CHAPTER cxlii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Farnworth Padiham Plymouth Skipton and Weston-super-Mare. A.D. 1911.

[18th August 1911.]

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

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

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

1. The Orders 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. 3) Act 1911. Short title.

[*Price* 1*s.* 6*d.*]

A.D. 1911.

SCHEDULE.

URBAN DISTRICT OF FARNWORTH.

Farnworth Order.

Provisional Order for altering the Farnworth Urban District Council Act 1900.

To the Urban District Council of Farnworth;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Farnworth (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Farnworth (herein-after referred to as "the District") and the unrepealed provisions of the Farnworth Urban District Council Act 1900 (herein-after referred to as "the Local Act") are in force in the District;

63 & 64 Vict. c. ccxxxiii.

And whereas by Section 52 of the Local Act the Council are empowered to require any existing closet accommodation (other than a watercloset) provided at or in connection with a building to be altered so as to be converted into a watercloset which shall comply with the byelaws for the time being in force in the District and shall communicate with a sewer and the Council are empowered to contribute towards or may be required to bear in part the expenses incurred in making alterations of closet accommodation in pursuance of the said Section;

And whereas it is expedient that the Council should be empowered to borrow money for the purposes of Section 52 of the Local Act;

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

2 Edw. 7. c. lxxxi.

And whereas by the Farnworth Order 1902 (herein-after referred to as "the Order of 1902") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1902 provision is made as to the periods within which moneys borrowed by the Council under that Order should be repaid and as to the mode of repayment of the said moneys:

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Farnworth Order.

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 Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be altered so that the following provisions shall take effect that is to say :—

Borrowing powers for certain purposes of Local Act.

Art. I. The Council may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the district fund and general district rate of the District such sums as may from time to time be necessary for the purposes of Section 52 of the Local Act.

Period for repayment of borrowed moneys.

Art. II. The moneys borrowed under Article I. of this Order shall be repaid within such period not exceeding twenty years from the date of borrowing as the Council with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned shall with reference to the repayment of those moneys be the prescribed period for the purposes of the Local Loans Act 1875 of Articles VI. and VII. of the Order of 1902 as applied by this Order and of Article IV. of this Order.

Application of Order to borrowing under and purposes of this Order.

Art. III. The provisions of Articles IV. VI. and VII. and of Articles IX. to XII. of the Order of 1902 shall apply as if the said Articles were herein re-enacted and made applicable to the moneys borrowed under Article I. of this Order and otherwise to the purposes of this Order.

Power to re-borrow.

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

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

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

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

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

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

(A) by instalments or annual payments; or

(B) by means of a sinking fund; or

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

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

Short title.

Art. V. This Order may be cited as the Farnworth Order 1911.

Given under the Seal of Office of the Local Government Board this Thirteenth day of April One thousand nine hundred and eleven.

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

URBAN DISTRICT OF PADIHAM.

Padiham Order.

Provisional Order for altering the Padiham Local Board Act 1876 *and the Padiham Urban District Council Act* 1908.

To the Urban District Council of Padiham;—
To the Rural District Council of Burnley;—
And to all others whom it may concern.

WHEREAS the Urban District Council of Padiham (hereinafter referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Padiham (hereinafter referred to as "the District");

39 Vict. c. xxv. 8 Edw. 7. c. civ.

And whereas there are in force in the District the unrepealed provisions of the Padiham Local Board Act 1876 and the Padiham Urban District Council Act 1908 (each of which Acts is hereinafter referred to as the Act of the year in which it was passed and

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Padiham Order.

which Acts are hereinafter together referred to as "the Local Acts");

And whereas by the Act of 1876 the Padiham and Hapton Local Board who were the predecessors of the Council were authorised to supply gas within the limits of that Act as defined by Section 4 thereof which limits comprised and included the Township of Padiham and the Villages of Habergham or Cheapside and Lower Houses or Thornhill Holme in the Township of Habergham Eaves and so much of the Township of Hapton as was situate on the north side of the Leeds and Liverpool Canal all in the County Palatine of Lancaster;

