CHAPTER cxvii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Manchester and the Boroughs of Middleton and Stafford. A.D. 1889.

[26th July 1889.]

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:

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. Orders in schedule confirmed.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 16) Act, 1889. Short title.

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SCHEDULE.

CITY OF MANCHESTER.

Provisional Order for partially repealing and altering certain Local Acts.

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

And to all others whom it may concern.

WHEREAS the City of Manchester (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And whereas the following Local Acts, so far as the same have not been repealed, are in force in the City; viz.,—

8 & 9 Vict. cap. cxli. An Act intituled "An Act to effect improvements in the Borough of Manchester "for the purpose of promoting the health of the inhabitants thereof,"

14 & 15 Vict. cap. cxix. The Manchester General Improvement Act, 1851,

17 Vict. cap. xxviii. The Manchester Improvement Act, 1854,

28 Vict. cap. xc. The Manchester Improvement Act, 1865,

30 & 31 Vict. cap. xxxvi. The Manchester Corporation Waterworks and Improvement Act, 1867,

32 & 33 Vict. cap. cxvii. The Manchester Corporation Waterworks and Improvement Act, 1869,

34 & 35 Vict. cap. lxv. The Manchester Improvement Act, 1871,

35 & 36 Vict. cap. xxxi. The Manchester Corporation Waterworks and Improvement Act, 1872, and

38 & 39 Vict. cap. clxi. The Manchester Corporation Waterworks and Improvement Act, 1875,

each of which Acts is herein-after referred to as the Act of the year in which it was passed, and all which Acts with the other Local Acts and Provisional Orders (including the Manchester Provisional Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act, 1885) now in force in the City are herein-after referred to as "the Local Acts";

48 & 49 Vict. cap. cvii.

And whereas by Section 23 of the Act of 1865 it is enacted, inter alia, as follows:—

"The Corporation may make byelaws with respect to the following matters; "that is to say,—

"(1.) With respect to the level, width, and construction of the new "streets, and the provisions for the sewerage thereof;

"(2.) With respect to the structure of walls of new buildings for "securing stability and the prevention of fires;

" (3.) With respect to the sufficiency of the space about buildings to " secure a free circulation of air, and with respect to the ventilation of " buildings ;

" (4.) With respect to the drainage of buildings, to waterclosets, privies, " ashpits, and cesspools in connexion with buildings, and to the closing " of buildings or parts of buildings unfit for human habitation, and to " prohibition of their use for such habitation " :

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 commencement of this Order"), the following provisions shall take effect; viz.,— 38 & 39 Vict. c. 55.

Art. I. Section 23 of the Act of 1865 shall be altered as follows; viz.,—

(1.) Sub-section (1) shall be altered by the insertion of the words "new " streets, courts, and passages, and the provisions to be made for the " sewerage thereof" in lieu of the words "the new streets and the provisions " for the sewerage thereof."

(2.) Sub-section (2) shall be altered by the insertion,

Of the words "foundations, floors, stairs, roofs, and chimneys of new " buildings, with respect to the timbers of new buildings, and with " respect to chimney stacks, so as to secure stability and prevent fires, " and for purposes of health," in place of the words "of new buildings " for securing stability and the prevention of fires."

(3.) Sub-section (4) shall be altered by the insertion,—

(*a.*) Of the words "earth closets" after the word "waterclosets";

(*b.*) Of the words "and to the situation thereof respectively, and for " the purpose of prohibiting the construction or use of cesspools," after the words "in connexion with buildings," and

(*c.*) Of the words "with respect" before the words "to the closing of buildings."

(4.) By the insertion of the words "the re-erecting, wholly or partially from " the ground floor, of any building" in lieu of the words "the re-erecting of " any building pulled down to or below the ground floor, or of any frame " building of which only the framework shall be left down to the ground " floor."

(5.) By the omission therefrom of the words "and all such byelaws shall be " subject in all respects to the provisions with respect to byelaws contained " in the Act (Public) fifth and sixth William the Fourth, Chapter 76, as if " such byelaws had been expressly made under the authority and for the " purposes of the said Act."

Art. II. Section 23 of the Act of 1865 shall be further altered so as to enable the Corporation to make byelaws,—

(1.) With respect to the removal of offensive or unwholesome waste or refuse, and of soil that has been rendered offensive or unwholesome by the deposit thereon of such waste or refuse or of fæcal matters, from the sites of buildings before beginning the foundations thereof.

