CHAPTER cxi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Burnley Leicester Oldham Wigan and Wolverhampton. [20th July 1896.]

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WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto under the provisions of the Public Health Act 1875: 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

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

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

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 19) Act 1896 Short title.

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SCHEDULE.

Burnley Order.

BOROUGH OF BURNLEY.

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

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

And to all others whom it may concern.

WHEREAS the Borough of Burnley (herein-after referred to as "the Borough") is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority ;

34 & 35 Vict. c. cliv. 46 & 47 Vict. c. lxxvii. 52 & 53 Vict. c. lv.

And whereas the unrepealed provisions of the Burnley Borough Improvement Act 1871 the Burnley Borough Improvement Act 1883 and the Burnley Corporation Act 1889 (each of which Acts is herein-after referred to as 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 the dates whereof are mentioned in column 1 of the Schedule A hereto and which were confirmed by the Confirmation Acts mentioned in column 2 of that Schedule (each of which Provisional Orders and Confirming Acts is herein-after referred to as the Provisional Order or the Confirming Act of the year in which it was made or passed and all which Provisional Orders or Confirming Acts are herein-after together referred to as "the Orders" or "the Confirming Acts") and by certain other Provisional Orders duly confirmed by Parliament which do not affect the subject-matter of this Order are in force in the Borough ;

And whereas by Section 4 of the Act of 1871 the Burnley Improvement Act 1854 and the Burnley Market Act 1865 (which Acts are herein-after respectively referred to as "the Act of 1854" and "the Act of 1865") were repealed and provision has been made by the Local Acts and the Provisional Orders or some of them for the repayment of the debt outstanding in respect of moneys borrowed under the Acts of 1854 and 1865 ;

And whereas by Section 159 of the Act of 1871 the Corporation were empowered on the same premises and not elsewhere to continue their existing gasworks apparatus buildings and approaches thereto and to make gas for public and private purposes within the Borough and to do all such acts as they might think necessary for those purposes ;

And whereas by Section 47 of the Act of 1889 the Corporation were empowered upon the lands described in the Second Schedule to that Act to erect lay down and provide and from time to time to maintain alter improve and enlarge extend and renew or discontinue gasworks and works for the manufacture

distribution and storage of gas and otherwise to use the said lands for the purposes of their gas undertaking;

And whereas by Article III. of the Order of 1890 the Corporation were empowered to use the lands described in the Schedule to that Order for the purposes of their gas undertaking including the erection and use of engines and boilers but it was provided that those lands should not be used for the manufacture of gas or of residual products arising in the manufacture of gas or for the storage of gas or such residual products except coke;

And whereas by Section 88 of the Act of 1883 as altered by Section 50 of the Act of 1889 the Corpcration are empowered to exercise any statutory borrowing power by the creation and issue of redeemable stock (herein-after referred to as "Corporation Stock");

And whereas by Section 91 of the Act of 1883 the Corporation are required to establish a loans fund (herein-after referred to as "the loans fund") for payment of dividends on and for redemption and extinction or purchase and extinction of all Corporation Stock;

And whereas by sub-section (3) of Section 93 of the Act of 1883 provision was made as to the amounts of the several contributions to the loans fund for redemption and extinction or purchase and extinction of Corporation Stock;

And whereas by sub-section (5) of Section 93 of the Act of 1883 provision is made for payment of the sums therein mentioned into the loans fund if the extinction of any portion of Corporation Stock or any part thereof is accelerated by the application to such extinction of any part of the loans fund;

And whereas on the Twenty-fifth day of March One thousand eight hundred and ninety-six the sums specified in column 9 of the Schedule B hereto (herein-after referred to as "Schedule B") were outstanding in respect of the sums mentioned in column 4 of that Schedule which had been borrowed on mortgage by the Corporation under the authority of the Acts or Orders mentioned in column 1 of Schedule B and the sums specified in column 10 of Schedule B are the amounts of Corporation Stock at the said date outstanding in respect of the sums mentioned in column 5 of Schedule B which had been borrowed under the authority of the said Acts and Orders and raised by or converted into Corporation Stock;

And whereas the Local Acts and Provisional Orders provide for the repayment within varying periods of the sums mentioned in column 9 of Schedule B and the contributions to the loans fund for the redemption and extinction or purchase and extinction of the amounts of stock mentioned in column 10 of Schedule B are in accordance with the said Acts and Orders calculated upon the basis of varying periods and it is expedient that an equated period should be made applicable to all the sums mentioned in the said columns 9 and 10;

And whereas the Corporation have purchased for gasworks purposes the lands described in Schedule C hereto and it is expedient to confirm such purchase and to enable the Corporation to utilise such lands for the said purposes:

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

38 & 39 Vict. c. 55.

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Acts so far as they respectively relate to the Orders shall be partially repealed and altered as follows :—

Art. I.—(1.) The following provisions of the Local Acts and of the Confirming Acts viz.,—

Of the Act of 1871 :—

Section 475 and sub-sections (4) and (5) of Section 526.

Of the Act of 1883 :—

Sections 80 82 and 86.

Of the Act of 1889 :—

Sections 51 53 56 and 57.

Of the Confirming Act of 1878 :—

So much as relates to Article III. of the Order of 1878.

Of the Confirming Act of 1879 :—

So much as relates to Articles 6 8 9 and 10 of the Order of 1879.

Of the Confirming Act of 1884 :—

So much as relates to Articles IV. and V. of the Order of 1884.

Of the Confirming Act of 1885 :—

So much as relates to subdivisions (2) (3) (4) and (5) of Article III. and to Article IV. of the Order of 1885.

Of the Confirming Act of 1887 :—

So much as relates to Article V. of the Order of 1887.

Of the Confirming Act of 1890 :—

So much as relates to subdivision (2) of Article I. of the Order of 1890 and to the part of subdivision (3) of that Article which applied the provisions of Sections 51 53 56 and 57 of the Act of 1889 to moneys borrowed under that Order

shall be wholly repealed except so far as such provisions prescribe or enable the Local Government Board to prescribe the periods for the repayment of moneys to be hereafter borrowed under the powers of borrowing conferred by the Local Acts or the Orders and except so far as such provisions may have been acted upon.

(2.) Section 474 of the Act of 1871 shall be altered by the omission of the words "or entitled."

Art. II.—(1.) The sums mentioned in column 9 of Schedule B shall be repaid and provision shall be made for the purchase or redemption of the amounts of stock mentioned in column 10 of that Schedule within a period of thirty-one years from the Thirty-first day of March One thousand eight hundred and ninety-six and such period shall be deemed to be the period within which under the statutory borrowing power the money represented by stock is to be repaid.

(2.) The period mentioned in subdivision (1) of this Article and as regards moneys hereafter borrowed under the powers of borrowing conferred by the Local Acts or the Orders the period fixed or to be determined under such Act or Order are herein-after respectively referred to as "the prescribed period."