And whereas by Section 33 of the Act of 1876 it was enacted that the price to be charged by the said Local Board for gas supplied by them to persons who should burn the same by meter should not at any time exceed six shillings per thousand cubic feet;

And whereas by Section 41 of the Burnley Corporation Act 1889 it was provided that the powers and authorities under which the said Local Board were authorised to supply gas in that part of the Township of Habergham Eaves which was by the said Act included in the Borough of Burnley should be repealed and that the said Local Board should cease to supply gas within that part of the said Township of Habergham Eaves;

And whereas by Section 4 of the Act of 1908 the limits of supply of the Council for gas purposes were extended so as to comprise and include the whole of the Townships of Sabden Read and Simonstone in the County Palatine of Lancaster (which limits as so extended are hereinafter referred to as "the gas limits");

And whereas by Section 11 of the Act of 1908 the Council are empowered to demand and take for a supply of gas in the Township of Sabden charges exceeding by not more than one shilling and threepence per thousand cubic feet and for a supply of gas in any other part of the gas limits outside the District charges exceeding by not more than sixpence per thousand cubic feet the corresponding charges for the time being made within the District but it is provided that no charge shall be made under the said Section in excess of the maximum charge allowed by Section 33 of the Act of 1876;

And whereas the Council have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Acts in the manner hereinafter set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the

38 & 39 Vict. c. 55.

A.D. 1911.

Local Acts shall be altered so that the following provisions shall take effect that is to say:—

Padiham Order.

Extension of gas limits.

Art. I.—(1) The gas limits shall be extended so as to comprise the whole of the Township of Higham with West Close Booth in the Rural District of Burnley.

(2) The Council may demand and take for a supply of gas in the said Township of Higham with West Close Booth charges exceeding by not more than one shilling and threepence per thousand cubic feet the corresponding charges for the time being made within the District Provided that no charge shall be made under this Order in excess of the maximum charge allowed by Section 33 of the Act of 1876.

(3) Subject to the provisions of this Order the provisions of the Local Acts with respect to the supply of gas and otherwise with respect to gas purposes which now apply and have effect within the existing gas limits shall with the necessary modifications apply and have effect within the gas limits as extended by this Order.

Short title.

Art. II. This Order may be cited as the Padiham Order 1911.

Given under the Seal of Office of the Local Government Board this Twenty-first day of April One thousand nine hundred and eleven.

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

BOROUGH OF PLYMOUTH.

Plymouth Order.

Provisional Order for partially repealing and altering the Plymouth Corporation Act 1887.

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

And to all others whom it may concern.

WHEREAS the Borough of Plymouth (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;

50 & 51 Vict. c. clv.

And whereas the unrepealed provisions of the Plymouth Corporation Act 1887 (herein-after referred to as "the Local Act") as altered by the Plymouth Order (No. 2) 1897 (herein-after referred to as "the

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Order of 1897") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1897 and by the Plymouth Order 1905 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905 are in force in the Borough;

60 & 61 Vict. c. lxviii. 5 Edw. 7. c. lxxi.

And whereas by Section 30 of the Local Act the Corporation were empowered from time to time to exercise any statutory borrowing power by creation of Plymouth Corporation Redeemable Stock (herein-after referred to as "Corporation Stock") and by Section 33 of the Local Act it was provided that for the payment of dividends on and for the redemption and extinction or purchase and extinction of Corporation Stock there should be established and formed a fund called the Plymouth Corporation Consolidated Loans Fund (herein-after referred to as "the loans fund");

And whereas by subsections (3) and (5) of Section 35 of the Local Act and Article II. of the Order of 1897 the amounts of the contributions to the loans fund for redemption and extinction or purchase and extinction of Corporation Stock are prescribed and 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 thereto of any part of the loans fund;

And whereas by subsection (1) of Section 37 of the Local Act the Corporation are required to pay into the loans fund and to carry to the proper separate account forming part of the general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Corporation on the revenues whereof any Corporation Stock is charged;

And whereas by Sections 38 and 41 of the Local Act provision is made for the application of the loans fund and of certain moneys standing on separate accounts in the loans fund;

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

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the

38 & 39 Vict. c. 55.