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(2.) With respect to the thickness and construction of walls of ovens and furnaces wholly or partially constructed after the commencement of this Order in or in connexion with any building.

(3.) With respect to any building used, or intended to be used, either ordinarily or occasionally, or constructed, or intended to be constructed, for use as an hotel, theatre, public hall, public concert room, public ball room, or public lecture room, or as a public place of assembly for purposes of worship, amusement, or entertainment,—

(*a.*) For enforcing the provision of suitable and sufficient means of ingress and egress.

(*b.*) For securing the maintenance in good order, repair, and efficient action, and the proper use of, such means of ingress and egress.

(*c.*) For the inspection of any such building, and of such means of ingress and egress by the Corporation or by some person or persons on their behalf.

(*d.*) For preventing the use of any such building at any time when the means of ingress and egress are unsuitable or insufficient, or are not maintained in good order, repair, and efficient action, or are not properly used, or unless such means of ingress and egress and the mode of use thereof are in all respects in conformity with the requirements of such byelaws.

(*e.*) To determine whether or to what extent or upon what conditions any duty or obligation thereby imposed or any expense thereby required to be incurred shall be discharged or defrayed by the owner or the occupier of any such building respectively:

Provided that no such determination shall be deemed to operate in such a manner as to alter or affect any lease, contract, or agreement made or entered into between the landlord and tenant of any such building.

(4.) The byelaws to be made under paragraphs (2) and (3) of this Article shall apply to all buildings, whether erected before or after the commencement of this Order, and whether erected before or after the passing of the Act of 1865, but no penalty shall be incurred in respect of any non-compliance with byelaws made under paragraph (3) of this Article in the case of a building erected before the commencement of this Order until the expiration of three months after notice in writing shall have been given by the Corporation to the owner of such building of the existence of such byelaws.

Art. III. The Acts of 1865 and 1869 shall be further altered so as to provide that—

(1.) The Corporation may by subsequent byelaws from time to time repeal (with or without conditions or qualifications), alter, amend, or vary any byelaws made under Section 23 of the Act of 1865 as altered by the Act of 1869 or this Order.

(2.) For the purposes of that section as so altered, and of Sections 37, 38, and 39 of the Act of 1869, the terms "owner" and "street" shall have the same meanings as in the Public Health Act, 1875, and the term "street" shall include part of a street.

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Art. IV. Section 38 of the Act of 1869 shall be further altered as follows:—

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(1.) By the insertion of the words "one month" in lieu of the words "ten days" wherever those words occur in that section.

(2.) By the insertion of the words "notice, sections, plans, and particulars" in lieu of the words "notice, sections, and plans," and in lieu of the words "notice and sections and plans," and by the insertion of the words "sections, plans, and particulars" in lieu of the words "sections and plans."

(3.) By the addition thereto of the following provisions:—

"(*a.*) If the erection, alteration, or re-construction of the building is commenced after such notice of disapproval, or before the expiration of such month without the approval in writing of the Corporation, and is in any respect not in conformity with any Act of Parliament for the time being in force within the City or any byelaw of the Corporation, the Corporation may cause so much of the work as has been executed to be pulled down or removed. Where the Corporation incur expenses in or about the pulling down or removal of any work executed contrary to any such Act of Parliament or byelaw as aforesaid, they may recover the amount of such expenses either from the person executing the works pulled down or removed, or from the person causing the works to be executed, at their discretion, under and in accordance with Sections 25 and 27 of the Manchester Improvement Act, 1871, Section 53 of the Manchester Corporation Waterworks and Improvement Act, 1875, and Article V. of the Manchester Provisional Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act, 1885; and Section 35 of the Manchester Corporation Waterworks and Improvement Act, 1867, shall apply to such expenses.

"(*b.*) Where the Corporation may under this section pull down or remove any work begun or executed in contravention of any Act of Parliament or byelaw, or where the beginning or the execution of the work is an offence in respect whereof the person offending is liable to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the Act of Parliament or byelaw, shall be deemed to be a continuing offence.

"(*c.*) The provisions of this section shall be in addition to, and not in derogation of, any other remedy or provision contained in any enactment in force in the City."

