by Section 154 of the Act of 1887 provision was made as to the period within which the Corporation should repay all moneys to be thereafter borrowed by them under the powers of any Local Act of Parliament, or of any Provisional Order confirmed by Act of Parliament, or of any Order or Sanction of any Government department then respectively in force, but it was provided that the unexhausted borrowing powers (if any) under the Act of 1873 should be and the same were thereby annulled ;

And whereas by Section 155 of the Act of 1887 it was enacted that the repayments respectively mentioned in Sections 153 and 154 should be effected by equal yearly or half-yearly instalments of principal, or of principal and interest, or by means of sinking funds, or partly by such instalments and partly by sinking funds, and provision was made with respect to the formation, investment, and application of such sinking funds ;

And whereas by Article I. of a Provisional Order of the Local Government Board dated the Tenth day of May, One thousand eight hundred and ninety-three, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act, 1893 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), Section 151 of the Act of 1887 was altered so as to enable the Corporation to borrow, with the sanction of the Local Government Board, additional moneys for waterworks purposes, and by Article II. of the Order Section 153 of the Act of 1887 was altered so as to make provision with respect to the period for the repayment of the moneys so borrowed ;

56 & 57 Vict. c. cxx.

And whereas it is expedient that the Corporation should be empowered to borrow money for the purpose of redeeming the gas and water annuities, and

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Darwen Order.

that in lieu of the separate sinking funds required to be established under the Act of 1873 and the Act of 1887 the Corporation should be empowered to establish three sinking funds, one for the redemption of gas debt (including the gas annuities), one for the redemption of water debt (including the water annuities), and one for the repayment of the said sum of seventy-five thousand three hundred and forty pounds and elevenpence:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the Act of 1873, the Act of 1887, and the Confirming Act, so far as it relates to the Order, shall be altered so as to provide as follows:—

38 & 39 Vict. c. 55.

Art. I. Sections 56, 57, and 63 of the Act of 1873 and Section 156 of the Act of 1887 shall be repealed, except so far as they may have been acted upon.

Art. II.—(1.) The Corporation may, subject to the provisions of this Order, borrow, in addition to any moneys which they are already authorised to borrow—

(*a*) on the security of the revenue of their gas undertaking and of the district fund and general district rate of the Borough, or upon either of such securities, such sums as they may from time to time require for the purchase or redemption of such of the gas annuities as the Corporation may from time to time agree with the annuitants to redeem;

(*b*) on the security of the revenue of their water undertaking and of the district fund and general district rate of the Borough, or upon either of such securities, such sums as they may from time to time require for the purchase or redemption of such of the water annuities as the Corporation may from time to time agree with the annuitants to redeem.

(2.) The provisions of Sections 152 and 158 of the Act of 1887 shall apply to all moneys borrowed by virtue of this Article.

Art. III. The sinking funds to be set aside as herein-after provided shall be deemed to be substituted for and to be in lieu of the sinking funds required to be set aside under the Act of 1873 for the redemption of the gas and water annuities, and under the Act of 1887 for the repayment of moneys borrowed for gas or water purposes and of the said sum of ninety-nine thousand two hundred and thirteen pounds eighteen shillings and fivepence.

Art. IV.—(1.) For the purpose of making provision for the redemption of the liabilities mentioned in the first column of the Schedule to this Order (herein-after referred to as "the Schedule"), the Corporation shall provide three separate sinking funds (herein-after collectively referred to as "the sinking funds," and separately as the gas sinking fund, the water sinking fund, or the general sinking fund, as the case may be).

(2.) The Corporation shall, on or before the Thirty-first day of March in every year after the commencement of this Order, pay into the sinking funds the respective sums mentioned in the second column of the Schedule from the respective funds mentioned in the third column of the Schedule.

(3.) The sums paid into the sinking funds shall, unless applied in redemption of debt, be immediately invested in securities in which trustees are by law for

the time being authorised to invest, or in mortgages, bonds, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments. The income derived from the investment of the sinking funds respectively shall be applied in reduction of the annual payments required to be made to the sinking funds by subdivision (2) of this Article: Provided that whenever and so long as the yearly income arising from the investment of any of the sinking funds in consols is equal to the amount of the outstanding annuities, if any, and the interest on moneys borrowed and outstanding, for the redemption of which such fund is provided, the Corporation may discontinue the payment to that sinking fund of the yearly sum required to be paid thereto.

