CHAPTER cxviii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Godalming Haworth Northallerton and Tipton. [22nd July 1904.]

A.D. 1904.

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. 7) Act 1904.

A.D. 1904.

SCHEDULE.

BOROUGH OF GODALMING.

Godalming Order.

Provisional Order for altering the Godalming Corporation Water Act 1899.

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

And to all others whom it may concern.

WHEREAS the Borough of Godalming (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 the Godalming Corporation Water Act 1899 (herein-after referred to as "the Local Act") is in force in the Borough;

62 & 63 Vict. c. ccix.

And whereas by Section 37 of the Local Act the Corporation were empowered to purchase by agreement any quantity of land not exceeding ten acres for the purposes of that Act and the Corporation have purchased the lands described in the schedule hereto and have constructed thereon or in connexion therewith certain works which are designed to serve the purposes of their water undertaking and which include a collecting trench and chamber and gravitating main to their pumping station and reservoirs in the Borough Road and certain distributing mains;

And whereas by sub-section (1) of Section 41 of the Local Act the Corporation were empowered to borrow money for the purposes therein specified and also with the approval of the Local Government Board to borrow such further moneys as they might require for any of the purposes of that Act or of their water undertaking;

And whereas it is expedient that the Corporation be empowered to construct and maintain additional works in connexion with their water undertaking and that in other respects the Local Act be amended in the manner herein-after set forth:

38 & 39 Vict. c. 55.

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

Additional waterworks.

Art. I.—(1) The works already constructed as aforesaid shall be deemed to have been and to be works constructed by the Corporation in the exercise

of their powers under the Local Act for the purposes of the water undertaking and subject to the provisions of this Order the Local Act and the enactments therewith incorporated or thereby applied shall apply and have effect accordingly.

(2) The Corporation may construct and maintain under the provisions of the Local Act and within the limits of the Local Act for the supply of water and in accordance with plans and sections to be approved by the Local Government Board such additional works in connexion with their water undertaking as the Local Government Board may approve.

(3) Sections 308 327 to 329 and 332 of the Public Health Act 1875 shall apply and have effect in relation to any works and to any powers which the Corporation may construct or exercise in pursuance of sub-division (2) of this Article as if the said sections were herein re-enacted and in terms made applicable to the Corporation and to the said works and powers.

Borrowing powers of Local Act made available to Corporation for additional waterworks.

Art. II. The powers of borrowing money with the approval of the Local Government Board conferred by the Local Act shall be available to the Corporation for the purpose of any of the works mentioned in Article I. of this Order but any moneys borrowed by the Corporation with the approval of the Local Government Board under sub-section (1) of Section 41 of the Local Act 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 determine and the period so determined and sanctioned shall in relation to the said moneys be deemed to be the period prescribed by the Local Act.

Short title.

Art. III. This Order may be cited as the Godalming Order 1904.

The SCHEDULE above referred to.

A piece or parcel of land situate in the Parish of Godalming in the County of Surrey on the south side of and adjoining a certain road called Peperharow Road and having a frontage to such road of 603 feet 4 inches or thereabouts and containing in extent 7½ acres or thereabouts.

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

(L.S.) Walter H. Long President.
S. B. Provis Secretary.

A.D. 1904.

Haworth Order.

URBAN DISTRICT OF HAWORTH.

Provisional Order for partially repealing the Haworth Local Board of Health Act 1872.

To the Urban District Council of Haworth ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Haworth (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 Haworth (herein-after referred to as "the district") and the unrepealed provisions of the Haworth Local Board of Health Act 1872 (herein-after referred to as "the Local Act") are in force in the district;

35 & 36 Vict. c. cvii.

And whereas it is expedient that certain provisions of the Local Act with respect to buildings streets and slaughter-houses within the district should be repealed:

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 as follows that is to say :—

38 & 39 Vict. c. 55.

Repeal of provisions as to streets sewerage buildings slaughter-houses and other matters.

Art. I. From and after the commencement of this Order the undermentioned provisions of the Local Act shall be repealed except so far as the same may have been acted upon that is to say :—

So much of Section 30 and of the Fifth Schedule to the Local Act as relates to the following matters and provisions namely :—

In Regulation II. the definitions of "house" "new street" "new house" and "new building".

