CHAPTER lxxxviii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Bath and Bollington. [3rd August 1910.]

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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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

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.

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 14) Act 1910.

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SCHEDULE.

CITY OF BATH.

Bath Order (2).

Provisional Order for altering the Bath Act 1879 *and the Local Government Board's Provisional Orders Confirmation (No.* 9) *Act* 1897.

To the Mayor Aldermen and Citizens of the City of Bath;—

And to all others whom it may concern.

WHEREAS the City of Bath (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 unrepealed provisions of the Bath Act 1879 (herein-after referred to as "the Local Act") as altered by the Bath Order (No. 2) 1897 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1897 (which Order and Confirmation Act are herein-after referred to as "the Order" and "the Confirming Act" respectively) and by another Provisional Order duly confirmed by Parliament which does not affect the subject-matter of this Order are in force in the City;

42 & 43 Vict. c. lxii.

60 & 61 Vict. c. lxxiv.

And whereas by Sections 14 and 17 of the Local Act provision was made with respect to the management and maintenance or the demise for that purpose by the Corporation of the lands comprised in the first part of the First Schedule to the Local Act and known as the Royal Victoria Park which were vested by the Local Act in the Corporation for a park or place of public resort and recreation and by Section 15 of the Local Act as altered by the Order the Corporation were empowered to make byelaws for all or any of the purposes therein mentioned relating to the Royal Victoria Park;

And whereas by Section 21 of the Local Act the Corporation were empowered to lay out the lands in the Section specifically referred to and also to purchase by agreement and lay out any other lands not exceeding five acres as a public park and from time to time to manage maintain or demise the same in the same manner as is in the Local Act provided with respect to the Royal Victoria Park;

And whereas the Corporation have agreed to purchase for the sum of two thousand five hundred pounds and subject to a yearly

rentcharge now amounting to the sum of one hundred and fifty-six pounds sixteen shillings the lands described in the schedule to this Order (herein-after referred to as the "scheduled lands") and they propose to lay out part of the scheduled lands as a park or place of public resort and recreation;

And whereas the Corporation have made application to Us the Local Government Board for the issue of a Provisional Order to alter or amend the Local Act and the Confirming Act so far as it relates to the Order in the manner herein-after set forth:

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 Local Act and the Confirming Act so far as it relates to the Order shall be altered so that the following provisions shall take effect namely:— 38 & 39 Vict. c. 55.

Acquisition of scheduled lands.

Art. I.—(1) The Corporation may in addition to the lands authorised to be acquired by Section 21 of the Local Act purchase the scheduled lands by agreement for the sum of Two thousand five hundred pounds and subject to the payment of the said yearly rentcharge of one hundred and fifty-six pounds sixteen shillings.

Scheduled lands to be held as a park or place of public resort and recreation.

(2) Subject to the provisions of this Order such of the provisions of the Local Act as altered by the Order as are applicable to the Royal Victoria Park shall apply to the scheduled lands when acquired by the Corporation as if the scheduled lands had been acquired under Section 21 of the Local Act.

Certain provisions of Local Act not to apply to scheduled lands.

(3) Nothing in this Article shall be deemed to apply to the scheduled lands the provisions of Sections 22 23 and 24 of the Local Act.

Authorising sale *and* appropriation of parts of scheduled lands.

(4) The Corporation with the approval of the Local Government Board may sell free from any of the restrictions imposed by the Local Act or this Order or lease or may appropriate for any of the purposes of the Education Acts 1870 to 1909 any part of the scheduled lands.

Application of sale proceeds.

(5) The proceeds of any such sale as aforesaid shall be applied by the Corporation towards the repayment of any moneys borrowed under this Order or be paid to the sinking fund established in pursuance of Article XI. of this Order or be applied for any other purpose for which capital money may properly be applied and which may be approved by the Local Government Board.

Borrowing powers.

Art. II. The Corporation may subject to the provisions of this Order borrow upon the security of the borough fund and borough rate of the City the said sum of Two thousand five hundred pounds and

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with the sanction of the Local Government Board such further sums as may from time to time be necessary for the purposes of Article I. of this Order.

Local Loans Act and certain provisions of Public Health Act made applicable.

Art. III. For the purpose of raising money in the exercise of the powers of borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed on mortgage under this Order.

Period for repayment of borrowed moneys.

Art. IV. The moneys borrowed under Article II. of this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Mode of repayment.

Art. V.—(1) The Corporation shall repay the moneys borrowed under 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.

Formation maintenance and application of sinking fund.

(2) Subject to the provisions of Article VI. of this Order if the Corporation determine to repay by means of a sinking fund any moneys borrowed under this Order the 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 the 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 but exclusive in every case of the securities of the Corporation and the Corporation shall be at liberty from time to time to vary and transpose the 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 the sinking fund or the part of the 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 those equal annual payments.

