CHAPTER cx.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Batley Darlington Haverfordwest Lancaster Manchester and Mountain Ash. A.D. 1896.

[20th July 1896.]

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 three 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.

Special provision relating to the Darlington Haverfordwest and Mountain Ash Orders as to houses of labouring class.

2. The district councils mentioned in the Orders relating to the Districts of Darlington Haverfordwest and Mountain Ash shall not under the powers of those Orders purchase or acquire either compulsorily or by agreement ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

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for 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. 18) Act 1896.

SCHEDULE.

BOROUGH OF BATLEY.

Batley Order.

Provisional Order for altering the Batley Corporation Waterworks Act 1878.

To the Mayor Aldermen and Burgesses of the Borough of Batley ;—
And to all others whom it may concern.

WHEREAS the Borough of Batley (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban District Council and as such council are the local authority for the Borough within the meaning of the Public Health Act 1875 ;

And whereas the Batley Corporation Waterworks Act 1878 (herein-after referred to as "the Local Act") is in force in the Borough and by Section 22 of the Local Act the Corporation are empowered to borrow money for the purposes therein mentioned ; 41 Vict. c. xxvii.

And whereas by an Order dated the Third day of July One thousand eight hundred and ninety-one and made under the provisions of Part V. of the Public Health Acts Amendment Act 1890 which Order was duly confirmed by Order in Council on the Twenty-sixth day of September One thousand eight hundred and ninety-one the Local Government Board prescribed regulations (herein-after referred to as "the regulations") in regard to the creation issue transfer and redemption of and other dealings with any stock which an Urban Sanitary Authority (having adopted Part V. of the said Act) might create and issue with the consent of the Local Government Board under the regulations in exercise of any statutory borrowing power ;

And whereas expressions in this Order have the same meanings as the like expressions have in the regulations :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be altered so as to provide as follows viz.,— 38 & 39 Vict. c. 55.

Art. I. The Corporation may from time to time if they think fit by resolution determine that any sum or sums which the Batley School Board (herein-after referred to as "the borrowing authority") may be by law authorised to borrow or re-borrow upon the security of any rates or funds and which the borrowing authority may be desirous of borrowing from the Corporation shall be lent by the Corporation accordingly.

Art. II. Any sum or sums which the Corporation shall resolve to lend as aforesaid may be raised either by the issue of stock created and issued by

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the Corporation under and in accordance with the provisions of Part V. of the Public Health Acts Amendment Act 1890 or by borrowing or re-borrowing the same on mortgage of the borough fund and borough rate and the provisions of Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all money raised by borrowing on mortgage under this Order.

Art. III. The following provisions shall apply to moneys borrowed or raised for the purpose of loans to the borrowing authority :—

(1.) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined.

(2.) If any sum payable to the Corporation for principal in respect of any sum lent to the borrowing authority shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into the stock (redemption) fund the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

Art. IV. The following provisions shall apply to moneys borrowed for the purpose of loans to the borrowing authority and not raised by the issue of stock :—

(1.) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority.

(2.) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the borough fund.

(3.) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subdivision (2) of Article III. of this Order) and all sums set apart out of the borough fund under that subdivision shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

Art. V. The following provisions shall apply to moneys raised by the issue of stock for the purpose of loans to the borrowing authority :—

(1.) All sums received from the borrowing authority for interest shall be paid into the stock (dividends) fund :

Provided that if the sums so received shall be in excess of the dividends payable in respect of the proportion of stock issued to raise money to lend to the

borrowing authority such excess may be carried to the credit of the borough fund.

(2.) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subdivision (2) of Article III. of this Order) and all sums set apart out of the borough fund in pursuance of that subdivision shall be paid into the stock (redemption) fund.

Art. VI. If any doubt shall arise as to how much of any sum received by the Corporation from the borrowing authority is to be regarded as principal or interest the question shall be determined by the Local Government Board.