Regulation III.

Regulations V. to XXVI.

The first paragraph of Regulation XXVII. (which relates to the supply of means of ventilation) and Regulations XXVIII. to XLI.

Section 35.

Section 37 and the Sixth Schedule to the Local Act.

Section 38.

Section 39 and the Seventh Schedule to the Local Act.

Section 40.

So much of Section 42 as relates to the slaughter-house account

Sub-section (2) of Section 43.

So much of Section 44 as relates to the slaughter-house account the slaughter-house fund and slaughter-house purposes.

Sections 46 and 56.

So much of Section 62 as relates to slaughter-house tolls.

A.D. 1904.

Haworth Order.

Art. II. This Order may be cited as the Haworth Order 1904.

Short title.

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

(L.S.)

Walter H. Long President.
S. B. Provis Secretary.

URBAN DISTRICT OF NORTHALLERTON.

Provisional Order for partially repealing and altering the Northallerton Waterworks Act 1891.

Northallerton Order.

To the Urban District Council of Northallerton; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Northallerton (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 Northallerton (herein-after referred to as "the District") and the Northallerton Waterworks Act 1891 (herein-after referred to as "the Local Act") is in force in the District;

54 & 55 Vict. c. cxxxiv.

And whereas the Council are the owners of the water undertaking authorised by the Local Act and are empowered subject to the provisions of the Local Act to supply water within an area comprising the District and the townships named in Section 14 of the Local Act and herein-after referred to as "the water limits";

And whereas by Section 9 of the Local Act the Council are empowered to purchase by agreement and hold for the purposes of their water undertaking land not exceeding five acres in addition to the lands authorised by the Local Act to be taken by compulsion;

And whereas the Council have purchased by agreement the land described in the Schedule to this Order and it is expedient that the Council be empowered to construct on that land the reservoir and works herein-after mentioned and that the other provisions herein-after set forth be made:

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

38 & 39 Vict. c. 55.

A.D. 1904.

Northallerton Order.

to as "the commencement of this Order") the Local Act shall be partially repealed and altered so that the following provisions shall take effect that is to say:—

Additional reservoir and works for supply of water.

Art. I.—(1) In addition to the works which they are authorised to construct and maintain under the provisions of the Local Act—

(*a*) The Council may construct in accordance with plans and sections to be approved by the Local Government Board and maintain an additional service reservoir and works in connexion therewith on the land described in the Schedule to this Order:

(*b*) The reservoir shall be supplied with water from the aqueduct or line of pipes described in the Local Act as Work No. 5 and notwithstanding anything in the Local Act the Council may alter or divert the said aqueduct or line of pipes in such manner and to such extent as may be necessary for the supply of water to the said reservoir from the service reservoir described in the Local Act as Work No. 4.

(2) Subject to such conditions as may be prescribed and in accordance with such plans and sections as may be approved by the Local Government Board the Council on the land described in the Schedule to this Order or on other land to be purchased by agreement in pursuance of the Local Act may construct any other service reservoir for the purposes of and in connexion with their water undertaking and any works connected with that reservoir and may maintain the said reservoir and works.

(3) Nothing in subdivision (1) or subdivision (2) of this Article shall empower the Council to take use or appropriate any water for the purposes of their water undertaking otherwise than in accordance with the provisions of the Local Act for securing full compensation to all persons interested.

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

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

Borrowing powers of Local Act made available to Council for construction of reservoir.

Art. II. Subject to the provisions of this Order the powers of borrowing money with the authority of the Local Government Board conferred by Section 27 of the Local Act shall be available to the Council for the purchase of the land described in the Schedule to this Order and for the purposes of any works to be constructed in pursuance of Article I. of this Order.

Certain provisions of Local Act not to apply to future borrowed moneys.

Art. III. The provisions of Sections 32 33 and 35 of the Local Act and so much of Section 28 of the Local Act as relates to Section 239 of the Public Health Act 1875 shall not apply to any moneys borrowed after the

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Northallerton Order.

commencement of this Order under the powers of borrowing conferred by the Local Act.

Mode of repayment.