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

Art. VI.—(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.

Increase reduction or discontinuance of payments to sinking fund.

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

(3) If in the opinion of the Local Government Board 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 probably 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 the Board approve.

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

Surplus of sinking fund.

(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 Council with the consent of the Local Government Board may determine.

Power to re-borrow.

Art. VII.—(1) The Corporation shall have power—

(A) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(B) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this Article shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this Article.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) by instalments or annual payments; or

(B) by means of a sinking fund; or

(C) out of moneys derived from the sale of land; or

(D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Application of borrowed moneys.

Art. VIII. All moneys from time to time borrowed under 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.

Receiver.

Art. IX.—(1) Subject to the provisions of this Article any mortgagee of the Corporation in respect of a mortgage under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

(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:

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to the applicants collectively be not less than five hundred pounds in the whole.

Return as to provision for repayment of debt.

Art. X.—(1) The town clerk 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 Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of the town clerk showing for the year next preceding the making of the 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

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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 the return the 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 that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the 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 the instalment or annual payment or sum is required by this Order or by the 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 an authorised purpose the Board may by order direct that the sum in their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Redemption of rentcharge.

Art. XI.—(1) Upon the acquisition of the scheduled lands the Corporation in order to provide for the redemption of the said rentcharge of One hundred and fifty-six pounds sixteen shillings or of such other rentcharge or rentcharges as may be substituted for that rentcharge or as may at any time be payable in respect of the scheduled lands (all of which rentcharges are herein-after referred to as and included in the term "the rentcharges") shall annually pay into a sinking fund such equal annual sums as will together with accumulations at a rate not exceeding two and a half per centum per annum be sufficient at the expiration of a period of sixty years from the date of the acquisition of the scheduled lands if invested at a rate not exceeding two and a half per centum per annum to yield an annual income equal to the amount of the rentcharges.

(2) The Corporation may at any time apply the sinking fund so constituted in or towards purchase or redemption of the rentcharges or any part thereof.

(3) Whenever and so long as the yearly income arising from the investment of the sinking fund so constituted is equal to the amount of the rentcharges the Corporation may discontinue the payments to

the sinking fund and may apply such income in payment of the rentcharges.

(4) The provisions of this Order with regard to sinking funds for the repayment of moneys borrowed by virtue of this Order shall except so far as the same may be inconsistent with anything contained in this Article and with the necessary modifications apply to the sinking fund referred to in subdivision (1) of this Article The expression "prescribed period" in such provisions shall for the purposes of this Article be deemed to be the period mentioned in that subdivision and any reference in those provisions to the application of a sinking fund in discharge of debt shall for the purposes of this Article be deemed to be a reference to the application of the sinking fund established under this Article in or towards purchase or redemption of the rentcharges.

Inquiries and expenses.

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

Short title.

Art. XIII. This Order may be cited as the Bath Order (No. 2) 1910.

The SCHEDULE above referred to.

All those pieces or parcels of land situate at the north-east end of Great Pulteney Street in the City and known as Sydney Gardens and containing by estimation ten acres two roods and three poles or thereabouts.

Given under the Seal of Office of the Local Government Board this Seventeenth day of June One thousand nine hundred and ten.

(L.S.)

John Burns President.
H. C. Monro Secretary.

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Bollington Order.

URBAN DISTRICT OF BOLLINGTON.

Provisional Order for partially repealing and altering the Bollington Improvement and Lighting Act 1862.

To the Urban District Council of Bollington;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Bollington (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Bollington (herein-after referred to as "the District") and the unrepealed provisions of the Bollington Improvement and Lighting Act 1862 (herein-after referred to as "the Local Act") are in force in the District;

25 Vict. c. xxxvii.

And whereas by Section 11 of the Local Act the Bollington Local Board (herein-after referred to as "the Local Board") who were the predecessors of the Council were for the purposes of the Local Act with reference to the manufacture of gas or other means of illumination empowered by agreement but not otherwise to purchase take and hold the lands and hereditaments specified in the First Schedule to the Local Act;

And whereas by Section 12 of the Local Act the Local Board were empowered to manufacture and to supply gas or other means of artificial illumination within the District to manufacture and deal in residual products and to supply meters and fittings connected with the supply of gas;

And whereas by Section 19 of the Local Act it was enacted that all the gas supplied by the Local Board should be of such quality as to produce from an Argand burner having fifteen holes and a seven-inch chimney or other approved burner and chimney and consuming five cubic feet of gas per hour a light equal in intensity to the light produced by eighteen sperm candles of six in the pound burning one hundred and twenty grains per hour and by Sections 20 21 and 22 of the Local Act provision was made with regard to the testing of the purity of gas supplied by the Local Board;