Art. VII.—(1.) The treasurer of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is payable to the Corporation in respect of moneys lent by them to the borrowing authority and raised otherwise than by the issue of stock 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 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 received from the borrowing authority for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this Order and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment 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 treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to apply or invest in statutory securities any sum required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof the Local Government Board may by Order direct that the sum in such Order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. VIII.—(1.) The mortgagees of the Corporation in respect of any moneys borrowed on 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 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

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as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Art. IX. 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 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. X. This Order may be cited as the Batley Order 1896.

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

(L.S.) Henry Chaplin President.
Hugh Owen Secretary.

Darlington Order.

BOROUGH OF DARLINGTON.

Provisional Order for altering the Darlington Extension and Improvement Act 1872.

To the Mayor Aldermen and Burgesses of the Borough of Darlington ; —
And to all others whom it may concern.

35 & 36 Vict. c. cxii.

WHEREAS the Borough of Darlington (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban District Council and as such District Council are the local authority within the meaning of the Public Health Act 1875 for the Borough ;

And whereas the Darlington Extension and Improvement Act 1872 (herein-after referred to as "the Local Act") as altered by a Provisional Order of the Local Government Board dated the Twenty-fourth day of April One thousand eight hundred and eighty-three (herein-after referred to as "the Order of 1883") and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1883 and by another Provisional Order of the Local Government Board dated the Twentieth day of May One thousand eight hundred and eighty-five (herein-after referred to as "the Order of 1885") and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1885 is in force in the Borough ;

46 & 47 Vict. c. lxxxix.

48 & 49 Vict. c. lxii

And whereas by Section 22 of the Local Act the Corporation were empowered to purchase by agreement and hold the lands described in the second part of the Third Schedule to that Act for the purposes of their gas undertaking ;

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And whereas by Section 23 of the Local Act the Corporation were empowered to maintain enlarge extend and improve their then existing gasworks mains pipes and gas undertaking to construct and maintain such gasworks and apparatus and such buildings and approaches thereto upon any lands for the time being belonging to or vested in them and to do all such other acts as they should think necessary for supplying gas within the gas limits as defined by the Local Act but it was provided that the Corporation should not manufacture gas or any residual products on any land other than the lands described in the first and second parts of the Third Schedule to that Act;

And whereas by Section 113 of the Local Act the Corporation were empowered to borrow for the purposes of the Local Act any sums of money not exceeding one hundred and twenty thousand pounds;

And whereas by the Order of 1885 the Local Act was altered so as to provide that it should be lawful for the Corporation on the lands described in the first and second parts of the Third Schedule to the Local Act to convert or manufacture coke coal-tar pitch asphaltum ammoniacal liquor sulphate of ammonia oil and all other refuse or residual products arising remaining produced by or obtained from the manufacture of gas or the materials used therein and to sell and dispose of the same and for any of the purposes aforesaid to erect construct and maintain buildings works and apparatus on any of the said lands;

And whereas the Corporation have provisionally agreed to purchase the land described in the Schedule hereto and it is expedient that the Corporation should be empowered to purchase such land and to utilise it for all or any of the purposes of their gas undertaking:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be altered so as to provide as follows viz.,— 38 & 39 Vict. c. 55.

Art. I. The Corporation may purchase by agreement but not otherwise the land described in the Schedule hereto and notwithstanding anything in the Local Act to the contrary the Corporation may upon the said land if and when the same shall be acquired by them erect continue maintain improve and enlarge or remove retorts gasholders and other apparatus and works for the making purifying storing and distributing of gas and coke and other residual products and matters producible therefrom and may make and store gas coke and such other products and matters.

Art. II. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the revenue arising from their gas undertaking and of the district fund and general district rate of the Borough or upon either of such securities such further sums not exceeding in the whole the sum of fifty thousand pounds as may from time to time be necessary for the purchase of the said land and the purposes of their gas undertaking.

Art. III. 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

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and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys raised and borrowed on mortgage by virtue of this Order.

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

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

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

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

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed 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 or part of a 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 funds 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 funds 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. 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.

(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 probable 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. VII. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off moneys borrowed or re-borrowed by virtue of this Order which have not been repaid and are intended to be forth-

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with 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. VIII.—(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 under this Order 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 the said 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. IX. 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.