Art. III.—(1.) In order to provide for the repayment of the sums mentioned in column 9 of Schedule B the Corporation shall annually pay into a sinking fund (in this Article referred to as "the sinking fund") such equal annual sums as with accumulations at a rate not exceeding three per centum per annum

will be sufficient to provide for the repayment of the whole of those sums within the prescribed period.

(2.) The first annual payment into the sinking fund shall be made on or before the Thirty-first day of March One thousand eight hundred and ninety-seven and the subsequent annual payments on or before the Thirty-first day of March in each succeeding year.

(3.) Every sum paid to the sinking fund and the interest on the investments of the sinking fund shall unless applied in repayment of the sums specified in column 9 of Schedule B be immediately invested in statutory securities as defined by Section 87 of the Act of 1883 as altered by the Burnley Order 1894 the Corporation being at liberty from time to time to vary and transpose such investments.

(4.) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of the sums specified in column 9 of Schedule B Provided that the Corporation shall pay into the sinking fund each year a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per centum on which the annual payments to the sinking fund are based.

(5.) If and so often as the income of the 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 sinking fund are based any deficiency shall be made good by the Corporation.

(6.) If and so often as the income of the 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.

Art. IV. For the purpose of raising money by virtue of the unexhausted borrowing powers conferred by the Local Acts or the Orders the provisions of the Local Loans Act 1875 shall be available to the Corporation.

Art. V.—(1.) The Corporation shall repay any moneys hereafter borrowed by virtue of the powers of borrowing conferred by the Local Acts or the Orders 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 hereafter borrowed by virtue of the Local Acts or the Orders 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

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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 under this Article 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 statutory securities as defined as aforesaid 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 established under this Article 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 under this Article 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 under this Article 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.

Art. VI.—(1.) If it appears to the Corporation at any time that the amount in any sinking fund established under this Order 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 established under this Order 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 established under this Order 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 established under this Order 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.

(6.) 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. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any of the moneys mentioned in column 9 of Schedule B or any of the moneys hereafter borrowed under the Local Acts or the Orders 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.—(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 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 treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid

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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 treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by 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. Sub-section (3) of Section 93 of the Act of 1883 shall be repealed except so far as it may have been acted upon and in lieu thereof the following provision shall be inserted :—

" (3.) The amounts of those several contributions (subject to any payment in
" reduction thereof authorised by this part of this Act and subject to the
" provisions in force governing the payments to be made to the loans
" fund in respect of moneys raised by stock for the purpose of loans to
" any other local authority) shall be such amounts as will with accumula-
" tions at compound interest at a rate not exceeding three pounds per
" centum per annum be sufficient after payment of all expenses to
" purchase the amount of stock at par within the time within which under
" the statutory borrowing power the money represented by the stock is to
" be repaid."

Art. X. Sub-section (5) of Section 93 of the Act of 1883 shall be repealed and in lieu thereof the following provisions shall be inserted viz.,—

" (5.) If before the expiration of the period prescribed by sub-section (3)
" of this section as the basis for the calculation of the payments to the
" loans fund in respect of any portion of stock the Corporation apply in
" the redemption or purchase and extinction of stock to that or any less
" amount any part of the loans fund then subject to the provisions
" in force governing the payments to be made to the loans fund
" in respect of moneys raised by stock for the purpose of loans

" to any other local authority a sum equal to the interest which " the part of the loans fund so applied would have produced at the " rate per centum on which the payments to the loans fund are calculated " shall in each year until the expiration of the period prescribed as afore- " said be paid into the loans fund out of the revenues of the Corporation " chargeable with payment of the contributions to the loans fund in " respect of the amount of stock so redeemed or purchased and " extinguished.

" (6.)—(*a.*) If it appears to the Corporation at any time that the contributions " which are being made to the loans fund will not be sufficient to redeem " the amount of stock in respect of which such contributions are made " within the time prescribed by sub-section (3) of this section as the basis " for the calculation of the payments to the loans fund in respect of such " stock the amount of such contributions shall be increased to such extent " as will be sufficient for that purpose and the amount of any such increased " contributions shall be paid out of the revenues of the Corporation " chargeable with the payment of the contributions Provided that if it " appears to the Local Government Board that any such increase is " necessary the Corporation shall increase the contributions to such " extent as the Board may direct.

" (*b.*) The Corporation with the consent of the Local Government Board " shall at any time have power to reduce the contributions to be made to " the loans fund as aforesaid either temporarily or permanently in any " case in which it appears to that Board that such contributions would " if maintained be more than sufficient to redeem the amount of stock " in respect of which such contributions are made within the period " prescribed as aforesaid.

" (*c.*) If the amount in the loans fund at any time is in the opinion of the " Local Government Board sufficient with accumulations to redeem any " amount of stock within the period or periods prescribed as aforesaid the " Corporation with the consent of that Board may discontinue the " payment of contributions to the loans fund in respect of such stock."

Art. XI. The Corporation shall be deemed to have been authorised to purchase the lands described in the Schedule C hereto for the purposes of their gas undertaking and notwithstanding anything in the Local Acts to the contrary they may on the said lands erect continue maintain improve and enlarge or remove retorts gas-holders apparatus and works for the making and storing of gas and of coke and other residual products and matters producible therefrom and they may store gas coke and such other products and matters on such land.

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

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and directed by that Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

Art. XIII. Each of the Orders mentioned in Schedule A hereto may be cited by the short title therein mentioned in that behalf this Order may be cited as the Burnley Order 1896 and all the said Orders may be cited together as the Burnley Orders 1878 to 1896.

The SCHEDULES above referred to.

SCHEDULE A.

Date of Order.	Short Title of Confirming Act.	Short Title of Order.
1st May 1878 - -	The Local Government Board's Provisional Orders Confirmation (Belper Union &c.) Act 1878 (41 & 42 Vict. c. cix.)	The Burnley Order 1878.
2nd May 1879 - -	The Local Government Board's Provisional Orders Confirmation (Aspull &c.) Act 1879 (42 & 43 Vict. c. cv.)	The Burnley Order 1879.
28th April 1880 -	The Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880 (43 & 44 Vict. c. xxxvi.)	The Burnley Order 1880.
9th May 1883 - -	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883 (46 & 47 Vict. c. cxxxvi.)	The Burnley Order 1883.
31st May 1884 - -	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1884 (47 & 48 Vict. c. ccxiv.)	The Burnley Order 1884.
7th May 1885 -	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1885 (48 & 49 Vict c. cvi.)	The Burnley Order 1885.
7th June 1887 - -	The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1887 (50 & 51 Vict. c. cxii.)	The Burnley Order 1887.
30th May 1890 - -	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1890 (53 & 54 Vict. c. clxxix.)	The Burnley Order 1890.

SCHEDULE B.

