CHAPTER lxxi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Birkenhead Bradford (Yorkshire) Chester Derby Leek Ossett and Plymouth. [30th June 1905.]

A.D. 1905.

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:—

Orders in schedule confirmed.

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.

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905.

[*Price* 1*s.* 3*d.*]

A.D. 1905.

SCHEDULE.

BOROUGH OF BIRKENHEAD.

Birkenhead Order.

Provisional Order for altering the Birkenhead Corporation Act 1902.

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

And to all others whom it may concern.

WHEREAS the Borough of Birkenhead (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;

44 & 45 Vict. c. cliii. 2 Edw. 7. c. lxii.

And whereas the unrepealed provisions of the Birkenhead Corporation Act 1881 and the Birkenhead Corporation Act 1902 (each of which Acts is herein-after referred to as the Act of the year in which it was passed) are in force in the Borough;

And whereas by Section 261 of the Act of 1881 the Corporation were empowered for the purposes therein mentioned to make and levy a special rate to be called the interest rate;

And whereas by Section 21 of the Act of 1902 the Corporation were empowered to borrow money for the purposes of their gas undertaking;

And whereas it is expedient to authorise the Corporation to borrow further moneys for the purposes of their gas undertaking and to make such other provisions as are herein contained:

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 the Act of 1902 shall be altered so that the following provisions shall have effect that is to say:—

Additional borrowing powers for gas undertaking.

Art. I. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the revenue of their gas undertaking and of the district fund and general district rate of the Borough and of the interest rate or upon any of those securities either together or separately such sums as are necessary for the

purposes of that undertaking in addition to the sums which they are already authorised to borrow for those purposes.

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

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

Art. III. The moneys borrowed under this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board 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 moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Period for repayment of borrowed money.

Art. IV.—(1) The Corporation shall repay the moneys borrowed under 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.

Mode of repayment.

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

Formation maintenance and application of sinking fund.

(*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 Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

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Birkenhead Order.

(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 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.

(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 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 Corporation in addition to the payments provided for by this Order.

Increase reduction or discontinuance of payments to sinking fund.

Art. V.—(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 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 Corporation 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 Corporation may with the consent of the Board discontinue the equal annual payments to the sinking fund until the Board otherwise direct.

Surplus of sinking fund.

(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.

Power to re-borrow.

Art. VI. 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 under 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 moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Application of borrowed *moneys*.

Art. VII. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-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.

Receiver.

Art. VIII.—(1) Subject to the provisions of this Article any mortgagee of the Corporation 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.

(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

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more mortgagees to such applicants collectively be not less than five hundred pounds in the whole.

Return as to provision for repayment of debt.

Art. IX.—(1) The borough 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 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 borough treasurer 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 borough 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 the 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 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 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. X. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by 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 Corporation 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 Corporation shall be a debt due to the Crown from the Corporation. A.D. 1905. *Birkenhead Order.*

Art. XI. This Order may be cited as the Birkenhead Order 1905.

Given under the Seal of Office of the Local Government Board this Twenty-second day of March One thousand nine hundred and five.

(L.S.) G. W. Balfour President.
S. B. Provis Secretary.

CITY OF BRADFORD.

Provisional Order for altering the Bradford Corporation Act 1901. *Bradford Order.*

To the Mayor Aldermen and Citizens of the City of Bradford;—
And to all others whom it may concern.

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

And whereas the unrepealed provisions of the Bradford Corporation Act 1866 the Bradford Tramways and Improvement Act 1897 and the Bradford Corporation Act 1901 (each of which Acts is herein-after referred to as the Act of the year in which it was passed) are in force in the City; 29 & 30 Vict. c. ccxxii. 60 & 61 Vict. c. cclx. 1 Edw. 7. c. cci.

And whereas by Section 57 of the Act of 1866 the Corporation were empowered to borrow on mortgage sums not exceeding in the whole the sum of one hundred and fifty thousand pounds to be applied to purposes of that Act including the making and providing of market places and market houses and buildings works and conveniences connected therewith;

And whereas by a Provisional Order of the Local Government Board dated the sixth day of May one thousand eight hundred and eighty-seven (herein-after referred to as "the Order") and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1887 the Corporation were empowered to borrow the further sum of thirty thousand pounds for enlarging and extending their markets and slaughterhouses; 50 & 51 Vict. c. xxxiv.