And whereas by Section 25 of the Local Act the Local Board were empowered to borrow for any of the purposes of the Local Act on the securities therein mentioned such sums as they might think necessary not exceeding the sum of fifteen thousand pounds and by the said section and by Sections 29 and 30 of the Local Act provision was made in regard to the re-borrowing and repayment of the moneys so borrowed;

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And whereas in pursuance of the powers aforesaid the Local Board and the Council have borrowed for purposes of their gas undertaking sums amounting in the aggregate to the said sum of fifteen thousand pounds and of the amount so borrowed the sum of four thousand eight hundred and sixty-two pounds (herein-after referred to as "the outstanding debt") was outstanding on the Thirty-first day of March One thousand nine hundred and ten;

And whereas the Council purporting to act in pursuance of the Local Act have borrowed certain amounts in excess of the said sum of fifteen thousand pounds mentioned in Section 25 of the Local Act and of such amounts the sum of one thousand and three hundred pounds (herein-after referred to as "the excess loans") remained unpaid on the said Thirty-first day of March;

And whereas a sinking fund has been established for the repayment of the outstanding debt and the excess loans;

And whereas the Council have for many years past supplied gas for purposes other than purposes of illumination and have also provided and supplied stoves and other fittings for facilitating the use for all such purposes of the gas so supplied by them;

And whereas the Council have made application to the Local Government Board for the issue of a Provisional Order to partially repeal alter or amend the Local Act in the manner herein-after set forth:

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 partially repealed and altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict. c. 55.

Art. I. The Council may acquire by agreement but not otherwise for the purposes of their gas undertaking the lands specified in the Schedule to this Order but the Council shall not manufacture gas or residual products upon those lands nor shall the Council store gas or residual products on the said lands without the previous consent in writing of the owner lessee and occupier of every dwelling-house situate within three hundred yards of the said lands. Acquisition of lands.

Art. II. Sections 19 20 21 and 22 of the Local Act shall be repealed and cease to have effect. Repeal of provisions as to intensity of light and testing of gas.

Art. III. The provisions of the Gasworks Clauses Act 1871 (except Sections 8 24 to 27 Sections 29 and 35 and Schedule B. thereof) shall be deemed to be incorporated with the Local Act as altered by this Order and those provisions as so incorporated shall have effect subject Incorporation of certain provisions of Gasworks Clauses Act 1871.

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to the provisions of this Order and shall apply to the gas undertaking of the Council.

Quality of gas.

Art. IV. The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing place herein-after mentioned a light when burned at the rate of five cubic feet per hour equal in intensity to the light produced by sixteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Photometer to be provided.

Art. V. The Council shall maintain on the lands described in the First Schedule to the Local Act or on the lands described in the Schedule to this Order the bar photometer and other necessary appliances for the purpose of testing the quality of the gas The standard light shall be that supplied by Harcourt's ten candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light.

Pressure.

Art. VI. All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

Testing place and burner.

Art. VII.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place to be provided by the Council as aforesaid and the burner to be used for testing the gas shall be the Metropolitan Argand No. 2 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used.

(2) The Board of Trade may on the application of the Council approve the use of any other burner photometer or standard light that may appear to that Board to be equally or more suitable for the testing.

(3) Any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at the said testing place or elsewhere not being the immediate approach to any railway bridge or railway station as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Council of the

time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

No penalty in case of unavoidable cause.

Art. VIII. No penalty shall be incurred by the Council for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that the insufficiency defect or excess was produced by an unavoidable cause or accident.

Supply of gas fittings.

Art. IX. The Local Act shall be deemed to have had and to have effect so as to empower the Council to supply gas for heating purposes and for all purposes for which gas can or may be used to purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but not to manufacture any gas fittings and to require and take such remuneration in money or such rents and charges for and to make such terms and conditions with respect to the sale letting supply fixing setting up altering removing or re-fixing of the said gas fittings and for securing their safety and (if required by the circumstances) their return to the Council as may have been or may be agreed upon between the Council and the person to or for whom the gas fittings have been or are sold let supplied fixed set up altered removed or re-fixed.

For the purposes of this Article the expression "gas fittings" includes any meter engine oven stove range pipe or burner or any other apparatus appliance article or thing used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating and cooking or for any other purpose for which gas can or may be used.

Authorisation of borrowing.

Art. X.—(1) The Council shall be deemed to have been empowered by the Local Act to borrow the excess loans.

Additional borrowing powers for gas undertaking.

(2) The Council may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the revenue of their gas undertaking and of the district fund and general district rate of the District or upon either of those securities such further moneys not exceeding in the whole the sum of ten thousand pounds as may from time to time be required for the purposes of their gas undertaking.

Local Loans Act and certain provisions of Public Health Act made applicable.

Art. XI. For the purpose of raising money in the exercise of the powers of borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Council and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed on mortgage under this Order.

Period for repayment of borrowed moneys.

