CHAPTER cxxviii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Blackpool Briton Ferry Cleckheaton Preston and Workington. A.D. 1913.

[15th August 1913.]

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. 4) Act 1913. Short title.

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SCHEDULE.

BOROUGH OF BLACKPOOL.

Blackpool Order.

Provisional Order for altering the Blackpool Improvement Act 1899 *and the Local Government Board's Provisional Orders Confirmation (No.* 11) *Act* 1902.

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

And to all others whom it may concern.

WHEREAS the Borough of Blackpool (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;

62 & 63 Vict. c. clxxxiv.

2 Edw. 7. c. lxxxiv.

And whereas there are in force in the Borough the unrepealed provisions of the Blackpool Improvement Act 1899 (herein-after referred to as "the Local Act") as altered by another Local Act and by the Blackpool Order (No. 1) 1902 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1902 (which Order and Act are herein-after respectively referred to as "the Order of 1902" and "the Confirming Act of 1902");

And whereas by Section 6 of the Local Act as altered by Article I. of the Order of 1902 the Corporation were empowered subject to and in accordance with the provisions of the Local Act and the Order of 1902 to make and maintain certain works including the works therein referred to as Work No. 1 Work No. 4 and Work No. 5 which works are herein-after referred to as "the parade works";

And whereas the parade works as constructed by the Corporation have not been constructed in all respects in accordance with the provisions of the Local Act as altered by the Order of 1902 but some variations have been made which the Corporation deemed to be desirable in order to effectuate the purposes of the Local Act;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Act as altered as aforesaid and the Confirming Act

of 1902 so far as it relates to the Order of 1902 in the manner herein-after set forth: A.D. 1913.

Blackpool Order.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act as altered as aforesaid and the Confirming Act of 1902 so far as it relates to the Order of 1902 shall be altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict. c. 55.

Art. I. The parade works together with any works and conveniences connected therewith so far as the same have been constructed by the Corporation otherwise than in accordance with the provisions of the Local Act as altered by the Order of 1902 shall be deemed to have been constructed by the Corporation in the exercise of their powers under the Local Act as so altered and that Act and the Confirming Act of 1902 so far as it relates to the Order of 1902 shall apply and have effect accordingly. Authorisation of works constructed by Corporation.

Art. II. This Order may be cited as the Blackpool Order 1913. Short title.

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

(L.S.) JOHN BURNS President.
H. C. MONRO Secretary.

URBAN DISTRICT OF BRITON FERRY.

Provisional Order for altering the Briton Ferry Local Board Act 1873 *and certain Confirming Acts.* *Briton Ferry Order.*

To the Urban District Council of Briton Ferry;—

And to all others whom it may concern.

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

And whereas there are in force in the district the unrepealed provisions of the Briton Ferry Local Board Act 1873 (herein-after referred to as "the Local Act") as altered by the Briton Ferry Orders 1876 to 1905 which were respectively confirmed by the Local 36 & 37 Vict. c. cxxii. 39 Vict. c. xvi.

A.D. 1913. Government Board's Provisional Orders Confirmation (Briton Ferry &c.) Act 1876 the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880 and the Local Government Board's Provisional Orders Confirmation (No. 13) Act 1905 (each of which Orders and Confirming Acts is herein-after referred to as the Order or the Confirming Act as the case may be of the year wherein it was made or passed and all of which Orders and Confirming Acts are herein-after referred to respectively as "the Orders" and "the Confirming Acts");

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43 & 44 Vict. c. xxxvi.
5 Edw. 7. c. lxxxvi.

And whereas by virtue of the Local Act the Local Board for the district of Briton Ferry (who were the predecessors of the Council and are herein-after referred to as "the Local Board") purchased from the Briton Ferry Gas and Coke Company (herein-after referred to as "the Company") and from the person in the Local Act referred to as the Lessee the works and undertaking of the Company including the leasehold interest in the lands described in Schedule A. to the Order of 1905 and the Council now carry on that undertaking as the successors of the Local Board;

And whereas by virtue of Section 20 of the Local Act all the statutory and other rights powers privileges and authorities by or under any Act conferred on given to or vested in the Company so far as the same could be applicable to a local board and subject to all the statutory and other obligations restrictions and duties by or under any Act imposed or incumbent on the Company so far as the same could be applicable to a local board and were not inconsistent with the Local Act apply to and are vested in the Council;