Art. V. Section 40 of the Act of 1869 shall be repealed, and in lieu thereof the following provisions shall have effect:—

The Corporation may, by any byelaws made by them under Section 23 of the Act of 1865, as altered by the Act of 1869 or by this Order, impose on offenders against the same, such reasonable penalties as they think fit, not exceeding five pounds for each offence, and in the case of a continuing offence a further penalty, not exceeding forty shillings, for each day during which any offence shall continue after written notice of the offence from the Corporation; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full

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amount of the penalty. All such penalties shall be recoverable summarily before a stipendiary magistrate, or before any two justices of the peace of the City.

Art. VI. Section 41 of the Act of 1869 shall be wholly repealed, except so far as the same may have been acted upon, and so much of Section 32 of the Act of 1872 as relates to the making of byelaws shall not apply to byelaws to be made under Section 23 of the Act of 1865 as altered by the Act of 1869 or by this Order; and the provisions of Sections 184, 185 (except so far as that section relates to the byelaws made by a Rural Authority), and 186 of the Public Health Act, 1875, shall apply to all byelaws made, altered, or repealed by the Corporation after the commencement of this Order under Section 23 of the Act of 1865 as altered by the Act of 1869 or this Order.

Art. VII. The provisions of—

The Act of 1845, Sections 29, 30, 32, and 39,
The Act of 1851, Section 50, and
The Act of 1854, Section 21,

shall be repealed.

Art. VIII. Wherever in the unrepealed provisions of the Local Acts reference is made to byelaws or regulations relating to any of the matters dealt with by byelaws made under the provisions of Section 23 of the Act of 1865, as altered by the Act of 1869 or by this Order, such reference shall be deemed to include the last-mentioned byelaws.

Given under the Seal of Office of the Local Government Board, this Fourth day of June, One thousand eight hundred and eighty-nine.

(L.S.)

Chas. T. Ritchie, President.
Hugh Owen, Secretary.

Middleton Order.

BOROUGH OF MIDDLETON.

Provisional Order for altering a Local Act.

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

And to all others whom it may concern.

WHEREAS the Borough of Middleton, in the County of Lancaster (hereinafter 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 Middleton and Tonge Improvement Act, 1861" (herein-after referred to as "the Local Act"), as altered by certain Provisional Orders of the Local Government Board dated respectively the Seventh day of May, One thousand eight hundred and seventy-eight, the Sixth day of May, One thousand eight hundred and seventy-nine, the Tenth day of May, One thousand eight hundred and eighty, and the

24 & 25 Vict. cap. c.

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Twelfth day of May, One thousand eight hundred and eighty-one, and duly confirmed by Parliament, is in force in the Borough ; *Middleton Order.*

And whereas by virtue of Section 12 of the Towns Improvement Clauses Act, 1847, which is incorporated with the Local Act, the Corporation are empowered to ascertain the existence of diseases, especially epidemics and contagious diseases, within the Borough, and the best means for checking or preventing the spread of such diseases ; 10 & 11 Vict. c. 34.

And whereas by virtue of Section 175 of the Towns Improvement Clauses Act, 1847, which is also incorporated with the Local Act, the annual value of property rateable under the Local Act must be ascertained according to the assessment for the relief of the poor ;

And whereas the Borough is for the purposes of the Poor Law Acts situate partly in the Oldham Union and partly in the Bury Union, and the Corporation are empowered under the Local Act to levy rates for lighting purposes over certain areas which are situate outside the Borough and partly in the Oldham Union and partly in the Prestwich Union ;

And whereas the rateable value upon which rates under the Local Act are assessed is ascertained by different methods in the several Unions aforesaid and in the several Townships in those Unions, and in consequence the incidence of the rates under the Local Act is unequal :

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 :— 38 & 39 Vict. c. 55.

Art. I. The Local Act shall be altered so as to provide as follows ; viz.,—

(1.)—(*a.*) The expression "infectious disease" means small-pox, cholera, typhus, typhoid, scarlet, relapsing, continued and puerperal fever, scarlatina, and diphtheria, and such other disease as the Corporation, under the provisions of subdivision (3) of this Article, may from time to time order to be deemed an infectious disease within and subject to the provisions of this Article.

(*b*). The expression "registered medical practitioner" means any person for the time being registered under the Medical Act, 1858, or any Acts amending the same. 21 & 22 Vict. c. 90.