Act or Order under which Borrowing Powers have been conferred.	Purpose.	Borrowing Power sanctioned.	Amount Borrowed.		Amount of Corporation Stock issued.	Debt extinguished.		Debt outstanding.		Amount in Loans Fund.
			Mortgage Debt.	Raised by or converted into Corporation Stock.		Mortgage Debt.	Corporation Stock.	On Mortgage.	Corporation Stock.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Acts of 1854 1871 and 1883 and Order of 1878.	Gasworks - -	106199 1 1	72695 1 1	33504 0 0	34900 0 0	31117 4 4	2900 0 0	41577 16 9	32000 0 0	7680 12 11
Order of 1883 - - -	Do. - -	11000 0 0	11000 0 0	—	—	4742 15 6	—	6257 4 6	—	—
Order of 1884 - - -	Do. - -	4000 0 0	4000 0 0	—	—	1071 13 0	—	2928 7 0	—	—
Order of 1885 - - -	Do. - -	13648 0 0	13648 0 0	—	—	3826 3 6	—	9821 16 6	—	—
Order of 1887 - - -	Do. - -	1000 0 0	1000 0 0	—	—	231 14 0	—	768 6 0	—	—
Act of 1889 - - -	Do. - -	40710 0 0	40710 0 0	—	—	4926 16 6	—	35783 3 6	—	—
Order of 1890 - - - -	Do. - -	25600 0 0	17500 0 0	—	—	909 2 6	—	16590 17 6	—	—
Acts of 1854 1871 and 1883 - -	Waterworks - -	147282 12 6	13853 4 2	133429 8 4	137810 0 0	13282 12 2	2810 0 0	570 12 0	135000 0 0	11133 14 2
Order of 1880 - - -	Do. - -	14260 0 0	14260 0 0	—	—	5326 12 0	—	8933 8 0	—	—
Order of 1887 - - -	Do. - -	70700 0 0	19004 0 0	51696 0 0	49350 0 0	895 1 0	850 0 0	18103 19 0	48500 0 0	2748 11 9
Act of 1889 - - -	Do. - -	1000 0 0	1000 0 0	—	—	224 13 0	—	775 7 0	—	—
Order of 1890 - - - -	Do. - -	19300 0 0	17300 0 0	—	—	644 5 6	—	16655 14 6	—	—
Acts of 1865 and 1871 and the Public Health Act 1875.	Markets - -	73515 19 6	21279 19 6	52236 0 0	54000 0 0	21279 19 6 (Including 6276*l.* 1*s.* 8*d.* transferred to Gas Account.)	1700 0 0	—	52300 0 0	4159 12 5
Order of 1890 - - -	Do. - -	2400 0 0	2400 0 0	—	—	143 3 6	—	2256 16 6	—	—
Acts of 1854 and 1871 - -	Cemetery - -	6773 0 0	6773 0 0	—	—	4146 9 8 (including 1000*l.* otherwise than out of Sinking Fund).	—	2626 10 4	—	—
Order of 1887 - - -	Do. - -	6000 0 0	6000 0 0	—	—	1052 1 0	—	4947 19 0	—	—
Act of 1889 - - -	Costs of Act - -	3630 0 0	3630 0 0	—	—	1008 16 6	—	2621 3 6	—	—

SCHEDULE B.—*continued.*

Act or Order under which Borrowing Powers have been conferred.	Purpose.	Borrowing Power sanctioned.	Amount Borrowed.		Amount of Corporation Stock issued.	Debt extinguished.		Debt outstanding.		Amount in Loans Fund.
			Mortgage Debt.	Raised by or converted into Corporation Stock.		Mortgage Debt.	Corporation Stock.	On Mortgage.	Corporation Stock.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
Order of 1890	Parks	£ 14000 0 0	£ 14000 0 0	£ —	£ —	£ 1600 4 0	£ —	£ 12399 16 0	£ —	£ —
Acts of 1854 and 1871	Street Improvements	13554 19 6	10006 3 6	3548 16 0	3350 0 0	3037 13 10	50 0 0	6968 9 8	3300 0 0	145 12 5
Public Health Act 1875	Do.	1586 2 4	94 4 6	1491 17 10	1410 0 0	94 4 6	10 0 0	—	1400 0 0	69 12 0
Acts of 1854 and 1871	Technical Schools	4000 0 0	4000 0 0	—	—	990 3 0	—	3009 17 0	—	—
Public Health Act 1875	Bridges	2200 0 0	2200 0 0	—	—	270 15 0	—	1929 5 0	—	—
Act of 1871	River Pitching	7140 0 0	988 1 0	6151 19 9	6069 0 0	988 1 0	69 0 0	—	6000 0 0	461 12 3
Order of 1879	Do	1700 0 0	60 19 11	1639 0 1	1561 0 0	60 19 11	11 0 0	—	1550 0 0	84 2 4
Order of 1890	Do.	5360 0 0	—	—	—	—	—	—	—	—
Act of 1871 Public Health Act 1875 and Order of 1879	Sewers	52000 0 0	9582 2 6	40021 17 6	37980 0 0	9582 2 6 (Including 210*l.* transferred to Gas Account.)	280 0 0	—	37700 0 0	2254 11 8
Acts of 1854 and 1871	Town Hall	3700 0 0	3700 0 0	—	—	951 12 6	—	2748 7 6	—	—
Order of 1885	Do.	23000 0 0	23000 0 0	—	—	4561 12 0	—	18438 8 0	—	—
Order of 1887	Do.	22300 0 0	22300 0 0	—	—	6121 6 6	—	16178 13 6	—	—
Order of 1890	Do.	1000 0 0	1000 0 0	—	—	—	—	1000 0 0	—	—
Order of 1890	Police Stations	3500 0 0	3500 0 0	—	—	73 11 6	—	3426 8 6	—	—
Order of 1885	Baths	7000 0 0	7000 0 0	—	—	1227 8 0	—	5772 12 0	—	—
Order of 1890	Do.	600 0 0	600 0 0	—	—	39 0 6	—	560 19 6	—	—
Acts of 1854 and 1871	Borough Fund purposes	566 0 0	566 0 0							
Order of 1879	Fire Engine Hospital Grimshaw Street Property &c.	7000 0 0	7000 0 0	—	—	1810 8 0	—	5755 12 0	—	—
Order of 1890	Fire Brigade (Stables)	500 0 0	500 0 0	—	—	21 6 6	—	478 13 6	—	—
Order of 1890	Sanitary Depôt	400 0 0	400 0 0	—	—	10 19 6	—	389 0 6	—	—

SCHEDULE C.

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Burnley Order.

All that piece of land situate in the Township of Burnley in the Borough bounded on the easterly side by the slopes of the canal embankment of the Leeds and Liverpool Canal on the southerly side by a coal tramway leading to the loading-shed of the gasworks of the Corporation on the westerly side by the said gasworks and on the northerly side in part by the said gasworks and in other part by the centre of the River Calder.

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 LEICESTER.

Leicester Order.

Provisional Order for partially repealing and altering certain Local Acts.

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

And to all others whom it may concern.

WHEREAS the Borough of Leicester (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 Leicester Improvement Act 1851 and the Leicester Corporation Act 1884 (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) as altered by the Provisional Order herein-after recited and by certain other Local Acts and Provisional Orders duly confirmed by Parliament but which do not affect the subject-matter of this Order are in force in the Borough ;

44 & 45 Vict. c. lxxii. 47 Vict. c. xxxiii.