Art. X.—(1.) The mortgagees of the Corporation in respect of any moneys borrowed on 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 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. XI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Act or 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. The Order of 1883 may be cited as the Darlington Order 1883 the Order of 1885 may be cited as the Darlington Order 1885 this Order may be cited as the Darlington Order 1896 and the said three Orders may be cited together as the Darlington Orders 1883 to 1896.

The SCHEDULE above referred to.

All that piece of land (with the cottages and storeroom thereon) containing by admeasurement three acres three roods twenty-nine poles or thereabouts situate in the Borough and bounded on the north in part by Albert Road in part by the back street in the rear of the houses numbered 18 20 22 24 26 and 28 in Cleveland Street and in the remaining part by Cleveland Street aforesaid on the east and south-east by the North-Eastern Railway Company's railway sidings into the Darlington Forge Company's works on the south by the North Eastern Railway (Darlington Section) and on the west by the River Skerne.

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

(L.S.)

Henry Chaplin President.
Hugh Owen Secretary.

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Haverfordwest Order.

BOROUGH OF HAVERFORDWEST.

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

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

And to all others whom it may concern.

WHEREAS the Borough of Haverfordwest (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and as such Council are the Local Authority for the Borough within the meaning of the Public Health Act 1875 ;

3 & 4 Will. IV. c. ciii.

31 & 32 Vict. c. xxxiv.

48 & 49 Vict. c. cvi

And whereas the unrepealed provisions of a Local Act of Parliament passed in the third and fourth years of the reign of His late Majesty King William the Fourth intituled "An Act for supplying with Water the Town and County of "Haverfordwest and the Liberties thereof" and the Haverfordwest Borough Act 1868 (which Acts are herein-after together referred to as the Local Acts and each of which Acts is herein-after separately referred to as the Act of the year in which it was passed) as altered by a Provisional Order of the Local Government Board dated the Twenty-fourth day of April One thousand eight hundred and eighty-five and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1885 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act") are in force in the Borough ;

And whereas by Section 5 of the Act of 1868 the Corporation were empowered for the purposes of their water undertaking to make and maintain certain works with all proper approaches works and conveniences connected therewith ;

And whereas by Section 6 of the Act of 1868 the Corporation were empowered to purchase for the purposes of their undertaking any lands in addition to the lands which they were authorised to take by compulsion and to hold the same not exceeding in the whole at one time five acres ;

And whereas by Article I. of the Order the Act of 1868 was altered so as to provide that the Corporation might for the purposes of their water undertaking make and maintain such additional works as might from time to time be approved by the Local Government Board and that the powers conferred by Sections 6 and 7 of that Act should apply to such works ;

And whereas by Article III. of the Order the Act of 1868 was further altered so as to prevent the Corporation from borrowing under the Act of 1833 or the Act of 1868 any further moneys for the purposes of their water undertaking and so as to enable the Corporation with the sanction of the Local Government Board to borrow such sums not exceeding in the whole the sum of eight thousand pounds as might be required for making and maintaining the additional works referred to in Article I. of the Order ;

And whereas by Article V. of the Order the provisions of Section 26 of the Act of 1868 as to the application of the income received by the Corporation from their water undertaking were altered ;

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Haverfordwest Order.

And whereas it is expedient that the Corporation should be empowered to purchase additional lands and to borrow further moneys for the purposes of their water undertaking and that the other provisions herein-after appearing should be made:

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 Acts and the Confirming Act so far as it relates to the Order shall be altered so that the following provisions shall have effect viz.,—

38 & 39 Vict. c. 55.

Art. I.—(1.) The Corporation may with the approval of the Local Government 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.) In carrying out the provisions of Article I. of the Order the Corporation shall 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 and the Corporation shall be subject to the restrictions imposed by Sections 327 and 332 of the same Act.

(3.) The provisions of Section 308 of the last-mentioned Act shall apply to the future exercise of the powers conferred by Article I. of the Order as hereby altered as if such powers were powers conferred by that Act.

Art. II. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the water rents and income of the Corporation under the Local Acts and of the special water rate mentioned in Section 26 of the Act of 1868 or upon either of such securities such further sums not exceeding in the whole the sum of nine thousand pounds as may from time to time be necessary for the purposes of their water undertaking.

