# CHAPTER cxxvi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Middleton and Preston. [20th July 1894.]

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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, and that the provision herein contained should be enacted with reference to one of such Orders:

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.

Restriction of power to take houses of labouring class as regards Preston.

**2.** The sanitary authority for the urban sanitary district of Preston shall not, under the authority of this Act, or of the Preston Order, 1894, purchase or acquire, 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 on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be subsequently so occupied.

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

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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. 16) Act, 1894.

# SCHEDULE.



## BOROUGH OF MIDDLETON.

*Middleton Order.*

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

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

And to all others whom it may concern.

WHEREAS the Borough of Middleton (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 the provisions of the Middleton and Tonge Improvement Act, 1861 (herein-after referred to as "the Local Act"), certain commissioners and their successors were incorporated under the name of the Middleton and Tonge Improvement Commissioners (herein-after referred to as "the Commissioners") to execute the Local Act; 24 & 25 Vict. c. c.

And whereas the Local Act has been altered by certain Provisional Orders of the Local Government Board dated respectively the Seventh day of May, One thousand eight hundred and seventy-eight, confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act, 1878 (which Order is herein-after referred to as "the Order of 1878"), the Sixth day of May, One thousand eight hundred and seventy-nine, confirmed by the Local Government Board's Provisional Orders Confirmation (Castleton-by-Rochdale, &c.) Act, 1879 (which Order is herein-after referred to as "the Order of 1879"), the Tenth day of May, One thousand eight hundred and eighty, confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act, 1880, the Twelfth day of May, One thousand eight hundred and eighty-one, confirmed by the Local Government Board's Provisional Orders Confirmation (Cottingham, &c.) Act, 1881, the Fourth day of June, One thousand eight hundred and eighty-nine, confirmed by the Local Government Board's Provisional Orders Confirmation (No. 16) Act, 1889, and the Fifth day of June, One thousand eight hundred and ninety, and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act, 1890 (which Order and Act are herein-after respectively referred to as "the Order of 1890" and "the Confirming Act of 1890"), which Orders and Confirming Acts are herein-after collectively referred to as "the Orders" and "the Confirming Acts"; 41 & 42 Vict. c. clxii. 42 & 43 Vict. c. lxxxvi. 43 & 44 Vict. c. xxxvi. 44 & 45 Vict. c. lxx. 52 & 53 Vict. c. cxvii. 53 & 54 Vict. c. clxxx.

And whereas by a further Provisional Order of the Local Government Board dated the Twenty-fifth day of May, One thousand eight hundred and ninety-one,

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54 & 55 Vict. c. ccxxiii.

confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act, 1891 (herein-after referred to as "the Order of 1891"), the Borough of Middleton was extended, and it was provided that the unrepealed provisions of the Local Act and of the Orders and of the Confirming Acts, so far as they relate to the Orders, should extend and apply to the Borough, and that any reference therein to the District of the Commissioners and the Commissioners, or to the then existing Borough and the Corporation thereof, should be deemed to refer to the Borough and the Corporation thereof;

And whereas by Section 1 of the Local Act it was, inter alia, provided that the Commissioners Clauses Act, 1847, and the Towns Improvement Clauses Act, 1847, except certain sections of the latter Act, should be incorporated with and form part of the Local Act;

And whereas by Section 22 of the Local Act it was provided that the Commissioners should and might, subject to the provisions of that Act and of the Acts incorporated therewith, cause to be paved, sewered, drained, cleansed, lighted, managed, and otherwise improved the said townships, and for those purposes might exercise all the powers vested in them by the Local Act and the several Acts incorporated herewith;

And whereas by Section 34 of the Local Act it was provided that, for the purposes of defraying the costs and expenses of carrying the several powers and provisions of the Local Act and of the several Acts incorporated therewith into execution, except the purposes to which any lighting rates and any gas rates or gas rents, and any rates to be made for sewers, drains, and private improvements, and any rates to be made for making and repairing the highways within the Townships within the meaning of the Local Act, are by the Towns Improvement Clauses Act, 1847, incorporated therewith, or by the Local Act directed to be applied, and including the costs of and incident to the obtaining of the Local Act, it should be lawful for the Commissioners from time to time to make, assess, and levy such equal rates, to be called the improvement rate, as might be necessary for the purposes aforesaid;

And whereas by Section 35 of the Local Act it was provided that every person occupying lands used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, or any lands covered with water or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, and every waterworks company holding, using, or occupying lands used by them only for large mains for the conveyance of water through the Townships in the Local Act mentioned, for the use of other places, and not intended for distribution or supply within the said Townships, should be rated to the said improvement rates in respect of the same lands in the proportion of one-fourth part only of such annual value thereof as aforesaid;