And whereas by Section 32 of the Act of 1881 the Corporation are empowered to authorise or require the use of a pail-closet or ash-closet in any case in which they are authorised to require the use of a privy watercloset or earth-closet ;

And whereas by Section 4 of the Act of 1884 the term statutory security includes (inter alia) any mortgage bond debenture debenture stock corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation including the Corporation ;

And whereas by Section 25 of the Act of 1884 the Corporation were empowered from time to time by resolution of the Council to exercise any statutory borrowing power by creation of Corporation Stock either redeemable or irredeemable to be from time to time issued in accordance with the provisions of that Act but it was provided that all redeemable stock at any time and from time to time

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Leicester Order.

created should be created subject to such terms and conditions as that the same should be of one and the same class of stock ;

And whereas by Section 28 of the Act of 1884 provision is made for the establishment of the Leicester Corporation Loans Fund for the payment of dividends on all Corporation Stock and for redemption and extinction or purchase and extinction of all Corporation Stock ;

And whereas by Article IV. (1) of a Provisional Order of the Local Government Board dated the Thirteenth day of May One thousand eight hundred and ninety-three and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1893 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act") it is ordered that notwithstanding anything contained in Section 25 of the Act of 1884 the Corporation may from time to time exercise any statutory borrowing power by the creation and issue under the powers of the Act of 1884 of a new class of redeemable stock at such price not being lower than ninety-five pounds per centum and bearing such dividend not exceeding three pounds per centum per annum as the Corporation may by the resolution for such issue determine but it is provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock bearing one and the same rate of dividend and shall become redeemable as therein-after provided after the expiration of the same period from the first creation of the stock ;

56 & 57 Vict. c. cxx.

And whereas by Article V. of the Order provision was made for the establishment of the Leicester Corporation Loans Fund (No. 2) in respect of any stock which might be created and issued under Article IV. of the Order :

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. In this Order unless the subject or context otherwise requires—

"Closet accommodation" means any receptacle for human excreta and the fittings and apparatus connected therewith.

"Watercloset" means closet accommodation on the water carriage system flushed by means of fresh water supply and constructed in accordance with byelaws made by the Corporation in pursuance of this Order.

"New building" means and includes any building which would be a new building within the meaning of Section 159 of the Public Health Act 1875 and of Section 34 of the Act of 1881.

"Medical officer of health", "house" and "premises" have the same meanings respectively as in the Public Health Act 1875.

"Daily penalty" means penalty for each day on which any offence is continued by a person after he has been convicted of the offence.

Art. II.—(1.) On the erection of any new building the Corporation shall when a sewer and water supply sufficient for a watercloset are reasonably available be empowered by written notice to require that such new building shall be provided

with one or more proper and sufficient waterclosets according as circumstances may require.

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

(3.) Any person offending against any requirement of the Corporation under subdivision (1) or (2) of this Article shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings which shall be recoverable in a court of summary jurisdiction.

Art. III.—(1.) When a sewer and water supply sufficient for a watercloset are reasonably available the Corporation may from time to time by written notice to the owner or owners of any building require any existing closet accommodation (other than a watercloset) provided at or in connexion with such building to be altered so as to be converted into a watercloset which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate moveable or other receptacle for ashes and house refuse to be provided at or in connexion with such building.

(2.) If the owner or owners of any such building fail in any respect to comply with a notice from the Corporation under subdivision (1) of this Article the Corporation may at the expiration of a time to be specified in the notice (not being less than thirty days after the service of the notice) do the work specified in such notice and may recover in a summary manner or by proceedings in the County Court from the owner or owners the expenses incurred by the Corporation in so doing:

Provided that if in any case such alteration shall be required in respect of any closet accommodation which prior to the service of the notice under subdivision (1) of this Article shall not have been certified by the medical officer of health to be insufficient for the necessities of the inhabitants of the building or to be a nuisance or injurious to health then the whole of such expenses shall be borne by the Corporation.

(3.) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this Article in any case in which they may not be required to bear any part of such expense.

(4.) The notice under the provisions of subdivision (1) of this Article shall state the effect of the provisions of this Article.

(5.) Any moneys expended by the Corporation under the provisions of this Article shall so far as they are not defrayed by means of borrowed moneys be paid out of the district fund and general district rates.

Art. IV. Where under the provisions of this Order the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Order are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the borough surveyor or in case of dispute by a court of summary jurisdiction.

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Leicester Order.

Art. V. Any officer or servant of the Corporation if duly authorised in writing by the Corporation and any other person if so authorised shall on production of such authority be admitted into any premises for the purposes of this Order and the provisions of Sections 102 and 103 of the Public Health Act 1875 shall (mutatis mutandis) apply to such admission.

Art. VI.—(1.) Where any person deems himself aggrieved by a requirement under subdivision (1) of Article II. of this Order requiring the provision of more than one water closet or by any requirement under subdivision (2) of that Article or under Article III. of this Order or as to the reasonableness of any expenses recoverable from him under this Order such person may within thirty days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties.

(2.) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

(3.) Sections 266 and 267 of the Public Health Act 1875 shall apply to notices to be given under the preceding Articles of this Order.

Art. VII.—(1.) The Corporation may from time to time make byelaws with respect to waterclosets and may by means of such byelaws prescribe the description or nature size materials and level thereof and of the apparatus and the manner of flushing the same.

(2.) The provisions contained in the Public Health Act 1875 with respect to byelaws and the penalties which may be imposed thereby and the recovery and application of penalties shall apply to all byelaws made altered or repealed by the Corporation under the provisions of subdivision (1) of this Article and to the penalties imposed thereby.

Art. VIII. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the security of the district fund and general district rate of the Borough such sums not exceeding in the whole the sum of thirty-five thousand pounds as may from time to time be necessary for the purpose of defraying any expenditure of the Corporation in pursuance of Article III. of this Order.

Art. IX. 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. X. The moneys borrowed by virtue of this Order shall be repaid within such period not exceeding twenty 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. XI.—(1.) The Corporation shall repay the moneys borrowed by virtue of this Order by equal annual instalments of principal or by equal annual

instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

(2.) Subject to the provisions in Article XII. of this Order contained 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 annually during the prescribed period of a sum equal to the amount of principal which would be required to be annually paid to the lender if the loan were repayable by equal annual instalments of principal A sinking fund so formed is herein-after referred to as 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 investment 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 statutory securities as defined by Section 4 of the Act of 1884 other than securities of 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 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 Article shall be paid by the Corporation in addition to the payments to such fund provided for by this Order.

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Leicester Order.

Art. XII.—(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 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. XIII. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed by virtue of this Order or re-borrowed in pursuance of this Article 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. XIV.—(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 the town clerk of the Borough 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 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. XV. 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. XVI.--(1.) The mortgagees of the Corporation 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.

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Leicester Order.