Art. IV.—(1) The Council shall repay the moneys borrowed under the Local Act after the commencement of this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them The period prescribed by the Local Government Board pursuant to Section 31 of the Local Act (herein-after referred to as "the prescribed period") shall with reference to the repayment of any moneys so borrowed be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

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 the Local Act after the commencement of this Order such sinking fund shall be formed and maintained either—

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

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

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

(4) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the 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

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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 such 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 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 such 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.

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Power to re-borrow.

Art. VI. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed under the Local Act after the commencement of this Order or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any such moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow:

Provided that the Council 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 under the Local Act after the commencement of this Order or re-borrowed under this Order shall be applied by the Council 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 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 made after the commencement of this Order under the powers of borrowing conferred by the Local Act or 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 such applicants collectively be not less than five hundred pounds in the whole.

Inquiries and expenses.

Art. IX. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Act or of this Order the costs incurred by 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 Council and the Board may certify

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the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council.

Short title.

Art. X. This Order may be cited as the Northallerton Order 1904.

The SCHEDULE above referred to.

All that piece of land situate in the Township of Northallerton containing by admeasurement 1 rood and 30 perches or thereabouts bounded on the north partly by the road from Northallerton to Sigston and partly by land belonging to the Ecclesiastical Commissioners for England and on the east south and west by land belonging to the said Ecclesiastical Commissioners and which said piece of land is now in the occupation of George Kendrew and is delineated and edged red on a plan which 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 offices of the Northallerton Urban District Council within fourteen days from the date of this Order.

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

(L.S.)

Walter H. Long President.
S. B. Provis Secretary.

URBAN DISTRICT OF TIPTON.

Tipton Order.

Provisional Order for altering the Tipton Local Board (Gas) Act 1876.

To the Urban District Council of Tipton;—

And to all others whom it may concern.

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

39 & 40 Vict. c. cxlviii.

42 Vict. c. xxxv.

And whereas the unrepealed provisions of the Tipton Local Board (Gas) Act 1876 (which Act is herein-after referred to as "the Local Act") as altered by the Tipton Local Board Act 1879 and by a Provisional Order (herein-after referred to as "the Order") of the Local Government Board dated the

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Tipton Order.

52 & 53 Vict. c. cxv.

Twenty-ninth day of May One thousand eight hundred and eighty-nine and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 13) Act 1889 are in force in the District;

And whereas by Section 25 of the Local Act the Council or their predecessors were empowered to borrow for the purposes of their gas undertaking the sums therein mentioned;

And whereas by Section 37 of the Local Act provision is made for the application of all gas rates rents revenues and other moneys from time to time received by the Council under the powers of the Local Act (other than money raised by borrowing);

And whereas it is expedient that the Council should be empowered to borrow further moneys for the purposes of their gas undertaking:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Act shall be altered so that the following provisions shall have effect that is to say:—

38 & 39 Vict. c. 55.

Increase of borrowing powers for purposes of gas undertaking.

Art. I. In addition to the money authorised to be borrowed by the Local Act the Council may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the revenue of their gas undertaking and of the district fund and general district rate of the District or upon either of such securities such sums not exceeding in the whole the sum of fifty thousand pounds as may be required for the purposes of the said undertaking.

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 or of re-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 or re-borrowed on mortgage under this Order.

Period for repayment of borrowed money.

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 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 moneys to be repaid 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.

A.D. 1904.

Tipton Order.

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 such sinking fund shall be formed and maintained either—

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

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

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

(4) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the 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 such 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 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 such 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. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or reborrowed 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 Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow:

Provided that the Council 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

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

be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such 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 such Order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the 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 or 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 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.

Alteration of provisions as to application of gas revenue.

Art. XI. Section 37 of the Local Act shall have effect as if for the paragraphs beginning "Secondly" and "Thirdly" the following paragraphs were substituted :—

"Secondly—In payment of the interest on money borrowed for the purpose of their gas undertaking :

"Thirdly—In providing for the discharge of any moneys borrowed or re-borrowed for the purpose of their gas undertaking in accordance with the provisions for the time being applicable to such discharge."

Short title.

Art. XII. The Order may be cited as the Tipton Gas Order 1889 this Order may be cited as the Tipton Gas Order 1904 and the Order and this Order may be cited together as the Tipton Gas Orders 1889 and 1904.

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

(L.S.)

Walter H. Long President.
S. B. Provis Secretary.

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C.; or
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