(4.)—(*a.*) The Corporation may at any time apply the whole or any part of the gas sinking fund in redemption of the gas debt, whether by way of purchasing gas annuities or paying off moneys borrowed for gasworks purposes.

(*b.*) The Corporation may at any time apply the whole or any part of the water sinking fund in redemption of the water debt, whether by way of purchasing water annuities or paying off moneys borrowed for waterworks purposes.

(*c.*) The Corporation may at any time apply the whole or any part of the general sinking fund in redemption of the debt for which it is provided.

(5.) Any expenses connected with the formation, maintenance, investment, management, or otherwise of the sinking funds shall be paid by the Corporation in addition to the payments provided for by this Order.

(6.) The Local Government Board may at any time authorise a reduction in the amount payable in accordance with this Order to any of the sinking funds, or require an increase of such amount if, having regard to the terms of this Order and the circumstances attending the case, such reduction or increase is desirable.

(7.) The Corporation may at any time increase the payments to any of the sinking funds.

(8.) Any surplus in any of the sinking funds remaining after the discharge of the debt for the redemption of which such fund was formed shall be applied to such purpose or purposes as the Corporation, with the consent of the Local Government Board, may determine.

Art. V. Any sum which, at the commencement of this Order, is or should be standing to the credit of any sinking fund for the redemption of any of the debts mentioned in the first column of the Schedule hereto shall be forthwith carried to the credit of the corresponding sinking fund under this Order.

Art. VI. The provisions of Section 157 of the Act of 1887 shall not apply to any of the borrowed moneys referred to in Parts I. and II. of the Schedule, but in lieu thereof the following provisions shall have effect; viz.,—

The Corporation shall, except as herein-after provided, have power to re-borrow for the purpose of paying off any such moneys which have not been repaid and are intended to be forthwith repaid, or in respect of any such 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;

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Provided that the Corporation shall not re-borrow except to the extent to which the sinking fund is insufficient for the purpose of paying off any such moneys, and that the Corporation shall not have power to re-borrow for the purpose of paying off any such moneys repaid by means of the 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.

Art. VII.—(1.) The borough treasurer 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 the Act of 1887, the Order, or 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 borough treasurer, 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 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 borough treasurer 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.) 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 the Local Act, the Order, or 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. VIII. This Order may be cited as the Darwen Order, 1894.

The SCHEDULE above referred to.

1. Liabilities.	2. Annual Payments.	3. Fund from which Payments are to be made.
	PART I. GAS SINKING FUND.	
£2,608. 17*s.* 6*d.* gasworks annuities, and moneys borrowed for their redemption.	£1,097. 16*s.* 1*d.* and accumulations at the rate of 3*l.* per cent. per annum.	Gas revenue and district fund and general district rate.
£34,724. 16*s.* 3*d.* gas debt -	£1,420. 8*s.* 1*d.* and accumulations at the rate of 3*l.* per cent. per annum for 18 years from the 31st day of March, 1894.	ditto.
Moneys borrowed or to be borrowed under the Act of 1887 for gasworks purposes.	Such equal annual sums and accumulations at the rate of 3*l.* per cent. per annum as will be sufficient to defray the amounts borrowed within 30 years from the respective dates of borrowing.	ditto.
	PART II. WATER SINKING FUND.	
£2,376. 6*s.* 0*d.* waterworks annuities, and moneys borrowed for their redemption.	£934. 18*s.* 0*d.* and accumulations at the rate of 3*l.* per cent. per annum.	Water revenue and district fund and general district rate.
£28,602. water debt - -	£1,210. 9*s.* 6*d.* and accumulations at the rate of 3*l.* per cent. per annum for 18 years from the 31st day of March, 1894.	ditto.
Moneys borrowed or to be borrowed under the Act of 1887 and the Order for waterworks purposes.	Such equal annual sums and accumulations at the rate of 3*l.* per cent. per annum as will be sufficient to defray the amounts borrowed under the Act of 1887 within 30 years, and under the Order within the period prescribed for repayment from the respective dates of borrowing.	ditto.
	PART III. GENERAL SINKING FUND.	
£13,750. chargeable to borough fund account.	£586. 3*s.* 3*d.* and accumulations at the rate of 3*l.* per cent. per annum for 18 years from the 31st day of March, 1894.	Borough fund and Borough rate.
£61,590. 0*s.* 11*d.* chargeable to district fund account.	£2,460. 6*s.* 1*d.* and accumulations at the rate of 3*l.* per cent. per annum for 18 years from the 31st day of March, 1894.	District fund and general district rate.

