CHAPTER cvi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Carnarvon Sheffield the South West Gloucestershire United Districts and Whitby. [20th July 1906.]

A.D. 1906.

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

Short title.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1906.

A.D. 1906.

SCHEDULE.

BOROUGH OF CARNARVON.

Carnarvon Order.

Provisional Order for altering the Carnarvon Consumers Gas Act 1872.

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

WHEREAS the Borough of Carnarvon (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;

35 & 36 Vict. c. li

And whereas the unrepealed provisions of the Carnarvon Consumers Gas Act 1872 (herein-after referred to as "the Local Act') are in force in the Borough;

And whereas by the Local Act the Carnarvon Consumers Gas Company (herein-after referred to as "the Company") were incorporated and by Sections 6 and 29 of the Local Act were authorised subject to the provisions of the Local Act to make and supply gas within the limits defined by Section 4 thereof and to manufacture all articles and things in any way connected with gasworks or with the supply of gas to consumers;

And whereas the Corporation have acquired the gas undertaking of the Company under the powers conferred upon them in that behalf by the Local Act and by virtue of Section 44 of that Act the provisions of the Act are now to be read and to have effect as if the Corporation were named therein instead of the Company;

And whereas by Section 45 of the Local Act the Corporation are empowered subject to the conditions and restrictions therein described to borrow moneys for the purposes of the Local Act;

And whereas it is expedient that the provisions herein-after appearing should be made in the matter:

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

38 & 39 Vict. c. 55.

date of the Act of Parliament confirming this Order the Local Act shall be altered so as to provide as follows that is to say :—

Carnarvon Order.

Power to supply gas apparatus &c. for lighting heating or other purposes.

Art. I.—(1) The Corporation may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture meters engines ovens stoves ranges pipes burners and other apparatus appliances articles and things used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating or cooking or for any other purpose for which gas can or may be used within the district and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting supply fixing setting up altering removing or re-fixing of such meters engines ovens stoves ranges pipes burners and other apparatus appliances articles and things as aforesaid and for securing their safety and (if the circumstances so require) their return to the Corporation as may be agreed upon between the Corporation and the person to or for whom the same are sold let supplied fixed set up altered removed or re-fixed.

(2) So much of the Local Act as is inconsistent with subdivision (1) of this Article is hereby repealed.

Purposes of Art. I. to be purposes of gas undertaking.

Art. II. The purchase of meters engines ovens stoves ranges pipes burners and other apparatus appliances articles and things used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating or cooking or for any other purpose for which gas can or may be used shall be deemed to be a purpose for which the Corporation may borrow money under the provisions of Section 45 of the Local Act.

Short title.

Art. III. This Order may be cited as the Carnarvon Order 1906.

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

(L.S.)

John Burns President.
S. B. Provis Secretary.

CITY OF SHEFFIELD.

Sheffield Order.

Provisional Order for altering the Sheffield Corporation Act 1900 *and the Sheffield Corporation Act* 1903.

To the Lord Mayor Aldermen and Citizens of the City of Sheffield ;—

And to all others whom it may concern.

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

A.D. 1906.

Sheffield Order.

63 & 64 Vict. c. ccxxii.
3 Edw. 7. c. cclv.

Urban Sanitary Authority and the unrepealed provisions of the Sheffield Corporation Act 1900 and the Sheffield Corporation Act 1903 (which Acts are herein-after together referred to as "the Local Acts" and each of which Acts is herein-after separately referred to as the Act of the year in which it was passed) as altered by the Sheffield Order (No. 2) 1902 and the Sheffield Order (No. 2) 1905 which were duly confirmed by Parliament but which do not affect the subject-matter of this Order are in force in the City;

And whereas by subsection (3) of Section 27 of the Act of 1900 it was enacted that all property real and personal including things in action which immediately before the commencement of Part II. of that Act belonged to or were vested in the inhabitants of the townships of Sheffield Brightside-Bierlow and Attercliffe-cum-Darnall or in any persons on behalf of or in trust for the inhabitants of any of those townships should be by virtue of that Act vested in the Corporation to the same extent and for the same estate and interests as the same respectively were immediately before the commencement of the said part of that Act vested in those inhabitants or persons respectively;

And whereas by subsection (1) of Section 27 of the Act of 1903 provision to the like effect was made as regards the property which immediately before the commencement of Part VI. of that Act was vested in the inhabitants of the townships of Ecclesall Bierlow Upper Hallam and Nether Hallam and the parishes of Heeley and Norton Within or in any persons on behalf of or in trust for the inhabitants;

And whereas the Corporation having entered into an agreement to sell to the Guardians of the Sheffield Union the property known as the West Bar Vestry Hall as vested in the Corporation by the above-recited sub-section (3) of Section 27 of the Act of 1900 have made application to Us the Local Government Board to alter or amend the Local Acts so as to empower the Corporation to sell that property and any of the other properties which have become vested in them in pursuance of the above-recited sections of the Local Acts:

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

38 & 39 Vict. c. 55.

Corporation empowered to sell Vestry Hall at West Bar.

Art. I.—(1) Notwithstanding anything in Section 27 of the Act of 1900 the Corporation may sell to the Guardians of the Sheffield Union the property known as the West Bar Vestry Hall.

Corporation empowered to sell with Board's approval any properties vested in them by Section 27 of Act of 1900 and Section 27 of Act of 1903.

(2) Notwithstanding anything in Section 27 of the Act of 1900 or in Section 27 of the Act of 1903 the Corporation may with the approval of and subject to such conditions as may be prescribed by the Local Government Board sell or otherwise dispose of any other property vested in the Corporation in pursuance of those sections.

(3) The Corporation shall apply all moneys in the nature of capital received by them in pursuance of subdivisions (1) and (2) of this Article to any purpose for which capital money may be applied and which is approved by the Local Government Board.