(2.) In order to secure that due notice shall be given to the Corporation of any inmate of any building used for human habitation within the Borough who is suffering from any infectious disease, the following provisions shall have effect ; viz.,—

(*a.*) If any such inmate be suffering from any infectious disease, the occupier or the person having the charge, management, or control of such building (or if such occupier or person be prevented by reason of illness or other unavoidable cause, then the person in charge of such inmate) shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice thereof to the medical officer of health at his office.

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(*b.*) If such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, or if such head be prevented by illness or other unavoidable cause, then such inmate (unless prevented by reason of such disease or of youth) shall, on becoming aware of the existence in such inmate, or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person.

(*c.*) The Corporation shall provide and supply gratuitously, to every registered medical practitioner resident or practising in the Borough who shall apply for the same, forms for the certificate or declaration to be made by such registered medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the Schedule hereto.

(*d.*) Every registered medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any infectious disease, forthwith fill up, sign, and deliver, or send to the medical officer of health at his office, a certificate or declaration stating, according to the form set forth in the Schedule hereto, the name of such inmate, the situation of such building, the name of such occupier or person, and the nature of the infectious disease from which, in the opinion of such medical practitioner, such inmate is suffering.

(*e.*) The Corporation shall pay to every registered medical practitioner who shall in pursuance of this Article duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice, and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution.

(*f.*) Every person who shall wilfully offend against any of the provisions of this Article shall for every such offence be liable to a penalty not exceeding forty shillings, which shall be recoverable in manner provided by Section 4 of the Summary Jurisdiction Act, 1884, with regard to the recovery of penalties for which no other provision is made.

47 & 48 Vict. c. 43.

(3.)—(*a.*) The Corporation may from time to time, by resolution made on the report of their medical officer of health, and approved by the Local Government Board, order that any infectious disease other than those specifically mentioned in subdivision (1) of this Article shall be deemed to be an infectious disease.

(*b.*) Any such order of the Corporation may be permanent or temporary only, and, if temporary, the period during which it is to continue in force shall be specified therein; and the Corporation shall give public notice of the order by publishing the same by advertisement in one or more of the local newspapers circulating in the Borough, and after such public notice has been given, the provisions of subdivision (2) of this Article shall, so long as the order of the Corporation continues in force, apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in subdivision (1) of this Article.

(*c.*) The production of the newspaper containing a copy of the order of the Corporation shall be conclusive evidence that public notice of such order has been so given.

(*d.*) The Corporation shall, immediately after any such order shall have been made, send a copy thereof to each registered medical practitioner residing in the Borough, but the omission to send any such copy shall not affect the validity of such order.

Art. II. The Local Act shall be further altered so as to provide as follows; viz.,—

(1.) The Corporation may cause a valuation to be made of all properties liable to be rated under the Local Act, and such valuation shall, so far as practicable, be conducted by the Corporation in like manner as the preparation and correction of the valuation lists are conducted by the Overseers and Assessment Committee under the Union Assessment Acts, 1862 to 1880, and the Corporation and their officers shall, in relation to any such valuation (including the preparation and correction of supplemental lists), have the like powers and duties, as nearly as may be, as Assessment Committees and Overseers have under those Acts; and the provisions of those Acts shall, as nearly as may be, apply to any such valuation accordingly: Provided that the place of deposit for inspection of the lists shall be the municipal offices of the Corporation:

25 & 26 Vict. c. 103. 27 & 28 Vict. c. 39. 43 & 44 Vict. c. 7.

Provided also, that any person or parish aggrieved by such valuation may appeal to a court of quarter sessions in like manner as a parish may appeal to a court of quarter sessions under the said Acts, and any such appeal shall be heard and determined by the court in like manner, and with the like incidents as nearly as may be, as an appeal to such court under the said Acts.

(2.) For the execution of their powers and duties under this Article, or any of them, the Corporation may, if they see fit, from time to time appoint a committee of their own members, and the proceedings of any such committee shall not, unless the Corporation otherwise direct, require the approval of the Corporation, except where under the Union Assessment Acts, 1862 to 1880, the consent or approval of the Guardians would be required to the proceedings of an Assessment Committee under those Acts.