Art. XII. The outstanding debt shall be repaid within thirty years from the dates upon which the moneys represented by the outstanding debt were originally borrowed and the excess loans and the moneys

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borrowed under Article X. of this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Council with the sanction of the Local Government Board in each case determine The said period of thirty years or any period so determined and sanctioned as the case requires is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Mode of repayment.

Art. XIII.—(1) The Council shall repay the outstanding debt the excess loans and the moneys borrowed under 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.

Formation maintenance and application of sinking fund.

(2) Subject to the provisions of Article XIV. of this Order if the Council determine to repay by means of a sinking fund any part of the outstanding debt or of the excess loans or any moneys borrowed under this Order the 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 with (in the case of the outstanding debt and the excess loans) the sums carried to the sinking fund in pursuance of subdivision (7) of this Article 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 (in the case of the outstanding debt and the excess loans) the sums carried to the sinking fund in pursuance of subdivision (7) of this Article and 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 the 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 but exclusive in every case of the securities of the Council and the Council shall be at liberty from time to time to vary and transpose the investments.

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

(5) The Council 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 Council 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 the sinking fund or the part of the 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 Council:

(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 those equal annual payments.

(7) The Council shall as soon as practicable after the confirmation by Parliament of this Order apply any sum which may be standing to the credit of the sinking fund established for the repayment of the outstanding debt and the excess loans in payment of the outstanding debt or the excess loans as the case may be or if a sinking fund has been established under the provisions of this Order for the repayment of the outstanding debt or the excess loans shall transfer or pay the sum to that sinking fund.

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

Increase reduction or discontinuance of payments to sinking fund.

Art. XIV.—(1) If it appears to the Council 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)

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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 Council 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 Council shall increase the payments to such extent as the Board may direct.

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

(3) If in the opinion of the Local Government Board 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 probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

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

Surplus of sinking fund.

(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 Council with the consent of the Local Government Board may determine.

Power to re-borrow.

Art. XV.—(1) The Council shall have power—

(A) to borrow for the purpose of paying off any part of the outstanding debt or of the excess loans or any moneys previously borrowed under this Order which is or are intended to be forthwith repaid; or

(B) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying any part of the outstanding debt or of the excess loans or moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this Article shall for the purposes of repayment be deemed to form part of the original loan and shall

be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this Article.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) by instalments or annual payments; or

(B) by means of a sinking fund; or

(C) out of moneys derived from the sale of land; or

(D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Application of borrowed moneys.

Art. XVI. All moneys from time to time borrowed under this Order shall be applied by the Council 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 Council with the approval of the Local Government Board determine.

Receiver.

Art. XVII.—(1) Subject to the provisions of this Article any mortgagee of the Council in respect of a mortgage under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

(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:

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to the applicants collectively be not less than five hundred pounds in the whole.

Return as to provision for repayment of debt.

Art. XVIII.—(1) The Clerk to the Council 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 Board a return in such form as may from time to time be prescribed by the Board and if

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required by the Board verified by statutory declaration of the clerk showing for the year next preceding the making of the 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 the return the 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 that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council 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 the instalment or annual payment or sum is required by this Order or by the 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 an authorised purpose the Board may by order direct that the sum in their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Inquiries and expenses.

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

Repealing provisions as to aggregate amount of

Art. XX.—(1) Subsection (7) of Section 9 of the Local Act so much of Section 25 of the Local Act as extends and applies to moneys borrowed under the Local Act the provisions of the Local Government

Act 1858 as to paying off money borrowed thereunder and Sections 29 and 30 of the Local Act shall be repealed.

(2) Nothing in this Article shall prejudicially affect any mortgage or other security which may have been given in respect of any moneys borrowed under the Local Act or the rights or powers of any person under any such mortgage or security to enforce the same as if this Order had not been made.

general district rates and repayment of debt and mortgages.

Art. XXI. This Order may be cited as the Bollington Order 1910.

Short title.

The SCHEDULE above referred to.

All that plot of land now or lately belonging or reputed to belong to Edward Wright and Charlotte Elizabeth Beck as trustees of the Will of Charles William Beck of Upton deceased containing by admeasurement One thousand five hundred and thirty-two square yards or thereabouts adjoining the existing gasworks of the Council and bounded on the north-east by Princess Street on the south-east by land belonging or reputed to belong to the Great Central and North Staffordshire Joint Railway Committee on the south-west by land belonging or reputed to belong to the Council and by other land belonging or reputed to belong to the said Edward Wright and Charlotte Elizabeth Beck and on the north-west by Princess Street and by land belonging or reputed to belong to the Council.

Given under the Seal of Office of the Local Government Board this Seventeenth day of June One thousand nine hundred and ten.

(L.S.)

John Burns President.
H. C. Monro Secretary.

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FOR
Rowland Bailey, Esq., M.V.O., the King's Printer of Acts of Parliament.

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