A.D. 1911.

Plymouth Order.

Local Act shall be partially repealed and altered so that the following provisions shall take effect that is to say:—

Art. I. Subsection (3) of Section 35 of the Local Act shall be repealed and in substitution therefor the following provisions shall take effect that is to say:—

Contributions to loans fund for extinction of stock.

" (3) The amount of the contribution payable in respect of any " portion of Corporation Stock (subject to any payment " authorised by this Act in reduction of that amount) shall " be such sum as will with accumulations 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 period " within which under the statutory borrowing power the " money represented by the amount of stock is to be repaid " or within the period mentioned in Article II. of the " Order of 1897 as the case may be and each of those " periods for the purposes of this section is hereinafter " referred to as 'the prescribed period.'"

Maintenance of loans fund Increase reduction and discontinuance of contributions.

Art. II. Subsection (5) of Section 35 of the Local Act shall be repealed and in substitution therefor the following provisions shall take effect that is to say:—

" (5)—(*a*) If before the expiration of the prescribed period the Cor- " poration apply a part of the loans fund in the redemption " or purchase and extinction of stock then 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 prescribed period " be paid into the loans fund out of the revenues of the " Corporation chargeable with payment of the contribu- " tions to the loans fund in respect of the amount of stock " so redeemed or purchased and extinguished Provided " that if any amount of stock extinguished by application " of part of the loans fund as aforesaid is purchased by " the Corporation at a rate exceeding one hundred pounds " sterling for an amount of stock of the nominal value of " one hundred pounds the interest payable into the loans " fund under this section shall be calculated as if only one " hundred pounds sterling had been applied cut of the " loans fund for each amount of stock of the nominal value " of one hundred pounds which may have been purchased " and the Corporation shall pay into the loans fund during " the year in which the purchase is made an additional

" sum or sums equal in amount to the sum or sums paid " in excess of the said rate for the purchase of stock in " that year and the additional sum or sums shall be paid " out of the revenues of the Corporation chargeable with " the payment of the contributions to the loans fund in " respect of that amount of stock :

" (*b*) When the Corporation redeem or purchase and " extinguish stock by the application of any part of the " loans fund the stock so redeemed or purchased and " extinguished shall be deemed to be stock issued in " respect of such one or more of the statutory borrowing " powers exercised by the issue of stock and if in respect " of more than one in such proportions as the Corporation " shall direct Provided that no larger amount of stock " shall be redeemed or purchased and extinguished in " respect of any statutory borrowing power than the amount " which according to the actual price of redemption or " purchase could be redeemed or purchased with the contribu- " tions paid into the loans fund in respect of that borrowing " power and the accumulations (if any) thereon applicable " to the extinction of stock :

" (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 or to purchase and extin- " guish the amount of Corporation Stock in respect of " which the said contributions are made within the pre- " scribed period the amount of those contributions shall " be increased to such extent as will be sufficient for that " purpose and the amount of any such increased contri- " butions shall be paid out of the revenues of the Corpora- " tion 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 may at any time reduce the contribu- " tions to be made to the loans fund as aforesaid either " temporarily or permanently in any case in which it " appears to the Board that the said contributions would " if maintained be more than sufficient to redeem or to " purchase and extinguish the amount of Corporation Stock " in respect of which those contributions are made within " the prescribed period :

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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 or to purchase and extinguish any amount of Corporation Stock within the prescribed period the Corporation with the consent of the Board may discontinue the payment of contributions to the loans fund in respect of that amount of stock:

"(*d*) If it appears to the Corporation at any time that the amount in the loans fund to the credit of any loan together with the probable accumulations thereof will be more than sufficient to provide for the redemption and extinction of the amount of stock outstanding in respect of the loan within the prescribed period the Corporation with the consent of the Local Government Board may transfer a part of the amount in the loans fund to an account of the loans fund relating to some other loan or may apply any income from the said amount in the loans fund in excess of the amount which will be sufficient to provide for the redemption and extinction of the stock as aforesaid towards the payment of dividends upon the stock outstanding in respect of the loan or upon stock outstanding in respect of any other loan:

"(*e*) Any surplus of the loans fund remaining after the redemption or purchase and extinction of the whole of the stock to the redemption of which the fund is applicable shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine."