(3.) After such valuation has been made by the Corporation, and the valuation list approved in manner aforesaid, every rate under the Local Act shall show the annual rateable value of each hereditament comprised therein according to such valuation list: Provided always, that nothing herein contained shall operate to deprive any owner or occupier of any exemption or partial exemption from rating to which he may be entitled under the Local Act, and such owner or occupier shall be rated in respect of the annual rateable value ascertained as above provided in the same proportion as that in which he would have been rated in respect of the rateable value ascertained as provided in the Local Act.

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Middleton Order.

The SCHEDULE above referred to.

CERTIFICATE OF INFECTIOUS DISEASE.

To the Corporation of the Borough of Middleton.

I hereby certify and declare that in my opinion the under-mentioned person is suffering from the following infectious disease, that is to say,—

Name of person suffering from the disease -

Situation of the house, room, or building wherein such person is - - - - - -

Name of occupier or other person having the charge, management, or control of such house, building, or room - - - - -

Dated the day of 18 .

(Signed)

NOTE.—This certificate must (under a penalty of not exceeding forty shillings) be forthwith delivered or sent to the Medical Officer of Health at his office.

Given under the Seal of Office of the Local Government Board, this Fourth day of June, One thousand eight hundred and eighty-nine.

CHAS. T. RITCHIE, President.

(L.S.) HUGH OWEN, Secretary.

Stafford Order.

BOROUGH OF STAFFORD.

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

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

And to all others whom it may concern.

WHEREAS the Borough of Stafford, in the County of Stafford (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;

39 & 40 Vict. c. cxcvi. 43 & 44 Vict. c. lxxiii.

And whereas the Stafford Corporation Act, 1876, and the Stafford Corporation Act, 1880 (which Acts are herein-after together referred to as the Local Acts, and each of which is herein-after referred to as the Act of the year in which it was passed), as altered, and so far as they have not been repealed by the Provisional Orders herein-after mentioned, are now in force in the Borough;

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45 & 46 Vict. c. lxi.
48 & 49 Vict. c. lxii.
50 & 51 Vict. c. cxii.

And whereas by a Provisional Order dated the Third day of May, One thousand eight hundred and eighty-two, and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act, 1882; by a Provisional Order dated the Fourteenth day of May, One thousand eight hundred and eighty-five, and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act, 1885; and by a Provisional Order dated the Seventh day of June, One thousand eight hundred and eighty-seven, and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act, 1887 (which Provisional Orders are herein-after together referred to as "the Orders," and which Confirming Acts are herein-after together referred to as "the Confirming Acts," and each of which is herein-after referred to as the Order or Confirming Act of the year in which it was made or passed), the Local Acts have been partially repealed and altered;

And whereas by the Local Acts and the Orders mentioned in column 1 of the Schedule hereto (herein-after referred to as "the Schedule") powers of borrowing moneys (including in that term the capitalised value of gas annuities issued under, and the bond or mortgage debt of the gas company transferred to the Corporation by, the Act of 1876) to the amounts mentioned in column 2 of the Schedule were conferred upon the Corporation for the purposes mentioned in column 3 of the Schedule, and up to the Twenty-fifth day of March, One thousand eight hundred and eighty-nine, the Corporation had exercised those powers of borrowing to the extent mentioned in column 4 of the Schedule, and had paid off moneys borrowed to the amounts mentioned in column 5 of the Schedule, leaving the sums mentioned in column 6 of the Schedule to be repaid within the periods mentioned in column 7 of the Schedule;

And whereas, of the sums authorised to be raised under the Act of 1876, the Corporation borrowed fifty-five thousand pounds upon terms to repay the same by equal half-yearly instalments of principal and interest combined within thirty years from the Fourth day of September, One thousand eight hundred and seventy-eight;

And whereas in consequence of the said sum of fifty-five thousand pounds having been borrowed on the terms of repayment aforesaid, the amounts to be annually raised by the Corporation to meet such repayments during the remainder of the said period of thirty years will be larger than would be required to be made if the sum of fifty-five thousand pounds were repayable in accordance with the provisions of Sections 98 and 99 of the Act of 1876:

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 (herein-after referred to as "the commencement of this Order"), the following provisions shall take effect; viz.,—

Art. I. The following provisions of the Local Acts and Confirming Acts shall be repealed, except so far as they may have been acted upon; viz.,—