Given under the Seal of Office of the Local Government Board, this Second day of May, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

A.D. 1894.

Lancaster Order.

BOROUGH OF LANCASTER.

Provisional Order for altering certain Local Acts and a Confirming Act.

To the Mayor, Aldermen, and Burgesses of the Borough of Lancaster, being the Urban Sanitary Authority for that Borough;—

And to all others whom it may concern.

WHEREAS the Borough of Lancaster (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 Lancaster Water and Improvement Act, 1876, the Lancaster Corporation Act, 1880, and the Lancaster Corporation Act, 1888 (which Acts are herein-after together referred to as "the Local Acts," and each separately as the Act of the year in which it was passed), as altered by the Provisional Order herein-after recited, are in force in the Borough;

39 & 40 Vict. c. clxxxvi. 43 & 44 Vict. (Sess. 2) c. clv. 51 & 52 Vict. c. clv.

And whereas by Section 47 of the Act of 1876 the Corporation were empowered to borrow money for (inter alia) waterworks purposes;

And whereas by Section 75 of the Act of 1880 the Corporation were empowered to borrow for (inter alia) waterworks purposes any sum or sums not exceeding fifteen thousand pounds;

And whereas by Section 76 of the Act of 1880 the Corporation were empowered to create and issue Lancaster Corporation Stock, and by Section 77 of that Act it was (inter alia) enacted that such stock should bear such fixed and perpetual interest, not exceeding the rate of four pounds per centum per annum, as the Corporation by the resolution creating the same shall determine;

And whereas by Section 84 of the Act of 1880 it is enacted that the Corporation may, by agreement with any of the stockholders, at any time, if they think fit, redeem or purchase any portion of the stock, and that when any portion is so redeemed or purchased an entry of the redemption or purchase thereof shall be made in the register of stockholders, and thereupon such redeemed or purchased portion shall be wholly extinguished;

And whereas by a Provisional Order of the Local Government Board dated the Twenty-fifth day of May, One thousand eight hundred and eighty-six, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act, 1886 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), the Act of 1880 was altered so as to enable the Corporation, with the sanction of the Local Government Board, to borrow for waterworks purposes the additional sum of ten thousand pounds;

50 Vict. c. viii.

And whereas it is expedient that the Corporation should be empowered to borrow further moneys for waterworks purposes, and that the other provisions herein-after contained should be made:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the

38 & 39 Vict. c. 55.

commencement of this Order"), the Local Acts shall be altered so that the following provisions shall have effect; viz.,—

Lancaster Order.

Art. I. The Corporation shall not after the commencement of this Order create or issue Lancaster Corporation Stock under the Act of 1880.

Art. II. The Corporation shall not invest any sinking fund established by them under the Local Acts in any security of the Corporation.

Art. III. Section 101 of the Act of 1888 shall be repealed except so far as it may have been acted on.

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 borough fund and borough rate of the Borough, and of the revenue arising from their water undertaking, or upon any of such securities, either together or separately, such further sums, not exceeding in the whole the sum of fifteen thousand pounds, as may from time to time be necessary for the purposes of their water undertaking: Provided that such borrowing shall be subject to the provisoes to section 75 of the Act of 1880.

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 thirty 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 these 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 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,

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be immediately invested in securities in which trustees are by law for the time being authorised to invest, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than 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 investments 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 any Local Act or Order then in force in the Borough, 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 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

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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.) 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 any Local Act or Order then in force in the Borough, 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 approval 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 Lancaster Order, 1894.

Given under the Seal of Office of the Local Government Board, this Seventh day of May, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

CITY OF SHEFFIELD.

A.D. 1894.

Sheffield Order.

Provisional Order for altering the Sheffield Corporation Act, 1890.

To the Mayor, Aldermen, and Citizens of the City of Sheffield, being the Urban Sanitary Authority for that City ; —

And to all others whom it may concern.

WHEREAS the City of Sheffield (herein-after referred to as "the City") is an Urban Sanitary District, of which the Mayor, Aldermen, and Citizens, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the Sheffield Corporation Act, 1890 (herein-after referred to as "the Local Act"), is in force in the City ; 53 & 54 Vict. c. ccxxv.