And whereas by Section 102 of the Local Act it was provided that the Commissioners might, and should from time to time, when and as often as occasion should require, make and levy, in addition to any other rate, a rate to be called the lighting rate, to be assessed only upon houses and buildings, with their appurtenances, situate within the extended limits of the Local Act as therein-before defined for the purposes connected with the making and supply of

gas, and either wholly or partly within two hundred and fifty yards of some public light for the time being maintained by or at the expense of the Commissioners, and in all other respects to be made, assessed, levied, and recovered upon and from the same persons, with the same powers and provisions, and in manner as provided in the Towns Improvement Clauses Act, 1847, with respect to rates authorised by that Act:

Provided that the total amount of the lighting rates to be made in any one year should not exceed sixpence in the pound on the full net annual value of the property to be assessed thereto;

And whereas by the Order of 1878 it was provided that any limits imposed by the Local Act and the Acts incorporated therewith in respect to the amounts of any rates should not apply to rates leviable by the Commissioners within their District; and by the Order of 1879 the limits within which the Local Act might and should be put in force for purposes connected with the making and supply of gas were extended;

And whereas by Section 158 of the Towns Improvement Clauses Act, 1847, incorporated with the Local Act, the Commissioners were authorised to make a sewer rate distinct from any other rate which they might be authorised to make under the Local Act;

And whereas by Sections 18 and 19 of the Local Act the Commissioners were empowered to borrow on the security of the sewers rates the sums therein mentioned;

And whereas by the Order of 1890 the Local Act was altered so as to provide that, from and after the Twenty-fifth day of March, One thousand eight hundred and ninety-one, the Corporation should, in lieu of the rates then levied by them under the Local Act or the Acts incorporated therewith, make, assess, and levy a rate, to be called and therein and herein-after referred to as the consolidated rate, for the purposes of the Local Act, and any other purposes properly chargeable to the rates then leviable under the Local Act or the Acts incorporated therewith; and that any person rated to the consolidated rate who would, but for the Order of 1890, have been entitled under the Local Act to an allowance or deduction in respect of the said rates, or any of them, should be entitled to a similar allowance or deduction in respect of the consolidated rate;

And whereas by Article XIII. of the Order of 1891 it was provided that the owners or occupiers (as the case might be) of all rateable hereditaments in the areas added to the Borough of Middleton by that Order should be assessed to the consolidated rate for the period therein mentioned at a rate in the pound less by sixpence per annum than the rate in the pound at which owners or occupiers are assessed to the consolidated rate in the remainder of the Borough:

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 Local Act and the Confirming Acts shall be altered so as to provide as follows:— 38 & 39 Vict. c. 55.

Art. I. As regards any consolidated rate which may be made and levied by the Corporation after the commencement of this Order, any person rated to the said rate who, under the Local Act, would have been entitled to an allowance

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or deduction in respect of the improvement rate, formerly levied under the Local Act, shall be entitled to a similar allowance or deduction in respect of the parts of the said consolidated rate respectively levied for the purposes of this Order or for purposes for which the improvement sewers and lighting rates were formerly levied under the Local Act, but not to any greater or other deduction or exemption; and the said parts of the said consolidated rate respectively shall be made, assessed, and levied on the same property and in the same manner in all respects as if they had been an improvement rate under the Local Act: Provided that nothing in this Order shall apply or extend to the portion of the consolidated rate levied without the Borough, or shall affect the provisions of Article XIII. of the Order of 1891.

Art. II. The provisions of the Public Health Act, 1875, relating to sewerage and sewage disposal, shall be deemed to be incorporated with the Local Act, and any provisions of the Local Act, or of the Acts incorporated therewith relating to sewers and sewers rates, are hereby repealed.

Art. III. Sections 18 and 19 of the Local Act, so far as they empowered the Commissioners to borrow certain moneys on the security of the sewers rate, shall be repealed, so far as they have not been acted upon, and 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 consolidated rate for the purpose of works of sewerage and sewage disposal, and the purchase of lands by agreement, for such purposes, any sum or sums not exceeding in the whole the sum of sixty-one thousand seven hundred and ten pounds.

Art. IV. 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 borrowed and re-borrowed on mortgage by virtue of this Order.

Art. V. The moneys borrowed or to be borrowed by virtue 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, shall in each case determine, each of which periods is herein-after referred to as "the prescribed period," and shall be, with reference to the moneys to be repaid therein, the prescribed period for the purposes of the Local Loans Act, 1875.