Sections 61, 96, 98, 99, and 100 of the Act of 1876;

Sections 46, 47, 48, 83, and 84 of the Act of 1880;

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So much of the Confirming Act of 1882 as relates to the words "and except "as herein-after provided all the provisions of the Local Act shall take "effect in the same manner as if the Corporation had by the said section "been authorised to borrow the said sum of ten thousand pounds, as well as "the sums required for the purchase of the said gas undertaking" in the Order of 1882;

So much of the Confirming Act of 1885 as relates to subdivisions (2) to (9), both inclusive, of Article IV. of the Order of 1885; and

So much of the Confirming Act of 1887 as relates to Article II. of the Order of 1887.

Art. II. The Local Acts and Confirming Acts, so far as they relate to the Orders, shall be altered so as to provide as follows; viz.,—

(1.) Moneys borrowed by the Corporation under the Local Acts, or the Orders, or this Order, shall be repaid within the following periods (herein-after referred to as "the prescribed periods"):—

(*a.*) The several principal sums mentioned in column 6 of the Schedule within the periods set opposite to such sums respectively in column 7 of the Schedule, or such other periods, not exceeding sixty years from the date of the original borrowing, as the Local Government Board may from time to time approve.

(*b.*) Other moneys borrowed under the Local Acts, the Orders, or this Order, with the sanction of the Local Government Board, within such periods as that Board may from time to time approve, not exceeding in any case sixty years from the date of the original borrowing, except as regards moneys borrowed under the unrepealed portions of Section 95 of the Act of 1876, which shall be repaid within sixty years from the date of borrowing, and moneys borrowed under Section 45 of the Act of 1880, which shall be repaid within thirty years from the date of borrowing.

(2.) The repayment of the moneys already borrowed or to be hereafter borrowed under the Local Acts, or the Orders, or this Order shall be made within the prescribed periods, by means of a sinking fund which shall be formed by paying into the fund in each year throughout the prescribed period in respect of each of the sums so borrowed, such equal sums as will, with accumulations by way of compound interest at the rate of three pounds per centum per annum, be sufficient to pay off the sum in respect of which the payments are made within the prescribed period:

Provided that in case at any time the principal sums to be repaid are reduced by the application to such repayment of the proceeds of the sale or disposition of land or other moneys received on capital account, the payments to the sinking fund under this Article may be reduced to such extent and upon such terms as may be from time to time approved by the Local Government Board.

(3.) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of any of the moneys for the repayment of which the fund is established: Provided that they pay into the fund each

year, and accumulate at compound interest at the rate of three pounds per centum per annum, until the expiration of the full period allowed for repayment of the sum so paid off, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied at the rate of three pounds per centum per annum.

(4.) The Corporation shall, if the sinking fund is not immediately applied in repayment of debt, invest the same and the income thereof in Government securities, or in securities in which trustees are for the time being authorised to invest trust funds, or in mortgages, debentures, debenture stock, or other securities 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: 38 & 39 Vict. c. 83.

Provided always, that if in any year the income produced by the investment of the sinking fund is at a rate that falls short of the prescribed rate of accumulation for such fund, the Corporation shall forthwith make good such deficiency out of the rates or revenues liable to make the payments to the fund: Provided also, that in case in any year the income received from investments of the sinking fund is in excess of the fixed rate of accumulation, any such excess may be applied by the Corporation in reduction of the other payments to the fund.

(5.) Any repayments of principal by instalments which the Corporation may have made before the commencement of this Order, or may make after the commencement of this Order, shall be deemed to have been payments made into the sinking fund, set aside and applied in manner herein provided:

Provided always, that if at any time prior to the expiration of the said prescribed periods the aggregate amount of the repayments of principal so made as aforesaid in respect of the principal sums repayable by instalments, shall be in excess of the aggregate amount which should be standing to the credit of the sinking fund under this Order, so much of the amount for the time being so in excess as may be required for the purpose herein-after mentioned, may be re-borrowed by the Corporation, subject to the provisions of this Article, as if it had not been repaid by instalments.