29 Vict. c. xl.

And whereas by virtue of Section 36 of the Briton Ferry Gas Act 1866 (herein-after referred to as "the Act of 1866") as applied to the Council by virtue of Section 20 of the Local Act and of Article I. of the Order of 1905 the Council are empowered for the purposes of their gas undertaking to purchase take and hold (by agreement but not otherwise) any lands and hereditaments which they may require for those purposes including the taking of lands on lease provided that the Council do not hold more at any one time than three acres but the Council are prohibited from using any lands for the purpose of manufacturing gas and residual products excepting the lands which are described in Schedules A. B. and C. to the Order of 1905 and excepting upon those lands the Council are prohibited from constructing any works for the storage of gas within three hundred yards of any dwelling-house;

And whereas by Section 36 of the Local Act as altered by the Order of 1876 the Local Board were empowered to borrow with the sanction of the Local Government Board in addition to any moneys they might have borrowed or were authorised to borrow under any

other Act such sums as they might think requisite for all or any of the purposes of the Local Act not exceeding in the whole the sum of twenty thousand pounds; A.D. 1913.

Briton Ferry Order.

And whereas by Article IV. of the Order of 1905 the Council were empowered with the sanction of the Local Government Board and subject to the provisions of the Order of 1905 to borrow on the security of the revenue arising from their gas undertaking and of the district fund and general district rate of the district or upon either of those securities sums not exceeding in the whole the sum of twenty thousand pounds for the purposes of their gas undertaking;

And whereas the Council have purchased the leasehold interests of and in part of the land described in Schedule A. to this Order and have purchased or agreed to purchase the freehold interests of and in the whole of the land described in the said Schedule A. subject to certain unexpired leasehold interests of and in so much of the land as is not subject to the leasehold interests which have been acquired by them as aforesaid;

And whereas the Council have taken on lease part of the land described in Schedule B. to this Order and have purchased the freehold interests of and in the remainder of the land described in the said Schedule B. subject to certain unexpired leasehold interests;

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 as altered as aforesaid and the Confirming Act of 1905 in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act and the Confirming Acts so far as they respectively relate to the Orders shall be altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict. c. 55.

Art. I.—(1) Notwithstanding anything in the Local Act or in Section 36 of the Act of 1866 as applied by the Local Act the Council may hold and use for all or any of the purposes of their gas undertaking including the manufacture and storage of gas and residual products all or any of the lands described in the Schedules A. and B. to this Order in respect of which there is for the time being no outstanding leasehold interest not acquired by the Council. Additional gas lands.

(2) For the purposes of this Article the expression "residual products" includes coke culm asphaltum pitch tar oil ammoniacal liquor or any other refuse or residual matter or thing produced in or resulting from the manufacture of gas.

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Briton Ferry Order.

Additional borrowing powers for gas purposes.

Art. II. The Local Act as altered by the Orders and the Confirming Act of 1905 so far as it relates to the Order of 1905 shall have effect as if the words "forty thousand pounds" were inserted in Article IV. of the Order of 1905 instead of the words "twenty thousand pounds."

Short titles.

Art. III. This Order may be cited as the Briton Ferry Order 1913 and the Orders and this Order may be cited together as the Briton Ferry Orders 1876 to 1913.

The SCHEDULES above referred to.

SCHEDULE A.

All that piece of land situate in the Parish of Britonferry containing 950 square yards or thereabouts and bounded on the northerly and westerly sides by the existing gasworks of the Urban District Council of Briton Ferry on the easterly side by Victoria Road and on the southerly side by Regent Street West.

SCHEDULE B.

All that piece of land situate in the Parish of Britonferry containing 2,730 square yards or thereabouts and bounded on the easterly and northerly sides by the existing gasworks of the Urban District Council of Briton Ferry on the southerly side by Regent Street West and on the westerly side by a lane at the rear of houses on the eastern side of Shelone Road.

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

(L.S.) JOHN BURNS President.
H. C. MONRO Secretary.

URBAN DISTRICT OF CLECKHEATON.

A.D. 1913.

Cleckheaton Order.

Provisional Order for altering the Cleckheaton Local Board Act 1870 *and the Local Government Board's Provisional Orders Confirmation (No. 4) Act* 1888.