Investment and accumulation of capital receipts.

Art. III. Subsection (1) of Section 37 of the Local Act shall take effect as if there were added to that subsection the words "and as shall from time to time arise from any other source," and also the following paragraph that is to say:—

"Any sums paid into the loans fund in pursuance of this subsection or in pursuance of subsection (4) of Section 43 of this Act shall (unless the same be forthwith applied in the redemption or purchase and extinction of Corporation Stock) be invested in statutory securities and accumulated as the sums paid into the loans fund in respect of contributions under Section 35 of this Act are required to be invested and accumulated."

A.D. 1911.

Plymouth Order.

Art. IV. Section 38 of the Local Act shall be repealed and in substitution therefor the following provisions shall take effect that is to say:—

Application and use of loans fund.

" 38.—(1) The Corporation shall from time to time apply the " loans fund first in paying the dividends on Corporation " Stock and next in redeeming Corporation Stock according " to the terms of issue and purchasing Corporation Stock " for extinction.

" (2) Where the Corporation have any statutory bor- " rowing power the Corporation instead of raising moneys " in the exercise of the statutory borrowing power by the " creation and issue of additional Corporation Stock may " subject to this section exercise the statutory borrowing " power either wholly or partially by using for the purpose " any moneys for the time being forming part of the loans " fund and standing to the credit of any separate account " or separate accounts forming part of the general account " of the loans fund and not required for the payment of " dividends on Corporation Stock.

" (3) Where the Corporation determine to proceed in " the manner authorised by subsection (2) of this section " the Corporation shall pass a resolution to that effect and " shall by the resolution prescribe all such matters or " things as in or in pursuance of this section are referred " to as prescribed or are required to be prescribed and " after passing the resolution the Corporation shall—

" (*a*) withdraw from the loans fund the prescribed sum " which shall be equal to the amount of the statutory " borrowing power proposed to be exercised and that " sum shall be deemed to be withdrawn from such " separate account or separate accounts in the general " account of the loans fund as shall be prescribed; " and

" (*b*) deduct from the amount of Corporation Stock for " the time being chargeable to the undertaking or " purpose or attributable to the exercise of the borrowing " power to which a separate account prescribed as " aforesaid has reference a portion of stock at par value " equal to the sum withdrawn from that separate account " and transfer that portion of stock as from the prescribed " date to the separate account in respect of which the " statutory borrowing power is exercised under this " section.

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Plymouth Order.

" (4) The provisions of this Act shall apply—

(*a*) to the moneys withdrawn from the loans fund " and used as aforesaid as though the moneys so " withdrawn had been applied in the redemption of " Corporation Stock at par on the separate account " or separate accounts from which the moneys were " withdrawn and as though the moneys so used " had been raised by the issue of additional Cor- " poration Stock for the purposes of the separate " account in respect of which the statutory borrowing " power is exercised under this section; and

" (*b*) to the stock deducted and transferred as " aforesaid as though the stock so deducted had in " pursuance of this Act been redeemed by the " application of the loans fund on the separate " account or separate accounts from which the stock " was deducted but subject to the condition that " the said stock shall not be cancelled and as though " the stock so transferred were additional Corporation " Stock expressly issued for the purposes of the " separate account in respect of which the statutory " borrowing power is exercised under this section."

Application of income in reduction of contributions to loans fund.