And whereas by Section 47 of the Act of 1897 the Corporation were empowered to borrow on the securities therein mentioned the sum of twelve thousand five hundred pounds for market extensions;

And whereas by Section 33 of the Act of 1901 the Corporation were empowered to borrow on the securities therein mentioned any sums not exceeding fifty-two thousand six hundred and twenty pounds for market and slaughterhouse purposes;

And whereas by the Act of 1901 provision is made as to the repayment of all moneys borrowed or to be borrowed by the Corporation under the

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Bradford Order.

powers of that Act and by Section 35 of the Act of 1901 it is provided that moneys borrowed under that Act shall be repaid within the periods which are prescribed by that Act and in the said Act and in this Order are referred to as the prescribed periods;

And whereas it is expedient that further provision should be made with respect to the powers of the Corporation to borrow money for the purposes of markets fairs and slaughterhouses or other purposes of their market undertaking:

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 Act of 1901 shall be altered so that the following provisions shall take effect that is to say:—

Additional borrowing powers for markets fairs and slaughter-house purposes.

Art. I. In addition to the sums already authorised to be borrowed the Corporation may under and subject to the provisions of the Act of 1901 borrow any sum not exceeding forty-five thousand pounds for the purposes of markets fairs and slaughterhouses or other purposes of their market undertaking including any building for the accommodation of persons resorting to a market or fair:

Provided that no part of the said sum of forty-five thousand pounds shall be borrowed without the sanction of the Local Government Board and that any moneys so borrowed shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned shall with reference to the moneys to be repaid be the prescribed period for the purposes of the Act of 1901 as applied by this Order.

Inquiries and expenses.

Art. II. 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 the Board in relation to such 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 such inquiry) shall be paid by the Corporation 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 Corporation shall be a debt due to the Crown from the Corporation.

Art. III. The Order may be cited as the Bradford Order 1887 this Order may be cited as the Bradford Order 1905 and the said two Orders may be cited as the Bradford Orders 1887 and 1905.

Given under the Seal of Office of the Local Government Board this Twenty-eighth day of March One thousand nine hundred and five.

(L.S.)

G. W. Balfour President.
S. B. Provis Secretary.

CITY OF CHESTER.

A.D. 1905.

Chester Order.

Provisional Order for altering the Chester Improvement Act 1884.

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

And to all others whom it may concern.

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

And whereas the unrepealed provisions of the Chester Improvement Act 1845 (herein-after referred to as "the Act of 1845") and of the Chester Improvement Act 1884 (herein-after referred to as "the Local Act") as altered by the Chester Corporation Act 1901 (herein-after referred to as "the Act of 1901") are in force in the City; 8 & 9 Vict. c. xv. 47 & 48 Vict. c. ccxxxix. 1 Edw. 7. c. cxcii.

And whereas by Section 13 of the Local Act the Corporation were empowered to borrow for the purchase of property and effecting street and other improvements authorised by the Local Act and for any other purposes of that Act and of the Act of 1845 the sum of thirty-five thousand pounds;

And whereas by Section 84 of the Local Act the Corporation were empowered for the purposes of improvements under that Act to enter upon take hold and use all or any of the lands in that section referred to;

And whereas by Section 87 of the Local Act the Corporation were empowered to purchase by agreement and hold for any of the purposes of or with a view to executing any of the powers conferred by the Local Act or the Act of 1845 as amended by the Local Act lands not exceeding five acres in the whole;

And whereas the Corporation by virtue of Section 84 of the Local Act acquired certain lands situate at the Cross in the City for the purposes of a street improvement and the land described in Schedule A. to this Order (being part of the lands so acquired and herein-after referred to as "the surplus land") has not been appropriated and was not required for the purposes of the said street improvement but has been retained and utilized for the erection of buildings;

And whereas the Corporation have purchased the lands and premises known as "the Dee Mills" and described in Schedule B. to this Order for the purpose of (amongst other things) protecting the amenities of the City and of the River Dee and the weir or causey which regulates the flow of the tides in that river;

And whereas it is expedient that the provisions herein-after set forth should be made with regard to the lands and premises described in Schedules A. and B. to this 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 38 & 39 Vict. c. 55.

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Chester Order.

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 :—

Authorisation of retention and use of surplus land.

Art. I.—(1) Notwithstanding anything in the Local Act or in the Act of 1845 or in any other enactment the Corporation shall be deemed always to have had and to have power to retain utilise and build upon the surplus land.