And whereas by Section 21 of the Local Act it is enacted that where any privy, ashpit, or cesspool is certified by the medical officer of health to be prejudicial to health or an annoyance to the public or neighbourhood, or to be so situate that the removal of refuse therefrom is prejudicial to health or an annoyance to the public or neighbourhood, the Corporation may, by written notice, require the owner of the same within a reasonable time to be specified in the notice, to alter such privy or ashpit, or to convert the same into a water-closet or earth-closet, and to abolish such cesspool, as the case may require, to the satisfaction of the Corporation ;

And whereas by Section 23 of the Local Act it is enacted that if any person injures or improperly fouls (inter alia) any privy or ashpit used in common by the occupiers of two or more buildings, or of separate parts of the same building, he shall be liable to a penalty not exceeding forty shillings ;

And whereas by Section 83 of the Local Act it is enacted that from and after the expiration of one month from the date of publication by the Corporation in two local newspapers circulating in the City of notice to the effect that they have provided slaughter-houses, no person shall, except with their consent, slaughter any cattle within a radius of two miles from the parish church of Sheffield except in such slaughter-houses, and that any person acting in contravention of that section shall be liable for each offence to a penalty not exceeding five pounds ; but it was provided (inter alia) that that section should not apply to any person slaughtering his own cattle on his own premises ;

And whereas by Section 98 of the Local Act it is enacted that all expenses of the execution by the Corporation of that Act which are not expressly provided for shall be defrayed by the Corporation out of the borough rate or general district rate, as having regard to the objects of the expenditure they may deem proper ;

And whereas it is expedient that the Corporation should be empowered to borrow money for the purposes of the Local Act, and that the other provisions herein-after contained should be made :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act 38 & 39 Vict. c. 55.

A.D. 1894.

Sheffield Order.

of Parliament confirming this Order, the Local Act shall be altered so that the following provisions shall have effect; viz.,—

Art. I.—(1.) On the erection of any new building the Corporation shall, when a sewer and water supply sufficient for a watercloset are reasonably available, be empowered to require that such building shall be provided with one or more proper and sufficient waterclosets, according as circumstances may require, furnished with suitable water supply.

(2.) On the erection of any new building the Corporation shall, when a sewer and water supply sufficient for a watercloset are not reasonably available, be empowered to require one or more proper and sufficient earth-closets or privies and ashpits to be provided at or in connexion with such building.

(3.) If the person erecting any new building makes default in complying with any requirement of the Corporation under subdivision (1) or subdivision (2) of this Article he shall be liable to a penalty not exceeding five pounds; and upon such default Section 96 of the Local Act shall apply.

(4.) Sub-section (3) of Section 21 of the Local Act shall be deemed to extend and apply to any requirement of the Corporation and to any claim of the Corporation for costs, charges, and expenses in pursuance of the provisions of this Article.

(5.) Nothing in this Article contained shall be deemed to require any deviation from or alteration in any byelaw for the time being in force in the City relating to waterclosets, earth-closets, privies, or ashpits.

(6.) For the purposes of this Article the term "new building" shall include any building which would be a new building within the meaning of Section 159 of the Public Health Act, 1875, or of Section 72 of the Local Act.

Art. II. Any person who throws slops or slopwater into any ashpit connected with a privy or any ashpit constructed and adapted only as a receptacle for ashes, dust, and dry refuse shall be liable to a penalty not exceeding twenty shillings.

Art. III. The second proviso to Section 83 of the Local Act shall be altered by the insertion after the word "person" of the words "not being a butcher or the agent of a butcher."

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 district fund and general district rate of the City such sums, not exceeding in the whole the sum of one hundred thousand pounds, as may from time to time be necessary for the purposes of the Local Act.

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 these 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 and ten shillings per 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 securities in which trustees are by law for the time being authorised to invest, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than 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 investments 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.

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Sheffield Order.

(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.

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Art. X.—(1.) The town clerk of the City 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 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.) 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 approval of the Local Government Board, determine.

Art. XII. 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 service

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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. XIII.—(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. XIV. This Order may be cited as the Sheffield Order, 1894.

Given under the Seal of Office of the Local Government Board, this Ninth day of May, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

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