Art. XVII.—(1.) Notwithstanding anything contained in Section 25 of the Act of 1884 the Corporation may from time to time exercise any statutory borrowing power by the creation and issue under the powers of the Act of 1884 of a new class of redeemable stock at such price not being lower than ninety-five pounds per centum and bearing such dividend not exceeding two pounds fifteen shillings per centum per annum as the Corporation may by the resolution for such issue determine Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock bearing one and the same rate of dividend and shall become redeemable as herein-after provided after the expiration of the same period from the first creation of the stock.

(2.) After the expiration of such a period from the creation of the stock as the Corporation shall by the resolution creating such stock declare the stock shall be redeemable at par at the option of the Corporation and within such a period (not exceeding sixty years) from the first creation of the stock as the Corporation shall by such resolution declare the whole of the stock shall be redeemed or purchased and extinguished.

(3.) All stock created and issued under this Article shall be charged in the same manner as and rank pari passu with stock issued under the Act of 1884 or Article IV. of the Order and shall otherwise be subject to the provisions of the Act of 1884 except so far as the same are expressly altered by this Order.

Art. XVIII.—(1.) A separate loans fund to be called the Leicester Corporation Loans Fund (No. 3) shall be established and formed in respect of any stock which may be created and issued by the Corporation under Article XVII. of this Order and all the provisions of the Act of 1884 as altered by the Order and this Order in regard to the loans fund established under Section 28 of the Act of 1884 shall mutatis mutandis apply to the separate loans fund so to be established and formed Provided that the Corporation shall not be empowered to apply any part of the Leicester Corporation Loans Fund or the Leicester Corporation Loans Fund (No. 2) in purchasing or redeeming any stock created in pursuance of Article XVII. of this Order or any part of the Leicester Corporation Loans Fund (No. 3) in purchasing or redeeming any stock not created under that Article Provided also that the Corporation shall not be empowered to invest any sums paid into the Leicester Corporation Loans Fund (No. 3) in statutory securities of the Corporation.

(2.) So long as any moneys are required to be paid to the Leicester Corporation Loans Fund or the Leicester Corporation Loans Fund (No. 2) under the provisions of sub-section (1) of Section 32 of the Act of 1884 or Article V. of the Order no moneys shall be required to be paid to the Leicester Corporation Loans Fund (No. 3) under that sub-section :

Provided that if any money to which that sub-section applies shall arise from any sale lease or other disposition of land or other property which shall have been purchased or otherwise acquired by means of money raised by stock created under Article XVII. of this Order or by means of moneys which shall have been converted into stock so created then the money so arising shall be paid into the Leicester Corporation Loans Fund (No. 3).

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Leicester Order.

Art. XIX. Where the Local Government Board cause any local inquiry to 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. XX. So much of the Act of 1884 as empowers the Corporation to issue irredeemable stock shall be repealed except so far as the same may have been acted upon.

Art. XXI. The Order may be cited as the Leicester Order 1893 this Order may be cited as the Leicester Order 1896 and the said Orders may be cited together as the Leicester Orders 1893 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 OLDHAM.

Oldham Order.

Provisional Order for partially repealing and altering certain Local Acts.

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

WHEREAS the Borough of Oldham (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 the unrepealed provisions of the Oldham Borough Improvement Act 1865 and the Oldham Improvement Act 1880 (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 certain other Local Acts and by a Provisional Order of the Local Government Board duly confirmed by Parliament which do not affect the subject-matter of this Order are in force in the Borough;

29 & 30 Vict. c. ccexi. 43 & 44 Vict. c. cxivii.

And whereas by virtue of Section 292 of the Act of 1865 and Section 243 of the Act of 1880 the Corporation are empowered in case the borough fund is at any time insufficient to pay the expenses payable thereout from time to time to make assess and levy a rate called the borough rate according and subject to the following provisions (that is to say): —

(1.) They shall make assess and levy the borough rate on the occupiers of all such kinds of property as by the laws in force for the time being are

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Oldham Order.

assessable to any rate for the relief of the poor according to the gross annual rent or value of such property;

(2.) The owner of any tithes or tithe commutation rentcharge and the occupier of any land used as arable meadow or pasture ground only or as woodlands market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed or used under the powers of any Act of Parliament for public traffic shall be assessed in respect of the same in the proportion of one-fourth part only of the gross annual rent or value thereof;

And whereas by Section 294 of the Act of 1865 it was enacted that the provisions of the Municipal Corporations Acts relative to the creation of a borough fund and to the levying of borough rates and watch rates and the provisions of any Act authorising the levying of rates for the purposes of baths and washhouses and bathing places libraries and museums schools of science and art and burial grounds should cease to apply to the Borough;

And whereas all the expenses of the Corporation as a Municipal and Sanitary Authority and in any other capacity are paid out of the borough rate authorised by the Act of 1865 and it is expedient that the Corporation in lieu of themselves making levying and collecting the said borough rate should be enabled to order the Overseers of the Poor of the Township of Oldham (which is coincident in area with the Borough) to make and collect the said borough rate and that the other provisions herein-after appearing should be made:

38 & 39 Vict. c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other enactments 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 Acts shall be altered as follows:—

Art. I.—(1.) If the borough fund is at any time insufficient to pay the expenses by law for the time being payable thereout the Corporation shall from time to time estimate as correctly as may be what amount in addition to the borough fund will be sufficient to pay such expenses.

(2.) In order to raise that amount the Corporation shall from time to time order a rate called a borough rate to be made in the Borough and shall order the said Overseers to make levy assess and collect the said rate and to pay the amount thereof to the Corporation or as they shall order.

(3.) The provisions of sub-section (3) of Section 145 of the Municipal Corporations Act 1882 shall apply to any order made by the Corporation upon the Overseers under subdivision (2) of this Article.

Art. II.—(1.) Any borough rate made by the Overseers pursuant to an order of the Corporation under subdivision (2) of Article I. of this Order shall be made assessed and levied upon the rateable value of all property mentioned in Section 292 of the Act of 1865 and all statutory and other provisions relating to the making assessment levying collection and recovery of poor rates and to appeals against the same shall apply to any such borough rate.

(2.) The words "rateable value" shall be substituted for the words "gross annual rent or value" in sub-section (2) of Section 292 of the Act of 1865 and

the provisions of that sub-section as so altered shall apply to any borough rate so made as aforesaid.

(3.) The provisions of Section 147 of the Municipal Corporations Act 1882 shall apply to any borough rate made by the Overseers under this Order as if such rate were a borough rate made under that Act.

Art. III. The Local Government Board may from time to time prescribe the form of the order to be made by the Corporation upon the Overseers in pursuance of subdivision (2) of Article I. of this Order and a form of rate which may include the poor rate and the borough rate and they may in respect of such rates prescribe the form of demand note and of receipt for rates and of any other necessary documents and any forms so prescribed shall be sufficient in law.