(2) For the purpose of defraying the cost of erecting buildings on the surplus land and of maintaining altering and improving any building so erected and for any other purpose connected therewith the provisions of the Municipal Corporations Acts in relation to corporate land shall be deemed always to have applied and to apply to the surplus land and to the buildings thereon.

Authorisation of purchase holding maintenance and improvement of Dee Mills.

Art. II. The Corporation shall be deemed to have been empowered to purchase and shall be empowered to hold maintain and improve for the purposes of the Local Act and the Act of 1845 the lands and premises described in Schedule B. to this Order and the purposes of those Acts so far as regards the said lands and premises and their acquisition retention maintenance and improvement shall extend to the purposes of the Public Health Acts and the Municipal Corporations Acts and to such other purposes as the Local Government Board may authorise and subject to any such authorisation by the Local Government Board the Corporation may exercise any powers rights or privileges exerciseable by the Corporation as owners of the said lands and premises for preserving facilitating or improving the use by pleasure boats and vessels of the adjoining waters of the River Dee for preserving or improving the amenities of the neighbouring parts of the City or of any corporate land or other property of the Corporation or for facilitating or improving the action of any work provided by or belonging to the Corporation.

Appropriation of capital moneys by Corporation for purposes of this Order.

Art. III. Any purpose of this Order shall be deemed to be a purpose for which the Corporation may in accordance with the provisions of the Municipal Corporations Acts and as if the purpose were a purpose of those Acts appropriate capital moneys belonging to them and arising from the sale or exchange of corporate land or from the sale of securities in which investments of the proceeds of the sale or exchange of corporate land have been made by the Corporation in the matter of the said Acts.

Additional borrowing powers for purposes of this Order.

Art. IV. In addition to the sums which they are authorised by Section 13 of the Local Act to borrow the Corporation may subject to the provisions of this Order borrow on the security of the borough fund and borough rate of the city such sums as the Local Government Board may from time to time sanction for the purposes of this Order.

Period for repayment of borrowed money.

Art. V. The moneys borrowed under this Order shall be repaid within such period from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine and the period so

determined and sanctioned shall be deemed to be the prescribed period for the purposes of the Act of 1901.

Application of Local Act provisions to moneys borrowed under this Order.

Art. VI. The provisions of Sections 55 to 57 and 59 to 64 of the Act of 1901 shall with the necessary modifications apply to all moneys borrowed under this Order.

Inquiries and expenses.

Art. VII. 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 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 Corporation 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 Corporation shall be a debt due to the Crown from the Corporation.

Art. VIII. This Order may be cited as the Chester Order 1905.

The SCHEDULES above referred to.

SCHEDULE A.

All that piece of land situate at the Cross in the City of Chester and containing in the whole by admeasurement 109 yards or thereabouts and delineated and coloured red on a plan which is marked Plan No. 1 and is sealed with the official seal of the Local Government Board and deposited in their office and a duplicate whereof sealed in like manner shall be deposited in the Town Hall Chester within fourteen days from the date of this Order.

SCHEDULE B.

All those lands hereditaments and premises situate at or near the old Dee Bridge in the City delineated and coloured red on a plan which is marked Plan No. 2 and is sealed with the official seal of the Local Government Board and deposited in their office and a duplicate whereof sealed in like manner shall be deposited in the Town Hall Chester within fourteen days from the date of this Order together with the water mills known as the Dee Mills and

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the old waterworks adjoining thereto and the weir or causey milldams millraces fisheries wharves water and other rights adjoining belonging or appertaining thereto.

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

(L.S.)

G. W. BALFOUR President.
S. B. PROVIS Secretary.

BOROUGH OF DERBY.

Derby Order. *Provisional Order for altering the Derby Corporation Act* 1882 *the Derby Corporation Tramways &c. Act* 1899 *and the Derby Corporation Act* 1901.

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

And to all others whom it may concern.

WHEREAS the Borough of Derby (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;

45 & 46 Vict. c. ccxlv. 62 & 63 Vict. c. exciii. 1 Edw. 7. c. cclxvii.