Art. VI.—(1.) The Corporation shall repay the moneys borrowed or to be 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 VII. of this Order, if the Corporation determine to repay by means of a sinking fund any moneys borrowed or to be 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, 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. VII.—(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

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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. VIII. 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. IX.—(1.) The town clerk of the Borough shall, within twenty-one days after the Thirty-first day of March in each year, if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment, or to be appropriated, or to be paid to a sinking fund, in pursuance of the provisions of this Order, or in respect of any money raised thereunder, and at any other time when the Local Government Board may require such a return to be made, transmit to the Local Government

Board a return, in such form as may from time to time be prescribed by that Board, and, if required by that Board, verified by statutory declaration of such town clerk, showing for the year next preceding the making of such return, or for such other period as the Board may prescribe, the amounts which have been paid as instalments or annual payments, and the amounts which have 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. X. All moneys hereafter 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. XI. 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. 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

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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. This Order may be cited as the Middleton Order, 1894.

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

(L.S.)

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

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*Preston Order.*

## BOROUGH OF PRESTON.

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

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

And to all others whom it may concern.

WHEREAS the Borough of Preston (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 Preston Waterworks Act, 1853, the Preston Corporation Markets Act, 1861, and the Preston Improvement Act, 1869 (which Acts are herein-after together referred to as "the Local Acts," and each of which Acts is herein-after referred to as the Act of the year in which it was passed), are in force in the Borough;

16 Vict. c. xlviii. 24 Vict. c. vii. 32 & 33 Vict. c. lxxxvii.

And whereas by the Acts of 1853 and 1869 the Corporation were empowered to make and maintain certain works for the supply of water to the Borough;

And whereas by Section 28 of the Act of 1861 the Corporation were authorised to establish and provide within the Borough such slaughter-houses as should from time to time be sufficient for the slaughtering of cattle for the supply of the Borough and the neighbourhood thereof;

And whereas by Article I. of a Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Twenty-fourth day of April, One thousand eight hundred and sixty-one, and duly confirmed by the Local Government Supplemental Act, 1861 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), the Corporation were authorised to borrow money for the completion of the works for supplying water to the Borough;

24 & 25 Vict. c. xxxix.

And whereas by Section 17 of the Act of 1869 provision was made for the repayment of money borrowed under the powers of the Act of 1853 and the Confirming Act

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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 following provisions shall take effect; viz.,—

Art. I. The Act of 1853 and the Act of 1869 shall be altered so as to provide as follows ; viz.,—

(1.) The Corporation may, for the purposes of their water undertaking, make and maintain such works as may from time to time be approved by the Local Government Board, and may, with the approval of the said Board, purchase by agreement, but not otherwise, any lands which may be required for the purposes of or in connexion with their waterworks undertaking.

(2.) The Corporation shall in carrying out the provisions of subdivision (1) of this Article have the powers of a Local Authority under Section 54 of the Public Health Act, 1875, in respect to the carrying of water mains within or without the Borough, and any notices already given by the Corporation in connexion with works to be so carried out shall, so far as they are in accordance with the provisions of Section 32 of the Public Health Act, 1875, be valid and sufficient.

Art. II. The Acts of 1853 and 1869 shall be 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 on the security of the revenue of their water undertaking and the district fund and general district rate such sum or sums, not exceeding in the whole the sum of one hundred and fifty thousand pounds, as may be required for the purposes of that undertaking, in addition to the moneys borrowed for those purposes before the commencement of this Order.

Art. III. Sections 51 and 52 of the Act of 1853, so much of the Confirming Act as relates to Article I. of the Order, and so much of Section 2 as incorporates the provisions of the Commissioners Clauses Act, 1847, with respect to mortgages, Sections 16 and 17, and Sections 25, 26, 29, and 30, so far as they may relate to the waterworks debt of the Corporation, of the Act of 1869 are hereby repealed, except so far as they have been acted on, and as it may be necessary to continue the same as regards existing mortgages.

Art. IV. The Act of 1861 shall be 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 on the security of the borough fund and borough rate such sum or sums as may be required, not exceeding in the whole the sum of four thousand five hundred pounds, for the purpose of providing slaughter-houses within the Borough, in addition to the moneys borrowed for those purposes before the commencement of this Order.

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

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Art. VI. The Corporation shall repay all moneys already borrowed for waterworks purposes under the Act of 1853 and the Confirming Act, and outstanding on the Thirty-first day of March, One thousand eight hundred and ninety-four (which said moneys are herein-after referred to as "the waterworks debt"), within fifty years from that date, and all moneys borrowed by virtue 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, shall determine, which respective periods are 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 waterworks debt and 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 the waterworks debt or 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, 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.

A.D. 1894.

*Preston Order.*

Art. IX. The Corporation shall, except as herein-after provided, have power to re-borrow for the purpose of paying off any moneys forming any portion of the said waterworks debt or 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: Provided also, that moneys so re-borrowed to repay moneys originally borrowed under the Act of 1853 or the Confirming Act shall be borrowed on the securities upon which the Corporation may borrow in pursuance of Article II. of this Order.

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 moneys 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 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. 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 Preston Order, 1894.

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

(L.S.)

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

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