Art. IV.—(1.) The said overseers shall prepare and submit to the district auditor at every audit of their accounts a financial statement in duplicate in the form and containing the particulars from time to time prescribed by the Local Government Board in respect of the borough rates made as aforesaid one of such duplicates shall have the stamp duty chargeable according to the scale contained in the District Auditors Act 1879 affixed thereon and calculated according to the total of the sums paid to the Corporation during the period to which the statement relates and the provisions of the District Auditors Act 1879 as to the duties of the auditor with reference to such duplicates shall apply as if the said duplicates were prepared and submitted under that Act. 42 Vict. c. 6.

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

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

Art. VI. The accounts of the overseers and the collectors in regard to the borough rate so made by them shall be made up to the Twenty-fifth day of March and the Twenty-ninth day of September in each year or to such other date as the Local Government Board shall from time to time prescribe.

Art. VII.—(1.) The following provisions shall be repealed except so far as they may have been acted upon :—

(*a.*) Of the Act of 1865—

Sections 296 to 313 (both inclusive) ;

So much of Section 330 as relates to any rate made by the Council ;

So much of Section 362 as relates to forms numbered 8 and 9 in the Fifth Schedule and so much of the forms in that Schedule as relates to borough rates.

(*b.*) Of the Act of 1880—

Sections 242 243 and 250.

Provided that notwithstanding such repeal the Corporation shall be empowered to recover any arrears of any borough rate made before the commencement of the Order as if this Order had not been made.

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Oldham Order.

(2.) Section 295 of the Act of 1865 shall be altered by the substitution of the words "a borough rate may be made" in lieu of the words "the Corporation may make any rate."

(3.) Any reference in the unrepealed provisions of the Local Acts or of any other Local Act affecting the Borough to the borough rates made under the Act of 1865 shall be deemed to be a reference to the borough rates made under that Act and in accordance with this Order.

Art. VIII. This Order may be cited as the Oldham 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.

Wigan Order.

BOROUGH OF WIGAN.

Provisional Order for partially repealing and altering certain Local Acts.

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

And to all others whom it may concern.

WHEREAS the Borough of Wigan (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 Wigan Waterworks Act 1853 and of the Wigan Improvement Act 1874 (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) as altered by certain Local Acts and by certain Provisional Orders of the Local Government Board duly confirmed by Parliament (but which do not affect the subject-matter of this Order) are in force in the Borough ;

16 & 17 Vict. c. lxvii. 37 & 38 Vict. c. cxxiv.

And whereas by Section 37 of the Act of 1853 it is provided that in addition to the rates therein specified to be paid for a supply of water for domestic purposes there shall be paid for each watercloset in a dwelling-house the rates therein specified ;

And whereas by Section 32 of the Act of 1874 it is enacted that where it appears to the Corporation on the report of the medical officer of health or surveyor or inspector of nuisances or of two legally qualified medical practitioners that any privy cesspool ashpit or midden is so constructed or kept as to be a nuisance or injurious to health the Corporation may order the owner thereof to alter it in the manner and within the time specified in the Order and if the owner fails to do so then at any time after twelve hours from the expiration of the time specified in the Order the Corporation may by their officers servants

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and workmen enter the premises and do all works necessary or proper for effecting the alteration specified in the Order :

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 :—

38 & 39 Vict. c. 55.

Art. I. In this Order unless the subject or context otherwise requires—

"Closet accommodation" means any receptacle for human excreta and the fittings and apparatus connected therewith.

"Water Closet" means closet accommodation on the water carriage system flushed by means of fresh water supply and constructed in accordance with byelaws made by the Corporation in pursuance of this Order.

"Waste-water Closet" means closet accommodation on the water carriage system flushed with slops or waste liquids of the household or rain-water and constructed in accordance with byelaws made by the Corporation in pursuance of this Order.

"New building" means and includes any building which would be a new building within the meaning of Section 159 of the Public Health Act 1875.

"Medical officer of health" "house" and "premises" have the same meanings respectively as in the Public Health Act 1875.

"Daily penalty" means penalty for each day on which any offence is continued by a person after he has been convicted of the offence.

Art. II.—(1.) On the erection of any new building the Corporation shall when a sewer and water supply sufficient for the purpose are reasonably available be empowered by written notice to require that such new building shall be provided with proper and sufficient Water Closets and Waste-water Closets or with one or more of either class of closet according as circumstances may require.

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

(3.) Any person offending against any requirement of the Corporation under subdivision (1) or (2) of this Article shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings which shall be recoverable in a court of summary jurisdiction.

Art. III.—(1.) If on the report of the borough surveyor or the medical officer of health the Corporation are satisfied that any house has not sufficient closet accommodation provided thereat or in connexion therewith the Corporation may when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the owner or owners require that such building shall be provided with proper and sufficient Water Closets and Waste-water Closets or with one or more of either class of closet according as circumstances may require.

(2.) If the owner or owners of any such house fail in any respect to comply with a notice of the Corporation under subdivision (1) of this Article the

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Corporation may at the expiration of a time to be specified in the notice (not being less than fourteen days after the service of the notice) do the work specified in such notice and may recover in a summary manner from the owner or owners the expenses incurred by the Corporation in so doing.

Art. IV.—(1.) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may from time to time by written notice to the owner or owners of any building require any existing closet accommodation (other than a Water Closet or a Waste-water Closet) provided at or in connexion with such building to be altered so as to be converted into a Water Closet or Waste-water Closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

(2.) If the owner or owners of any such building fail in any respect to comply with a notice from the Corporation under subdivision (1) of this Article the Corporation may at the expiration of a time to be specified in the notice (not being less than fourteen days after the service of the notice) do the work specified in such notice and may recover in a summary manner from the owner or owners the expenses incurred by the Corporation in so doing:

Provided that if in any case such alteration shall be required in respect of any existing closet accommodation constructed in pursuance of an order of the Corporation under Section 32 or Section 33 of the Act of 1874 or by the Corporation on the failure of the owner to comply with any such order the whole of such expenses shall be borne by the Corporation unless prior to the service of the notice under the provisions of subdivision (1) of this Article the borough surveyor or the medical officer of health shall report that such existing closet accommodation is a nuisance or injurious to health or not in good order and condition and in such case one-half of the said expenses shall be borne by the Corporation and the other half thereof shall be borne by the owner.

(3.) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this Article in any case in which they may not be required to bear any part of such expense.

(4.) The notice under the provisions of subdivision (1) of this Article shall state the effect of the provisions of this Article.

Art. V. Where under the provisions of this Order the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Order are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the borough surveyor or in case of dispute by a court of summary jurisdiction.

Art. VI. Any moneys expended by the Corporation under the provisions of this Order shall so far as they are not defrayed by means of borrowed moneys be paid out of the district fund and general district rates.

Art. VII. Any officer or servant of the Corporation if duly authorised in writing by the Corporation and any other person if so authorised shall on production of such authority be admitted into any premises for the purposes of this

Order and the provisions of Sections 102 and 103 of the Public Health Act 1875 shall (mutatis mutandis) apply to such admission.