To the Urban District Council of Cleckheaton; —

And to all others whom it may concern.

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

And whereas there are in force in the District the unrepealed provisions of the Cleckheaton Local Board Act 1870 (herein-after referred to as "the Local Act") as altered by a Provisional Order of the Local Government Board dated the First day of May One thousand eight hundred and eighty-eight which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1888 (which Provisional Order and Confirming Act are herein-after referred to respectively as "the Order of 1888" and "the Confirming Act of 1888");

33 & 34 Vict. c. lxix.

51 & 52 Vict. c. lxii.

And whereas by the Local Act as altered by the Order of 1888 the predecessors of the Council were empowered to borrow sums amounting to seventy-five thousand pounds for the purposes of their gas undertaking and it is expedient that the Council be empowered 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 partially repeal alter or amend the Local Act and the Confirming Act of 1888 in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act and the Confirming Act of 1888 so far as it relates to the Order of 1888 shall be partially repealed and altered so that the following provisions shall take effect that is to say:—

38 & 39 Vict. c. 55.

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 gas rates and other rates rents and revenue under the Local Act and of the district fund and general district rate of the District or upon any of those securities such sums not exceeding

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in the whole the sum of fifty thousand pounds as may from time to time be required for the purposes of their gas undertaking in addition to any moneys which they are authorised to borrow for those purposes under the Local Act as altered by the Order of 1888.

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

Art. II. 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. III. The moneys borrowed under Article I. 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. IV.—(1) The Council 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.

Formation maintenance and application of sinking fund.

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

(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. V.—(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

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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.

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 Council with the consent of the Local Government Board may determine.

Power to re-borrow.

Art. VI.—(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.

(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.

Application of borrowed moneys.

Art. VII. 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.

Receiver.

Art. VIII.—(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.

(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 provision for repayment of debt.

Art. IX.—(1) So much of the Confirming Act of 1888 as relates to the paragraphs numbered (2) and (3) respectively in Article VII. of the Order of 1888 is hereby repealed.

(2) 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 the Order of 1888 or of this Order or in respect of any money raised for the purposes of the gas undertaking of the Council 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

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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.

(3) 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 the Order of 1888 or 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 the Local Act the Order of 1888 or 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 titles.

Art. XI. This Order may be cited as the Cleckheaton Order 1913 the Order of 1888 may be cited as the Cleckheaton Order 1888 and

the Order of 1888 and this Order may be cited together as the Cleckheaton Orders 1888 and 1913. A.D. 1913. *Cleckheaton Order.*

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

(L.S.) John Burns President.
H. C. Monro Secretary.

BOROUGH OF PRESTON.

Provisional Order for partially repealing and altering the Preston Corporation Markets Act 1861 *and the Preston Improvement Act* 1869. *Preston Order.*

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

And to all others whom it may concern.

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

And whereas there are in force in the Borough the unrepealed provisions of the Preston Corporation Markets Act 1861 and the Preston Improvement Act 1869 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and which Acts are herein-after together referred to as "the Local Acts") as altered by a Provisional Order duly confirmed by Parliament which does not affect the subject-matter of this Order; 24 Vict. c. vii. 32 & 33 Vict. c. lxxxvii.

And whereas by Section 15 of the Act of 1861 the Corporation were authorised to provide new market houses and market places for the sale of all marketable commodities and places for fairs and to provide and hold a cattle market for the sale of all kinds of cattle with all such approaches works and conveniences as the Corporation might think fit and to alter enlarge and improve any of the existing or future market houses market places places for fairs and cattle market within the Borough for the time being belonging to the Corporation;

And whereas by Section 44 of the Act of 1861 the Corporation were empowered to borrow money for the purposes therein mentioned which included the markets of the Corporation and by Sections 47 48 and 52 of the Act of 1861 provision was made with respect to mortgages and re-borrowing;

And whereas Section 44 of the Act of 1861 was repealed by the Act of 1869 and by Section 24 of the Act of 1869 the Corporation were

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empowered to borrow moneys for public improvements as by that Act defined and by Sections 25 26 27 and 29 of that Act provision was made with respect to the repayment of the said moneys and with respect to mortgages and re-borrowing;