(6.) The Corporation may from time to time re-borrow any money borrowed or to be borrowed by them under the Local Acts or this Order, and paid off otherwise than by instalments, or by means of a sinking fund, or out of the proceeds of the sale or disposition of land, or out of other moneys received on capital account: Provided always, that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing is made, and any moneys from time to time re-borrowed shall be deemed to form the same loan as the money in lieu of which such re-borrowing has been made, and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

(7.) The sums by subdivision (5) of this Article authorised to be re-borrowed shall only be re-borrowed in such amounts annually as will be sufficient to provide the amounts required to be paid into the sinking fund under this

A.D. 1889.

Stafford Order.

Order in respect of the sums (amounting in the aggregate to seven thousand pounds) borrowed under the Order of 1885, with the sanction of the Local Government Board, for waterworks purposes, and repayable in ten years from the date of borrowing, and the sums so re-borrowed shall be paid into the said sinking fund, and shall with the accumulations thereon be applied in paying off the said debt.

(8.) The town clerk shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund, under the provisions of this Order, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as instalments, and the amounts which have been invested or applied for the purpose of such 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 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 any wilful default in making such return, such town clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

(9.) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund or of the sums accumulated by way of interest to any purposes 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 by way of instalment or be set apart and invested or applied as part of the sinking fund; and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Art. III. The Local Acts shall be further altered so as to provide that the Corporation may, with the sanction of the Local Government Board, and subject to the provisions of this Order, from time to time borrow for waterworks purposes upon the security of the borough fund, the district fund, and all or any rates or rate leviable by them within the Borough, or upon any of such securities, such sum or sums as will, with the amounts the Corporation are already authorised to borrow for waterworks purposes, not exceed the sum of forty-seven thousand pounds.

38 & 39 Vict. c. 55.

Art. IV. The provisions of Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all moneys to be borrowed or re-borrowed under the Local Acts, the Orders, or this Order.

The SCHEDULE above referred to.

1. Act or Order.	2. Amount originally authorised.	3. Purpose.	4. Amount borrowed.	5. Amount paid off.	6. Balance owing Lady Day, 1889.	7 Period for repayment.
1876 -	£ 4,983 6 8	Old debt of Gas Company.	£ 4,983 6 8	£ —	£ 4,983 6 8	
„	14,150 0 0	Capitalised Value of Gas Annuities.	14,150 0 0	—	14,150 0 0	
„	25,000 0 0	Waterworks -	5,000 0 0	—	5,000 0 0	55 years from 24th day of July, 1881.
		„ - -	10,000 0 0	—	10,000 0 0	
„	Sums required, subject to sanction.	Gasworks - -	55,000 0 0	12,062 15 11	42,937 4 1	
		„ - -	3,450 0 0	—	3,450 0 0	
	708 0 0	Parliamentary costs	708 0 0	708 0 0	—	—
		Other purposes of Act. Costs of Act -	3,400 0 0	206 3 4	3,193 16 8	60 years from 30th day of Sept., 1877.
		Other purposes of Act. Shambles -	7,500 0 0	350 16 11	7,149 3 1	60 years from 30th day of Sept., 1879.
„	25,000 0 0	Other purposes of Act. „ -	1,550 0 0	28 10 3	1,521 9 9	60 years from 30th day of Sept., 1885.
		Other purposes of Act. River improvement.	2,500 0 0	135 17 4	2,364 2 8	60 years from 30th day of Sept., 1878.
		Other purposes of Act. „ -	5,000 0 0	253 18 10	4,746 1 2	60 years from 25th day of March, 1879.
		Other purposes of Act. „ -	1,400 0 0	51 13 1	1,348 6 11	60 years from 30th day of Sept., 1881.
1880 -	Sums required, subject to sanction.	Coton Field Estate	2,100 0 0	148 0 6	1,951 19 6	30 years from 30th day of Sept., 1885.
„	25,000 0 0 including sums then raised.	Water - -	—	—	—	—
1882 P.O.	10,000 0 0	Gasworks - -	10,000 0 0	—	10,000 0 0	54 years from 30th day of Sept., 1882.
1885 P.O.	20,000 0 0	Waterworks	7,000 0 0	—	7,000 0 0	10 years from 25th day of March, 1887.
1887 P.O.	5,000 0 0	„				

Given under the Seal of Office of the Local Government Board, this Fourth day of June, One thousand eight hundred and eighty-nine.

(L.S.)

Chas. T. Ritchie, President.

Hugh Owen, Secretary.

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