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

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

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

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Haverfordwest Order.

(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 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 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 funds 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.

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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.

(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 probable 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. VII. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off 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. VIII. 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

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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. IX.—(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. X.—(1.) So much of the Confirming Act as relates to Article IV. of the Order shall be repealed except so far as the same may have been acted upon.

(2.) 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 the Local Acts the Order or 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.

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

any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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Art. XI. Article V. of the Order shall be altered so that the paragraph of Section 26 of the Act of 1868 commencing with the word "Thirdly" shall read as follows :—

"Thirdly in payment of the interest on and in providing for the discharge in "accordance with the statutory provisions relating thereto of any other "moneys borrowed or re-borrowed for the purposes of the water under-"taking of the Corporation."

Art. XII. The Act of 1833 may be cited as the Haverfordwest Water Act 1833 the Order may be cited as the Haverfordwest Order 1885 this Order may be cited as the Haverfordwest Order 1896 and the Order and this Order may be cited together as the Haverfordwest Orders 1885 and 1896.

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

(L.S.)

Henry Chaplin President.
Hugh Owen Secretary.

BOROUGH OF LANCASTER.

Lancaster Order.

Provisional Order for altering the Lancaster Corporation Act 1888.

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

And to all others whom it may concern.

WHEREAS the Borough of Lancaster (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban District Council and as such council are the local authority for the Borough within the meaning of the Public Health Act 1875 ;

And whereas the Lancaster Corporation Act 1888 (herein-after referred to as "the Local Act") is in force in the Borough and by Section 97 of the Local Act the Corporation are empowered to borrow money for the purposes therein mentioned ; 51 & 52 Vict. c. clv.

And whereas by an Order dated the Third day of July One thousand eight hundred and ninety-one and made under the provisions of Part V. of the Public Health Acts Amendment Act 1890 which Order was duly confirmed by Order in Council on the Twenty-sixth day of September One thousand eight hundred and ninety-one the Local Government Board prescribed regulations (herein-after referred to as "the regulations") in regard to the creation issue transfer and redemption of and other dealings with any stock which an Urban Sanitary Authority (having adopted Part V. of the said Act) might create and issue with the consent of the Local Government Board under the regulations in exercise of any statutory borrowing power ;

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Lancaster Order.

38 & 39 Vict. c. 55.

And whereas expressions in this Order have the same meanings as the like expressions have in the regulations :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be altered so as to provide as follows viz.,—

Art. I. The Corporation may from time to time if they think fit by resolution determine that any sum or sums which the Lancaster School Board (herein-after referred to as "the borrowing authority") may be by law authorised to borrow or re-borrow upon the security of any rates or funds and which the borrowing authority may be desirous of borrowing from the Corporation shall be lent by the Corporation accordingly.

Art. II. Any sum or sums which the Corporation shall resolve to lend as aforesaid may be raised either by the issue of stock created and issued by the Corporation under and in accordance with the provisions of Part V. of the Public Health Acts Amendment Act 1890 or by borrowing or re-borrowing the same on mortgage of the borough fund and borough rate and the provisions of Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all money raised by borrowing on mortgage under this Order.

Art. III. The following provisions shall apply to moneys borrowed or raised for the purpose of loans to the borrowing authority :—

(1.) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined.

(2.) If any sum payable to the Corporation for principal in respect of any sum lent to the borrowing authority shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into the stock (redemption) fund the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

Art. IV. The following provisions shall apply to moneys borrowed for the purpose of loans to the borrowing authority and not raised by the issue of stock :—

(1.) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority.

(2.) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the borough fund.

(3.) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subdivision (2) of Article III. of this Order) and all sums set apart out of the borough fund under that subdivision shall be applied

towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

Art. V. The following provisions shall apply to moneys raised by the issue of stock for the purpose of loans to the borrowing authority :—

(1.) All sums received from the borrowing authority for interest shall be paid into the stock (dividends) fund :

Provided that if the sums so received shall be in excess of the dividends payable in respect of the proportion of stock issued to raise money to lend to the borrowing authority such excess may be carried to the credit of the borough fund.