And whereas at the Thirty-first day of March one thousand nine hundred and thirteen there was outstanding in respect of the moneys borrowed by the Corporation under the powers of the Local Acts for public improvements as defined as aforesaid the sum of One hundred and fifteen thousand eight hundred and sixty-two pounds three shillings and nine-pence (herein-after referred to as "the existing debt") and it is expedient that further provision should be made for the repayment of the existing debt and that the Corporation should be empowered to borrow further moneys for the purposes of their market undertaking;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to partially repeal alter or amend the Local Acts as altered as aforesaid 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 Acts as altered as aforesaid shall be partially repealed and altered so that the following provisions shall take effect that is to say:—

Repeal of certain sections of Local Acts.

Art. I.—(1) Sections 47 48 and 52 of the Act of 1861 and Sections 24 25 26 27 29 and 30 of the Act of 1869 shall be repealed.

(2) So much of Section 7 of the Act of 1861 and of Section 2 of the Act of 1869 as incorporates the provisions of the Commissioners Clauses Act 1847 with respect to mortgages shall be repealed.

(3) Nothing in this Article shall in relation to such mortgages under the Local Acts as are subsisting at the date of the Act of Parliament confirming this Order affect the operation of the provisions of the Local Acts with respect to mortgages and transfers.

Borrowing powers for paying off existing debt.

Art. II.—(1) Subject to the provisions of this Order the Corporation may borrow upon the security of the borough fund and borough rate of the Borough such moneys as may from time to time be required for the purpose of paying off the existing debt or any part thereof.

Additional borrowing powers for market undertaking.

(2) 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 borough fund and borough rate of the Borough such further moneys as may from time to time be required for the purposes of their market undertaking.

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(3) The provisions contained in Section 33 of the Act of 1869 shall apply to so much of any borough rate as may be made or levied for the purpose of raising any moneys required to defray the interest upon or to discharge the principal of any moneys borrowed in the exercise of the powers of borrowing conferred by this Order.

Local Loans Act and certain provisions of Public Health Act 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 Corporation 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 existing debt and moneys borrowed under this Order.

Art. IV. The existing debt and the moneys borrowed under subdivision (1) of Article II. of this Order shall be repaid within a period of twenty-nine years from the Thirty-first day of March One thousand nine hundred and thirteen and the moneys borrowed under subdivision (2) of Article II. of this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine The said period of twenty-nine years or any period so determined and sanctioned as the case requires 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 Corporation shall repay the existing debt and 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.

Formation maintenance and application of sinking fund.

(2) Subject to the provisions of Article VI. of this Order if the Corporation determine to repay by means of a sinking fund the existing debt or 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.

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(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 and the Corporation 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 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 moneys 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. VI.—(1) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it

shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

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

(3) If 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. VII.—(1) The Corporation 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 Corporation 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 Corporation 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 Corporation 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.

Application of borrowed moneys.

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

Receiver.

Art. IX.—(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 more mortgagees to the applicants collectively be not less than five hundred pounds in the whole.

Return as to provision for repayment of debt.

Art. X.—(1) The town clerk shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any 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 town 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 town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of 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 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. 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 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.

Short title.

Art. XII. This Order may be cited as the Preston Order 1913.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

A.D. 1913.

Workington Order.

BOROUGH OF WORKINGTON.

Provisional Order for partially repealing and altering certain Local Acts.

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

And to all others whom it may concern.

WHEREAS the Borough of Workington (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 the local authority within the meaning of the Public Health Act 1875;

41 Vict. c. lxxiii. 46 & 47 Vict. c. l. 62 & 63 Vict. c. cclx.

And whereas there are in force in the Borough the unrepealed provisions of the Cockermouth and Workington Water Act 1878 the Workington Local Board Water Act 1883 and the Workington Corporation Act 1899 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and all of which Acts are herein-after collectively referred to as "the Local Acts");

And whereas the Corporation are the owners of certain waterworks constructed under the powers of the Local Acts and are authorised subject to and in accordance with the provisions of those Acts to take water from the lake known as Crummock Water by means of the said waterworks or some of them;

And whereas by Section 39 of the Act of 1899 the limits of that Act for the supply of water are the Borough but the Corporation are required by Section 77 of that Act to furnish in perpetuity from the said lake or from their waterworks connected therewith supplies of water to the local authorities and according to the scale mentioned in the said Section 77;