Art. V. Section 41 of the Local Act shall be repealed and in substitution therefor the following provisions shall take effect that is to say :—

" 41.—(1) Where any money is standing on a separate account in " the loans fund being money paid into the loans fund as " rents and profits of land and other property of the Cor- " poration or being money paid into the loans fund as " interest on cash balances received by the Corporation or " being other money paid into the loans fund but not " being capital or in the nature of capital the Corporation " may deal with the same as in this section provided.

" (2) Where any money standing on a separate account " in the loans fund and required by this Act to be invested " and accumulated produces in any year a sum in excess of " that which it would have produced at the rate of interest " on which the payments to the loans fund are calculated " the Corporation may if they think fit deal with the excess " so produced in accordance with the provisions of sub- " section (3) of this section.

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Plymouth Order.

" (3) The Corporation may if they think fit from time to time apply the money described in subsection (1) of this section and the excess referred to in subsection (2) of this section to either of the purposes following or partly to one and partly to the other in such proportions as the Corporation from time to time may consider equitable and expedient that is to say :—

" (*a*) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the portion of Corporation Stock in relation to which the separate account on which the money or interest and annual proceeds is or are standing is kept :

" (*b*) In reduction of the contributions out of the Corporation revenues payable into the loans fund for redemption or purchase and extinction of that portion of stock."

Short titles.

Art. VI. This Order may be cited as the Plymouth Order 1911 and the Order of 1897 the Plymouth Order 1905 and this Order may together be cited as the Plymouth Orders 1897 to 1911.

Given under the Seal of Office of the Local Government Board this Twenty-first day of April One thousand nine hundred and eleven.

(L.S.)

John Burns President.
H. C. Monro Secretary.

URBAN DISTRICT OF SKIPTON.

Skipton Order.

Provisional Order for altering the Skipton Water and Improvement Act 1904.

To the Urban District Council of Skipton ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Skipton (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Skipton (herein-after referred to as "the District") and the unrepealed provisions of the Skipton Water and Improvement Act 1904 (herein-after referred to as "the Local Act") are in force in the District ;

4 Edw. 7. c. civ.

And whereas by Section 134 of the Local Act the Council were empowered to borrow the sums specified or referred to in paragraphs (A)

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Skipton Order.

(B) and (C) of that Section for the purposes and upon the securities mentioned in those paragraphs and with the approval of the Local Government Board such further moneys as the Council might require for any of the purposes of the Local Act or for any of the purposes of their waterworks undertaking;

And whereas the security upon which the Council may borrow the said further moneys is not prescribed by the Local Act and the Council have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Act in the manner herein-after set forth:

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 statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be altered so that the following provisions shall take effect that is to say:—

Security for loans.

Art. I. The Local Act shall have effect as if in Section 134 of that Act the words:—

> " and with the approval of the Local Government Board such
> " further moneys as the Council may require for any of the
> " purposes of this Act other than purposes of their waterworks
> " undertaking on the security of the district fund and general
> " district rate and with the like approval such further moneys
> " as the Council may require for any of the purposes of their
> " waterworks undertaking on the security primarily of the
> " revenue of their waterworks undertaking and if they think
> " fit in addition on the security of the district fund and
> " general district rate"

were substituted for the words:—

> " and with the approval of the Local Government Board such
> " further moneys as the Council may require for any of the
> " purposes of this Act or for any of the purposes of their
> " waterworks undertaking".

Short title.

Art. II. This Order may be cited as the Skipton Order 1911.

Given under the Seal of Office of the Local Government Board this Twenty-first day of April One thousand nine hundred and eleven.

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

URBAN DISTRICT OF WESTON-SUPER-MARE.

A.D. 1911.

Weston-super-Mare Order.

Provisional Order for altering the Weston-super-Mare Improvement Commissioners Water Act 1878 *and the Weston-super-Mare Improvement Act* 1887.

To the Urban District Council of Weston-super-Mare;—
And to all others whom it may concern.