Art. VIII.—(1.) Where any person deems himself aggrieved by any requirement of the Corporation under subdivision (1) or (2) of Article II. subdivision (1) of Article III. or subdivision (1) of Article IV. of this Order or as to the reasonableness of any expenses wholly or partially recoverable from him under this Order such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties.

(2.) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Art. IX.—(1.) The Corporation may from time to time make byelaws with respect to Water Closets and Waste-water Closets and may by means of such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus and the manner of flushing the same.

(2.) The provisions contained in the Public Health Act 1875 with respect to byelaws and the penalties which may be imposed thereby and the recovery and application of penalties shall apply to all byelaws made altered or repealed by the Corporation under the provisions of subdivision (1) of this Article and to the penalties imposed thereby.

Art. X. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the security of the district fund and general district rate of the Borough such sums not exceeding in the whole the sum of ten thousand pounds as may from time to time be necessary for the purposes of defraying any expenditure of the Corporation in pursuance of subdivisions (2) and (3) of Article IV. of this Order.

Art. XI. 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. XII. The moneys borrowed by virtue of this Order shall be repaid within such period not exceeding twenty 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. XIII.—(1.) The Corporation shall repay the moneys borrowed by virtue of this Order other than moneys borrowed under the provisions of he 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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(2.) Subject to the provisions of Article XIV. 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 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.

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Art. XIV.—(1.) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

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

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

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

(5.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Art. XV. 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. XVI.—(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 required to be

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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 treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return such treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by 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. XVII. 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. XVIII.—(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.

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Art. XIX. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Acts 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. XX. Notwithstanding anything in Section 37 of the Act of 1853 contained no water rate shall be payable in respect of any Waste-water Closet.

Art. XXI. Sections 32 and 33 of the Act of 1874 shall be repealed except so far as the same may have been acted upon.

Art. XXII. This Order may be cited as the Wigan 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.

Wolverhampton Order.

BOROUGH OF WOLVERHAMPTON.

Provisional Order for partially repealing and altering certain Local Acts.

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

And to all others whom it may concern.

WHEREAS the Borough of Wolverhampton (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 Wolverhampton Improvement Act 1869 the Wolverhampton Corporation Loans Act 1882 and the Wolverhampton Corporation 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) as altered by the Provisional Order herein-after recited and by certain other Local Acts and Provisional Orders duly confirmed by Parliament but which do not affect the subject-matter of this Order are in force in the Borough ;

32 & 33 Vict. c. cxxxi.
45 & 46 Vict. c. ccxl.
54 & 55 Vict. c. cxcv.

And whereas by Sections 73 to 76 of the Act of 1869 provision was made with respect to the construction of waterclosets privies earth-closets cesspools and ashpits and by Section 104 of that Act it was enacted that all drains privies ashpits and cesspools should be under the survey and control of the Corporation and should be altered repaired and kept in proper order at the expense of the

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owners of the lands and buildings to which the same belong or for the use of which they are constructed or continued ;

And whereas by Section 115 of the Act of 1869 it was enacted that the Corporation should make provision for the sweeping cleansing and watering of the streets and footways and for the carrying and removing of snow ice dirt dust dung cinders ashes rubbish filth and soil away therefrom and from houses ;

And whereas by Section 4 of the Act of 1882 as altered by Section 16 of the Act of 1891 the Corporation are empowered to exercise any statutory borrowing power by the creation of redeemable stock (herein-after referred to as "Corporation Stock") ;

And whereas by Section 7 of the Act of 1882 the Corporation are required to establish the Wolverhampton Corporation Consolidated Loans Fund (herein-after referred to as "the loans fund") for the payment of dividends on and for redemption and extinction or purchase and extinction of all Corporation Stock ;

And whereas by sub-section (3) of Section 9 of the Act of 1882 it is enacted that the amount of the several contributions to the loans fund for redemption and extinction or purchase and extinction of Corporation Stock (subject to any payment in reduction thereof authorised by that Act) shall be such amounts as with accumulations at the rate of three pounds ten shillings per centum per annum shall be from time to time calculated to be sufficient to purchase at its nominal amount the portion of stock towards the extinction whereof those contributions are payable within the periods therein mentioned ;

And whereas by sub-section (5) of Section 9 of the Act of 1882 provision is made for payment of the sums therein mentioned into the loans fund if the extinction of any portion of Corporation Stock or any part thereof is accelerated by the application to such extinction of any part of the loans fund ;

56 & 57 Vict. c. clxxxix.

And whereas by a Provisional Order of the Local Government Board dated the Sixteenth day of May One thousand eight hundred and ninety-three and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1893 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act") the Act of 1882 was altered so as to enable the Corporation to create and issue a new class of redeemable stock as therein mentioned and the Corporation were required to establish a separate loans fund to be called the Wolverhampton Corporation Consolidated Loans Fund (No. 2) in respect of any stock so created and issued and it was ordered that all the provisions of the Act of 1882 as altered by the Act of 1891 and the Order in regard to the loans fund established under Section 7 of the Act of 1882 should (mutatis mutandis) apply to the said Loans Fund (No. 2) :

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 Local Acts and the Confirming Act so far as it relates to the Order shall be altered so that the following provisions shall take effect :—

Art. I. In this Order unless the subject or context otherwise requires—

"Closet accommodation" means any receptacle for human excreta and the fittings and apparatus connected therewith.

"Water Closet" means closet accommodation on the water carriage system flushed by means of fresh water supply and constructed in accordance with byelaws made by the Corporation in pursuance of this Order.

"Waste-water Closet" means closet accommodation on the water carriage system flushed with slops or waste liquids of the household or rain-water and constructed in accordance with byelaws made by the Corporation in pursuance of this Order.

"New building" means and includes any building which would be a new building within the meaning of Section 159 of the Public Health Act 1875.

"Medical officer of health" "house" and "premises" have the same meanings respectively as in the Public Health Act 1875.

"Daily penalty" means penalty for each day on which any offence is continued by a person after he has been convicted of the offence.

Art. II.—(1.) On the erection of any new building the Corporation shall when a sewer and water supply sufficient for the purpose are reasonably available be empowered by written notice to require that such new building shall be provided with proper and sufficient Water Closets and Waste-water Closets or with one or more of either class of closet according as circumstances may require.

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

(3.) Any person offending against any requirement of the Corporation under subdivision (1) or (2) of this Article shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings which shall be recoverable in a court of summary jurisdiction.

Art. III.—(1.) If on the report of the borough surveyor or the medical officer of health the Corporation are satisfied that any house has not sufficient closet accommodation provided thereat or in connexion therewith the Corporation may when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the owner or owners require that such building shall be provided with proper and sufficient Water Closets and Waste-water Closets or with one or more of either class of closet according as circumstances may require.

(2.) If the owner or owners of any such house fail in any respect to comply with a notice of the Corporation under subdivision (1) of this Article the Corporation may at the expiration of a time to be specified in the notice (not being less than fourteen days after the service of the notice) do the work specified in such notice and may recover in a summary manner from the owner or owners the expenses incurred by the Corporation in so doing.