And whereas by Section 10 of the Act of 1878 Section 37 of the Act of 1883 and Section 51 of the Act of 1899 the Corporation or their predecessors were empowered to purchase by agreement for the purposes of the Local Acts any lands not exceeding the quantities mentioned in the said sections respectively in addition to the lands authorised by the Local Acts to be acquired compulsorily;

And whereas by Section 89 of the Act of 1899 the Corporation were empowered to borrow the sums and for the purposes in that section mentioned and also with the approval of the Local Government Board such further moneys as the Corporation might require for any of the purposes of the Act of 1899;

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And whereas by Section 17 of the Act of 1878 and Section 47 of the Act of 1899 provision was made for the protection of the persons referred to in those sections including the payment to them and their respective sequels in estate of the annual sums of ten pounds and sixty-five pounds respectively mentioned in those sections which annual sums are now payable by the Corporation;

And whereas the Corporation have agreed to purchase the lands and premises described in the schedule to this Order and it is a condition of the agreement that the Corporation be released from the payment of the said annual sums of ten pounds and sixty-five pounds;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to repeal 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 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 partially repealed and altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict. c. 55.

Art. I.—(1) The Corporation may purchase by agreement but not otherwise the lands and premises described in the schedule to this Order for the purposes of their water undertaking. Authorisation of purchase of lands and construction of works.

(2) From and after the purchase of the said lands as aforesaid the Corporation may construct maintain and improve thereon and on the bank of the lake known as Crummock Water adjoining thereto such works as may be necessary or expedient for protecting the bank from erosion or other injury and for preventing the pollution or contamination and for safeguarding the wholesomeness of the water which they are authorised by the Local Acts to take from the lake.

(3) From and after such purchase as aforesaid Section 17 of the Act of 1878 and Section 47 of the Act of 1899 shall be repealed. Repeal of Sections of Acts of 1878 and 1899.

(4) For the purposes of the supply of water by the Corporation under the Local Acts the Corporation shall have the powers and be subject to the restrictions of a local authority under Section 54 of the Public Health Act 1875 in respect of the carrying of water mains within or without their district. Application of provisions of Public Health Act 1875.

(5) Sections 308 327 328 329 and 332 of the Public Health Act 1875 shall apply and have effect in relation to any powers and to any works which the Corporation may exercise or construct in pursuance of this Article as if the said sections were herein re-enacted and in terms made applicable with the necessary modifications to the said powers and works.

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Borrowing powers.

Art. II. The purposes of Article I. of this Order shall be deemed to be purposes of the Act of 1899 for which the Corporation may with the approval of the Local Government Board borrow money under the provisions of Section 89 of the Act of 1899.

Authorising Corporation to sell or otherwise dispose of lands not required for purposes of water undertaking.

Art. III. The Corporation may with the consent of the Local Government Board sell or otherwise dispose of to such persons in such manner and for such consideration and on such terms and conditions as they think fit any lands or any rights or interests in any lands which are purchased by them under this Order and which are not required for the purposes of this Order or the Corporation may without that consent let on lease any of those lands or any rights or interests therein and the Corporation may make do and execute any deed act or thing proper for effectuating any such sale lease or other disposition.

Application of moneys from sale &c. of lands not required for purposes of water undertaking.

Art. IV. The Corporation shall apply all moneys in the nature of capital received by them in pursuance of Article III. of this Order in or towards paying off moneys borrowed by them for the purposes of their water undertaking and for the time being owing or if there be no moneys so owing in or towards paying off any other moneys for the time being owing by the Corporation 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.

Inquiries and expenses.

Art. V. 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.

Short title.

Art. VI. This Order may be cited as the Workington Order 1913.

The SCHEDULE above referred to.

All those lands and premises known as High and Low Park Farms and the Peel all which lands and premises are situate in the Township of Loweswater in the County of Cumberland and contain in the whole by admeasurement 306 acres or thereabouts and are more particularly

delineated and shown by the outer edge of the green lines drawn on the two plans each of which is sealed with the official seal of the Local Government Board and marked "Plan referred to in the Workington Order 1913" and of which one is deposited in the office of the Local Government Board and the other shall be deposited by the Town Clerk of Workington at his office within fourteen days from the date of this Order.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

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