(2.) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subdivision (2) of Article III. of this Order) and all sums set apart out of the borough fund in pursuance of that subdivision shall be paid into the stock (redemption) fund.

Art. VI. If any doubt shall arise as to how much of any sum received by the Corporation from the borrowing authority is to be regarded as principal or interest the question shall be determined by the Local Government Board.

Art. VII.—(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 payable to the Corporation in respect of moneys lent by them to the borrowing authority and raised otherwise than by the issue of stock 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 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 received from the borrowing authority for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this Order and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment 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 apply or invest in statutory securities any sum

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required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof the Local Government Board may by Order direct that the sum in such Order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. VIII.—(1.) The mortgagees of the Corporation in respect of any moneys borrowed on 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 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. IX. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Act or 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. X. This Order may be cited as the Lancaster Order 1896.

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

(L.S.)

Henry Chaplin President.
Hugh Owen Secretary.

Manchester Order.

CITY OF MANCHESTER.

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

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

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 the unrepealed provisions of the Manchester General Improvement Act 1851 and the Manchester Corporation Waterworks and Improvement Act 1875 (each of which Acts is herein-after referred to as

14 & 15 Vict. c. cxix.
38 & 39 Vict. c. clxi.

the Act of the year in which it was passed and which Acts are herein-after together referred to as "the Local Acts") as altered by the Provisional Orders herein-after mentioned and by certain other Local Acts and Provisional Orders duly confirmed by Parliament are in force in the City;

And whereas the Local Acts have been partially repealed and altered by the following Provisional Orders of the Local Government Board viz.,—

An Order dated the Twelfth day of May One thousand eight hundred and eighty and confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Act 1880; 43 & 44 Vict. c. xxxvi.

An Order dated the Fifth day of June One thousand eight hundred and eighty-four and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1884; and 47 & 48 Vict. c. ccxv.

An Order dated the Eighteenth day of May One thousand eight hundred and ninety-three (herein-after referred to as "the Order No. 3 of 1893") and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1893; 56 & 57 Vict. c. cxxx.

all which Orders and Confirming Acts are herein-after respectively referred to as "the Orders" and "the Confirming Acts";

And whereas by Section 6 of the Act of 1851 the Corporation were empowered subject to the provisions of that Act from time to time to construct and maintain such gasworks and apparatus and such buildings with approaches thereto upon lands belonging to the Corporation or which they might thereafter purchase and to do all such other acts as they should think necessary for lighting the City and neighbourhood thereof and to supply gas upon such terms as should be agreed upon between them and the persons supplied therewith and to sell and dispose of the coke and other residuum arising from the materials used in the manufacture of gas in such manner as the Corporation might think proper;

And whereas by Section 57 of the Act of 1875 as altered by the Orders the Corporation have been empowered to borrow money for the purposes connected with their gas undertaking:

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 Acts and the Confirming Acts so far as they relate to the Orders shall be altered so that the following provisions shall take effect viz.,— 38 & 39 Vict. c. 55.

Art. I. The Corporation may upon the lands described in the Schedule hereto from time to time construct maintain repair renew alter enlarge or when necessary remove buildings apparatus and works for the utilization manufacture and storage of coke culm asphaltum pitch coal-tar oil spent oxide ammoniacal liquor and other refuse or residual products arising from the manufacture of gas and any matters producible therefrom or connected therewith and they may utilize convert manufacture or store coke culm asphaltum pitch coal-tar oil spent oxide ammoniacal liquor and other refuse or residual products arising from the manufacture of gas and any matters producible therefrom or connected therewith and may utilize sell dispose of or store the same or the products thereof at the gasworks or elsewhere and for the purpose of any such utilization conversion manufacture or storage may purchase or otherwise acquire any patent licence

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Manchester Order.

or other rights materials matters or things that may from time to time appear to the Corporation to be necessary.

Art. II. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the city rate of the City such further sums not exceeding in the whole the sum of twenty-five thousand pounds as may be necessary for the purposes of Article I. of this Order.