WHEREAS the Urban District Council of Weston-super-Mare (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Weston-super-Mare (herein-after referred to as "the District");

And whereas the unrepealed provisions of the Weston-super-Mare Improvement Commissioners Water Act 1878 and the Weston-super-Mare Improvement Act 1887 (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") are in force in the District; 41 & 42 Vict. c. clxxxv. 50 & 51 Vict. c. cvii.

And whereas in pursuance of the Act of 1878 the water undertaking of the Weston-super-Mare Waterworks Company became vested in the Weston-super-Mare Improvement Commissioners (herein-after referred to as "the Commissioners") who were the predecessors of the Council and the Commissioners were empowered to maintain improve and extend the waterworks acquired by them under that Act and to supply water within the limits defined by Section 4 of that Act (which limits are herein-after referred to as "the water limits of the Council");

And whereas by Section 8 of the Act of 1887 the Commissioners were empowered to construct the reservoirs and other works specified in that Section but the said works have not been constructed and the period limited by that Act for the construction of those works has expired;

And whereas by the Local Acts the Commissioners were empowered to acquire land and to borrow money for the purposes of their water undertaking;

And whereas it is expedient that the Council be empowered to construct additional works in connexion with and for the purposes of their water undertaking and to borrow further moneys for those purposes;

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

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 38 & 39 Vict. c. 55.

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Weston-super-Mare Order.

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 that is to say:—

Additional reservoirs and works for supply of water.

Art. I.—(1) In addition to the works which they are authorised to construct and maintain under the provisions of the Local Acts the Council may subject to such conditions as may be prescribed and in accordance with such plans and sections as may be approved by the Local Government Board construct additional reservoirs and works in connexion therewith on lands held by them for the purposes of their water undertaking and may maintain as part of that undertaking the said reservoirs and works when constructed.

Application of provisions of Public Health Act 1875 to works and certain powers.

(2) Sections 53 54 308 327 to 329 and 332 of the Public Health Act 1875 shall apply and have effect in relation to any works and to any powers which the Council may construct or exercise in pursuance of subdivision (1) of this Article as if the said sections were herein re-enacted and in terms made applicable to the Council and to the said works and powers with the substitution of a reference to the water limits of the Council for any reference in the said sections to the district of a local authority and with such other modifications as may be necessary.

Additional borrowing power for water undertaking.

Art. II. The Council may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the revenue of their water undertaking and of the district fund and general district rate of the District or upon either of those securities such further moneys as may from time to time be required for the purposes of their water undertaking.

Local Loans Act and certain provisions of Public Health Act 1875 made applicable

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

Period for repayment of borrowed moneys.

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

Mode of repayment.

Art. V.—(1) The Council shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the

A.D. 1911.

Weston-super-Mare Order.

Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

Formation maintenance and application of sinking fund.

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

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

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

(3) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by Section 34 of the Local Loans Act 1875 but exclusive in every case of the securities of the Council and the Council shall be at liberty from time to time to vary and transpose the investments.

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

(5) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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(6)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards those equal annual payments.

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

Increase reduction or discontinuance of payments to sinking fund.

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

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

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

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

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

Art. VII.—(1) The Council shall have power— Power to re-borrow.

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

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

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

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

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

(A) by instalments or annual payments; or

(B) by means of a sinking fund; or

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

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

Art. VIII. All moneys from time to time borrowed under this Order shall be applied by the Council only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine. Application of borrowed moneys.

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

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(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him:

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

Return as to priovsion for repayment of debt.

Art. X.—(1) The clerk to the Council shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of the clerk showing for the year next preceding the making of the return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make the return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether the instalment or annual payment or sum is required by this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than an authorised purpose the Board may by order direct that the sum in their order mentioned not exceeding double the

amount in respect of which default has been made shall be paid or applied as is mentioned in the said order and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Inquiries and expenses.

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

Short title.

Art. XII. This Order may be cited as the Weston-super-Mare Order 1911.

Given under the Seal of Office of the Local Government Board this Twentieth day of April One thousand nine hundred and eleven.

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

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