And whereas there are in force in the Borough the unrepealed provisions of the Derby Corporation Act 1882 as altered by the Derby Order 1895 which was confirmed by Parliament but does not affect the subject-matter of this Order the Derby Corporation Tramways &c. Act 1899 and the Derby Corporation Act 1901 (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");

And whereas by subsection (1) of Section 108 of the Act of 1882 it is enacted that once in every year at a time appointed by the Local Government Board the Corporation shall send to the Board an abstract of the accounts of the Corporation relating to corporation stock and the loans fund in a form prescribed by the Board and verified by a statutory declaration of the town clerk if required by the Board;

And whereas by Section 54 of the Act of 1899 it is enacted that the borough treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid in respect of any mortgages created or issued under that Act or under any statutory borrowing power transmit to the Local Government Board a return in such form as may be prescribed by the Board and verified by statutory declaration if so required by them;

And whereas by Section 112 of the Act of 1901 it is enacted that if the works of sewerage and sewage disposal authorised by Part V. of that Act are not completed within four years from the passing of the said Act

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Derby Order.

then on the expiration of that period the powers granted by the Act for the making of the works or otherwise in relation thereto shall cease except as to such of them or so much thereof as is then completed;

And whereas the said period of four years will expire on the Seventeenth day of August One thousand nine hundred and five and it is expedient that the Local Acts should be altered as herein-after provided:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 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:—

38 & 39 Vict. c. 55.

Art. I.—(1) Subsection (1) of Section 108 of the Act of 1882 and Section 54 of the Act of 1899 shall have effect as if the abstract and the return thereby required to be sent to the Local Government Board were required to be sent to the Board by the town clerk and were required to be verified by a statutory declaration of the town clerk or of such other officer of the Corporation as the Board may on the application of the Corporation approve.

Alteration of Section 108 of Act of 1882 and Section 54 of Act of 1899 with regard to transmission and verification of abstracts and returns.

(2) The provisions of Section 54 of the Act of 1899 so far as they relate to the wilful default of the borough treasurer shall apply and have effect with respect to the wilful default of the town clerk in the transmission of the abstract or of the return mentioned in subdivision (1) of this Article or with respect to the wilful default of the town clerk or other officer in the verification by statutory declaration of the abstract or return as if the said provisions with the necessary modifications were herein re-enacted and in terms made applicable.

(3) Subsection (2) of Section 108 of the Act of 1882 is hereby repealed.

Art. II. Section 112 of the Act of 1901 shall have effect as if for the words "within four years from the passing of this Act" there were substituted the words "within five years from the passing of this Act or within "such further period not exceeding one year as the Local Government "Board may by order allow."

Extension of period for completion of works of sewerage &c.

Art. III. This Order may be cited as the Derby Order 1905.

Given under the Seal of Office of the Local Government Board this Twenty-eighth day of March One thousand nine hundred and five.

(L.S.)

G. W. Balfour President.
S. B. Provis Secretary.

A.D. 1905.

Leek Order.

URBAN DISTRICT OF LEEK.

Provisional Order for partially repealing and altering the Leek Improvement Act 1855.

To the Urban District Council of Leek; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Leek (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 Leek (herein-after referred to as "the District");

18 & 19 Vict. c. cxxxii.

And whereas the unrepealed provisions of the Leek Improvement Act 1855 (herein-after referred to as "the Local Act") as altered by a Provisional Order of the Local Government Board dated the Sixth day of May One thousand eight hundred and seventy-eight which was confirmed by the

41 & 42 Vict. c. clxiv.

Local Government Board's Provisional Orders Confirmation (Abergavenny Union &c.) Act 1878 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act") and by certain other Provisional Orders which were duly confirmed by Parliament but do not affect the subject-matter of this Order are in force in the District;

10 & 11 Vict. c. 34.

10 & 11 Vict. c. 89.

And whereas by Section 100 of the Local Act certain provisions of the Towns Improvement Clauses Act 1847 and by Section 130 of the said Act the provisions of the Town Police Clauses Act 1847 were incorporated with the Local Act;

And whereas by Section 133 of the Local Act as altered by the Order the Leek Improvement Commissioners who were the predecessors of the Council were empowered to borrow moneys on certain securities which included the rates granted by the Local Act;

And whereas by virtue of Sections 139 140 and 141 of the Local Act the Council are empowered to make rates termed "the Cemetery Rate" "the Rate for Paving and Sewering" and "the Rate for General Purposes";

And whereas all the expenses incurred or payable by the Council in the execution of the Public Health Acts are defrayed out of the Rate for General Purposes levied by the Council under Section 141 of the Local Act;

And whereas it is expedient that the Local Act should be partially repealed and altered as herein-after mentioned with regard to the levy of rates for sanitary purposes and any other purposes of the Local Act and to the security for loans heretofore contracted for purposes of the Local Act and to other matters:

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 (herein-after referred to

as "the commencement of this Order") the Local Act shall be partially repealed and altered as herein-after mentioned that is to say :—

Partial repeal and alteration of Local Act.