Art. IV.—(1.) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may from time to time by written notice to the owner or owners of any building require any existing closet accommodation (other than a Water Closet or a Waste-water Closet) provided at or in connexion with such building to be altered so as to be converted into a Water Closet or

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Waste-water Closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

(2.) If the owner or owners of any such building fail in any respect to comply with a notice from the Corporation under subdivision (1) of this Article the Corporation may at the expiration of a time to be specified in the notice (not being less than fourteen days after the service of the notice) do the work specified in such notice and may recover in a summary manner from the owner or owners the expenses incurred by the Corporation in so doing:

Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under subdivision (1) of this Article shall not have been certified by the medical officer of health to be insufficient for the necessities of the inhabitants of the building or to be in such state as to create a nuisance or to be injurious to health then the cost of providing and laying the drain and of connecting the same with the sewer and of fixing the Water Closet or Waste-water Closet as the case may be shall be borne by the Corporation and the remainder of the said expenses shall be borne by the owner.

(3.) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this Article in any case in which they may not be required to bear any part of such expense.

(4.) The notice under the provisions of subdivision (1) of this Article shall state the effect of the provisions of this Article.

Art. V. Where under the provisions of this Order the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Order are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the borough surveyor or in case of dispute by a court of summary jurisdiction.

Art. VI. Any moneys expended by the Corporation under the provisions of this Order shall so far as they are not defrayed by means of borrowed moneys be paid out of the improvement fund and improvement rates.

Art. VII. Any officer or servant of the Corporation if duly authorised in writing by the Corporation and any other person if so authorised shall on production of such authority be admitted into any premises for the purposes of this Order and the provisions of Sections 102 and 103 of the Public Health Act 1875 shall (mutatis mutandis) apply to such admission.

Art. VIII.—(1.) Where any person deems himself aggrieved by any requirements of the Corporation under subdivision (1) or (2) of Article II. subdivision (1) of Article III. or subdivision (1) of Article IV. of this Order or as to the reasonableness of any expenses wholly or partially recoverable from him under this Order such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties:

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and that the appellant shall be precluded from raising at that stage any other question.

(2.) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Art. IX.—(1.) The Corporation may from time to time make byelaws with repect to Water Closets and Waste-water Closets and may by means of such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus and the manner of flushing the same.

(2.) The provisions contained in the Public Health Act 1875 with respect to byelaws and the penalties which may be imposed thereby and the recovery and application of penalties shall apply to all byelaws made altered or repealed by the Corporation under the provisions of subdivision (1) of this Article and to the penalties imposed thereby.

Art. X. 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 improvement fund and improvement rate of the Borough such sums not exceeding in the whole the sum of thirty-five thousand pounds as may from time to time be necessary for the purposes of defraying any expenditure of the Corporation in pursuance of subdivisions (2) and (3) of Article IV. of this Order.

Art. XI. 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. XII. The moneys borrowed by virtue of this Order shall be repaid within such period not exceeding twenty 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. XIII.—(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 those methods and partly by another or the others of them.

(2.) Subject to the provisions of Article XIV. 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

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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 statutory securities other than securities of 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. XIV.—(1.) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

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

(3.) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

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

(5.) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Art. XV. 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. XVI.—(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

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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. XVII. 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. XVIII.—(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. XIX.—(1.) Notwithstanding the provisions of Section 115 of the Act of 1869 the Corporation may forthwith under and in accordance with the provisions of the Public Health Act 1875 and any Act amending or extending that Act make byelaws for the prevention of nuisances arising from snow.

(2.) On the expiration of one year from the commencement of this Order or of such longer period not exceeding two years from the commencement of this Order as the Local Government Board may determine so much of Section 115 of the Act of 1869 as relates to the sweeping and cleansing of snow from the footways and for the carrying and removal of snow therefrom shall be repealed except so far as the same may have been acted upon but if before the expiration of such period as aforesaid any byelaws made by the Corporation by virtue of

this Article shall come into operation so much of such section as aforesaid shall except as aforesaid be repealed without waiting for the expiration of the said period.

(3.) Wherever in the unrepealed provisions of the Local Acts reference is made to such repealed provisions the same shall be deemed to refer to the byelaws made under this Article.

Art. XX. Sub-section (3) of Section 9 of the Act of 1882 shall be altered by the insertion after the words "by this Act" of the words "and subject to the "provisions in force governing the payments to be made to the loans fund in "respect of moneys raised by stock for the purpose of loans to any other local "authority" and by the insertion of the words "at such a rate not exceeding "three pounds and ten shillings per centum per annum as the Corporation "may from time to time determine" in lieu of the words "at the rate of three pounds ten shillings per centum per annum."

Art. XXI. Sub-section (5) of Section 9 of the Act of 1882 shall be repealed and in lieu thereof the following provisions shall be inserted viz.,—

"(5.) If before the expiration of the period prescribed by sub-section (3) "of this section as the basis for the calculation of the payments to the "loans fund in respect of any portion of stock the Corporation apply in "the redemption or purchase and extinction of stock to that or any less "amount any part of the loans fund then subject to the provisions in "force governing the payments to be made to the loans fund in respect "of moneys raised by stock for the purpose of loans to any other local "authority a sum equal to the interest which the part of the loans fund "so applied would have produced at the rate per centum on which the "payments to the loans fund are calculated shall in each year until the "expiration of the period prescribed as aforesaid be paid into the loans "fund out of the revenues of the Corporation chargeable with payment "of the contributions to the loans fund in respect of the amount of stock "so redeemed or purchased and extinguished.

"(6.)—(*a.*) If it appears to the Corporation at any time that the contributions "which are being made to the loans fund will not be sufficient to redeem "the amount of stock in respect of which such contributions are made "within the time prescribed by sub-section (3) of this section as the basis "for the calculation of the payments to the loans fund in respect of such "stock the amount of such contributions shall be increased to such extent "as will be sufficient for that purpose and the amount of any such increased "contributions shall be paid out of the revenues of the Corporation "chargeable with the payment of the contributions Provided that if it "appears to the Local Government Board that any such increase is "necessary the Corporation shall increase the contributions to such "extent as the Board may direct.

"(*b.*) The Corporation with the consent of the Local Government Board "shall at any time have power to reduce the contributions to be made to "the loans fund as aforesaid either temporarily or permanently in any "case in which it appears to that Board that such contributions would "if maintained be more than sufficient to redeem the amount of stock "in respect of which such contributions are made within the period "prescribed as aforesaid.

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"(*c.*) If the amount in the loans fund at any time is in the opinion of the "Local Government Board sufficient with accumulations to redeem any "amount of stock within the period or periods prescribed as aforesaid the "Corporation with the consent of that Board may discontinue the "payment of contributions to the loans fund in respect of such stock."

Art. XXII. The provisions of Section 9 of the Act of 1882 as hereby altered shall apply (mutatis mutandis) to the Wolverhampton Corporation Consolidated Loans Fund (No. 2).

Art. XXIII. 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. XXIV. This Order may be cited as the Wolverhampton 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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