Art. III. The moneys borrowed by virtue of this Order shall be repaid within such period not exceeding thirty years from the date of borrowing as the Corporation with the sanction of the Local Government Board shall determine and the period so determined and sanctioned shall be the prescribed period for the purposes of the Local Loans Act 1875 and for the purposes of the provisions by Article IV. of this Order made applicable.

Art. IV. The provisions of Articles X. XII. XIII. XIV. XV. XVI. XVII. XVIII. and XIX. of the Order No. 3 of 1893 shall apply to the raising repayment application and re-borrowing of moneys borrowed by virtue of this Order.

Art. V. This Order may be cited as the Manchester Gas Order 1896.

The SCHEDULE above referred to.

All that triangular piece of ground now forming part of the site of the Bradford Road Gasworks of the Corporation and bounded on the east by the Lancashire and Yorkshire Railway and on the south-west by the Manchester and Stockport Canal.

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

(L.S.) Henry Chaplin President.
Hugh Owen Secretary.

Mountain Ash Order.

URBAN DISTRICT OF MOUNTAIN ASH.

Provisional Order for altering certain Local Acts.

To the Urban District Council of Mountain Ash;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Mountain Ash (herein-after referred to as "the District Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Mountain Ash (herein-after referred to as "the district"); and the Mountain Ash Local Board Act 1886 and the Mountain Ash Local Board Act 1891 (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 district;

49 & 50 Vict. c. cxiv.
54 Vict. c. xxii.

A.D. 1896.

Mountain Ash Order.

And whereas by the Local Acts the Mountain Ash Local Board (herein-after referred to as "the Local Board") were empowered to make and maintain certain waterworks and to borrow money for the purposes of their water and gas undertakings:

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 Acts shall be altered so that the following provisions shall take effect viz.,—

38 & 39 Vict. c. 55.

Art. I.—(1.) The District Council 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 water undertaking and the District Council shall cease to have power under Section 67 of the Act of 1886 to purchase lands for the purposes of their water undertaking.

(2.) The District Council 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 their district and shall be subject to the restrictions imposed by Sections 327 and 332 of the same Act.

(3.) The provisions of Section 308 of the last-mentioned Act shall apply as if the powers conferred by this Article were powers conferred by that Act.

Art. II. In addition to any moneys which the District Council are authorised by the Local Acts to borrow for the purposes of their water and gas undertakings the District Council may with the sanction of the Local Government Board and subject to the provisions of this Order from time to time borrow—

(*a*) on the security of the revenue of their water undertaking and the district fund and general district rate of the district such sum or sums not exceeding in the whole the sum of ten thousand pounds as may be required for the purposes of that undertaking and

(*b*) on the security of the revenue of their gas undertaking and the district fund and general district rate of the district such sum or sums not exceeding in the whole the sum of five thousand pounds as may be required for that undertaking.

Art. III. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act 1875 shall be available to the District Council 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.

Art. IV. 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 District Council with the sanction of the Local Government Board shall determine and the periods so determined and sanctioned are herein-after severally referred to as "the prescribed period" and shall be the prescribed period for the purpose of the Local Loans Act 1875.

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Mountain Ash Order.

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

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

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

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(3.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed 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 District Council the District Council 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 District Council towards the equal annual payments to the fund.

(5.) The District 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 District 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 such 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 District 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 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 District Council in addition to the payments provided for by this Order.

Art. VI.—(1.) If it appears to the District 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) 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 District 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 District Council shall increase the payments to such extent as the Board may direct.

(2.) If the District Council 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 District Council 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 District Council 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 District Council with the consent of the Local Government Board may determine.

Art. VII. The District Council 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 District Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Provided that the District Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual

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Mountain Ash Order.

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. VIII.—(1.) The clerk to the District 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 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 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 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 District 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 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. IX. All moneys from time to time borrowed by virtue of this Order shall be applied by the District 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 District Council with the approval of the Local Government Board determine.

Art. X. 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 District Council 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 District Council shall be a debt due to the Crown from the District Council.

Art. XI.—(1.) The mortgagees of the District Council 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. XII. This Order may be cited as the Mountain Ash Order 1896.

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

(L.S.)

Henry Chaplin President.
Hugh Owen Secretary.

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