Art. I.—(1) The following provisions of the Local Act namely,—

So much of Section 100 as incorporates Sections 156 to 199 of the Towns Improvement Clauses Act 1847 ;

So much of Section 130 as incorporates Section 70 of the Town Police Clauses Act 1847 ;

Sections 139 to 145 ; and

Sections 148 149 152 and 153

shall be wholly repealed except so far as regards any private improvement rate which may be hereafter made and levied by the Council upon owners of property under Section 138 of the Local Act.

(2) The Local Act shall be altered as follows :—

(*a*) Section 146 shall have effect as if references to the Cemetery Account the Paving and Sewering Account and the General Purposes Account and also as if the words "and the cemetery " and the paving and sewering and the other purposes of this " Act" were omitted from the said section :

(*b*) Sections 147 150 and 151 shall respectively have effect as if the words "District Fund" were substituted therein for the words "General Purposes Account."

Art. II. The Local Act shall be further altered and the Confirming Act so far as it relates to the Order shall be altered so that the following provisions shall have effect that is to say :—

Establishment of district fund on which expenses are to be charged.

(1) All expenses incurred or payable or to be incurred or become payable by the Council in the execution of the Local Act as altered by the Order the other Provisional Orders above referred to and this Order and of the Public Health Acts or of any Public General Act under which the expenses of an Urban District Council are to be defrayed as expenses of the execution of the Public Health Acts or are to be charged on and defrayed out of the district fund and general district rate for the purposes of the Public Health Act 1875 shall notwithstanding anything in Section 207 of that Act be charged on and defrayed out of a district fund to be established and a general district rate to be levied by the Council under the Public Health Act 1875 and all the provisions of the last-mentioned Act with respect to the district fund and general district rate for the purposes of the Public Health Acts shall apply and have effect accordingly.

Receipts to be carried to district fund.

(2) All moneys received by the Council after the commencement of this Order under or by virtue of the Local Act as altered as aforesaid other than capital moneys and moneys expressly by law made applicable to purposes to which the district fund will not be applicable shall be carried to the district fund.

A.D. 1905.

Leek Order.

Application of capital moneys.

(3) All moneys in the nature of capital received by the Council in pursuance of the Local Act as altered as aforesaid shall be applied in or towards paying off any moneys borrowed for the purposes of the Local Act and for the time being owing or if there be no moneys so owing in or towards paying off any other borrowed moneys for the time being owing by the Council Provided that the moneys so received shall not be applied to the payment of instalments appropriations or annual repayments or to payments into any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

(4) All moneys borrowed under the Local Act as altered as aforesaid which at the commencement of this Order remain unapplied and all moneys borrowed thereunder after the commencement of this Order shall be appropriated to the purposes for which the same were or are authorised to be so borrowed.

Altering security for loans.

(5) The district fund established and the general district rate leviable in pursuance of subdivision (1) of this Article shall be substituted for all or any of the rates formerly leviable under the Local Act as the security or as part of the security upon which any money may be borrowed by the Council under the unrepealed provisions of the Local Act as altered by the Order and this Order.

(6) So much of any sums borrowed by the Council as will at the commencement of this Order be owing and charged upon all or any of the rates formerly leviable under the Local Act shall be charged upon and defrayed out of the district fund and general district rate of the district.

Saving for rights of mortgagees.

(7) Nothing in this Order contained shall prejudice alter invalidate or affect any mortgage or other security which may have been given by the Council in respect of any moneys borrowed on the security of all or any of the rates formerly leviable under the Local Act or the rights and powers of the persons entitled under any such mortgage or other security to enforce the same and where for any such purpose it is necessary to continue the levy of a rate or the exercise of a power which would have existed but for this Order the rate may continue to be levied and the power to be exercised as if this Order had not been made.

Art. III. This Order may be cited as the Leek Order 1905.

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

(L.S.)

G. W. Balfour President.
S. B. Provis Secretary.

BOROUGH OF OSSETT.

A.D. 1905.

Ossett Order.

Provisional Order for altering the Ossett-cum-Gawthorpe Local Board Act 1875.

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

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

And whereas the unrepealed provisions of the Ossett-cum-Gawthorpe Local Board Act 1875 (herein-after referred to as "the Local Act") as altered by the Ossett Orders 1880 and 1898 which were duly confirmed by Parliament but do not affect the subject-matter of this Order are in force in the Borough; 38 Vict. c. lxix.

And whereas by virtue of Section 27 of the Local Act the Corporation are empowered to demand and take for the supply of water for domestic purposes (which shall include water-closets) such rates as they may from time to time with the approval of the Local Government Board fix and determine;

And whereas it is expedient that the Corporation be empowered to make charges for the supply of water to a fixed bath:

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:— 38 & 39 Vict. c. 55.

Corporation empowered to make rates for fixed baths.

Art. I. Section 27 of the Local Act shall have effect as if subject to the provisions of that section and subject to any other provisions of the Local Act with respect to the rates which the Corporation may demand and take for the supply of water for domestic purposes the Corporation were by the said section empowered to demand and take separate and additional rates for the supply of water for the purposes of fixed baths.

Art. II. This Order may be cited as the Ossett Order 1905 and the Ossett Orders 1880 and 1898 and this Order may be cited together as the Ossett Orders 1880 to 1905.

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

(L.S.)

G. W. BALFOUR President.
S. B. PROVIS Secretary.

A.D. 1905.

Plymouth Order.

BOROUGH OF PLYMOUTH.

Provisional Order for altering certain Local Acts.

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. 61 & 62 Vict. c. cxxxix.

And whereas the unrepealed provisions of the Plymouth Corporation Act 1887 and the Plymouth Corporation Act 1898 (each of which Acts is herein-after separately referred to as the Act of the year in which it was passed and both of which Acts are herein-after collectively referred to as "the Local Acts") are in force in the Borough;

And whereas by Section 30 of the Act of 1887 the Corporation were empowered subject and according to the provisions of Part III. of that Act to exercise any statutory borrowing power possessed by them by the creation of Plymouth Corporation Redeemable Stock (herein-after referred to as "Corporation Stock") and by Section 33 of that Act it was provided that for the payment of dividends on and 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 Section 40 of the Act of 1887 provision was made for the keeping by the Corporation of separate accounts as part of the general account of the loans fund and for showing in the separate accounts certain particulars in relation to each undertaking and purpose and by Section 45 of that Act provision was made with regard to the application of money raised by Corporation Stock;

And whereas by Section 54 of the Act of 1898 the Corporation were empowered subject to the provisions of that Act to construct and maintain a wharf wall and embankment and by Section 57 of that Act the period for the making and completion of the said wharf wall and embankment was limited to seven years from the passing of that Act:

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 as is herein-after provided that is to say:—

38 & 39 Vict. c. 55.

Altering provisions of Act of 1887 as to account of loans fund and application of money raised by Corporation Stock.

Art. I.—(1) Section 40 of the Act of 1887 shall have effect as if the words "arising from any sale lease or other disposition of land or other property of the Corporation" were omitted from paragraph (*e*) of sub-section (3) of that section.

A.D. 1905.

Plymouth Order.

(2) Section 45 of the Act of 1887 shall have effect as if the following proviso were added to that section namely,—

"Provided that if after the raising of money by Corporation "Stock under this Act it is found that any part of the money is "not required for the purposes to which it is applicable as aforesaid "the Corporation shall pay the amount into the loans fund and shall "carry the sum so paid to the proper separate account forming part "of the general account of the loans fund and every such sum if not "forthwith applied in the redemption and extinction or purchase "and extinction of Corporation Stock shall be invested on statutory "securities."

Altering provisions of Act of 1898 with regard to period of time fixed for completion of wharf wall &c.

Art. II. Section 57 of the Act of 1898 shall have effect as if in regard to the making and completion of so much of the work authorised by Section 54 of that Act as extends for a length of two hundred yards measured in a south-west direction from the southern termination of Messieurs Martin's wharf at Prince Rock the period of eight years from the passing of the Act of 1898 were substituted in that section for the period of seven years from the passing of that Act.

Art. III. This Order may be cited as the Plymouth Order 1905.

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

(L.S.)

G. W. Balfour President.
S. B. Provis Secretary.

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