Notice to be given of any application to the Board in pursuance of Article I. (2).

Art. II. When the Corporation intend to apply to the Local Government Board for their approval of the sale or other disposal of any property in pursuance of subdivision (2) of Article I. of this Order the Corporation shall cause notice of the intended application to be fixed on the Town Hall one month at least before the application and the Corporation shall also cause notice of the intended application to be published once at least in each of two successive weeks before the application in some one and the same newspaper circulated in the City.

Short title.

Art. III. This Order may be cited as the Sheffield Order 1906.

Given under the Seal of Office of the Local Government Board this Fifth day of May One thousand nine hundred and six.

(L.S.) John Burns President.
S. B. Provis Secretary.

URBAN DISTRICTS OF AWRE CIRENCESTER NEWNHAM TETBURY AND WESTBURY ON SEVERN AND RURAL DISTRICTS OF CHIPPING SODBURY CIRENCESTER EAST DEAN AND UNITED PARISHES GLOUCESTER LYDNEY AND TETBURY.

South West Gloucestershire United Districts (Medical Officer of Health) Order.

Provisional Order for Union of Districts under Section 286 *of the Public Health Act* 1875.

To the Urban District Councils of Awre Cirencester Newnham Tetbury and Westbury on Severn;—

To the Rural District Councils of Chipping Sodbury Cirencester East Dean and United Parishes Gloucester Lydney and Tetbury;—

And to all others whom it may concern.

38 & 39 Vict. c. 55.

WHEREAS the district councils named in column 2 of the Schedule to this Order are the local authorities within the meaning of the Public Health Act 1875 for the districts named in column 1 of that Schedule and those districts are situated wholly within the County of Gloucester;

And whereas it has been represented to Us the Local Government Board that the appointment of a Medical Officer of Health for the said districts would be for the advantage of those districts and We having considered the said representation gave to each of the said district councils in pursuance

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South West Gloucestershire United Districts (Medical Officer of Health) Order.

of Section 286 of the said Act notice that We proposed to issue an order uniting the said districts for the purpose of appointing a Medical Officer of Health;

And whereas under the said section notice of objection to the proposal has been received by Us within the time fixed by that section from the Rural District Council of Chipping Sodbury being one of the district councils above referred to and consequently their district may be included in the Union by a Provisional Order but not otherwise:

Now therefore in pursuance of the powers given to Us by Section 286 of the said Act and by any other Statutes in that behalf We do hereby order as follows that is to say:—

Definitions.

Art. I. In this Order—

(1) The expression "the appointed day" means the date of the Act of Parliament confirming this Order;

(2) The expression "the Schedule" means the Schedule to this Order;

(3) The expression "the Act" means the Public Health Act 1875;

(4) The expression "Constituent District" means a district named in column 1 of the Schedule and the expression "Constituent Districts" means all the districts so named;

(5) The expression "Constituent Authority" means a district council named in column 2 of the Schedule and the expression "Constituent Authorities" means all the district councils so named;

(6) The expression "the Regulations" means such Regulations as for the purposes of this Order and of Section 286 of the Act may be made by the Local Government Board in pursuance of the said section and for the time being may be in force with respect to the Constituent Districts and the Constituent Authorities.

Commencement of Order.

Art. II. This Order shall come into operation from and after the appointed day.

Union of Districts.

Art. III. The Constituent Districts shall be united for the purpose of appointing a Medical Officer of Health for such period and at such salary or remuneration as shall be determined by the Local Government Board and a Joint Committee of representatives of the Constituent Authorities shall be constituted for the purposes of this Order and of the Regulations.

Constitution of Joint Committee.

Art. IV. The Joint Committee shall consist of eighteen members.

Number and qualification of members.

Art. V. The number of members of the Joint Committee to be appointed by each Constituent Authority shall be that set opposite to the name of the Constituent Authority in column 3 of the Schedule and the said members shall be chosen by each Constituent Authority from among their own members.

South West Gloucestershire United Districts (Medical Officer of Health) Order.

Rules applicable to the Joint Committee.

Art. VI.—(1) The rules with respect to the tenure of office of members of the Joint Committee with respect to the supply of vacancies with respect to all other matters connected with incidental to or consequent upon the constitution of the Joint Committee including in relation to their meetings and officers the transaction and management of their business and generally in relation to any purpose of their constitution all matters which are mentioned in Section 286 of the Act and all matters which in the opinion of the Local Government Board may require regulation shall be such as shall be prescribed by the Regulations.

(2) Any such rule may be varied or revoked by the Regulations and except so far as the rule may be so varied or revoked shall have effect as if the rule formed part of this Order.

Duties of Medical Officer of Health.

Art. VII. The provisions contained in the two General Orders of the Local Government Board dated the Twenty-third day of March One thousand eight hundred and ninety-one issued to Urban and Rural Sanitary Authorities respectively and in any General Order issued by the Local Government Board after the appointed day in substitution for or in amendment or extension of the first-mentioned General Orders shall except so far as those provisions may be inconsistent with this Order apply to the qualification duties and remuneration of the Medical Officer of Health to be appointed in pursuance of this Order and that officer shall also submit to the Joint Committee copies of every general and special report which he makes in regard to the whole or any part of his district In matters not specifically provided for in the said General Orders or in this Order or in the Regulations the Medical Officer of Health shall observe and execute any instructions issued by the Local Government Board and the lawful orders and directions of the Joint Committee applicable to his office.

Power of Local Government Board to adapt provisions of Order on alterations of Constituent Districts.

Art. VIII. If at any time any new district is formed including the whole or any part of a Constituent District or the boundaries of a Constituent District are otherwise altered or a Constituent District is created or included in a municipal borough then and in every such case the Local Government Board may by order to be published as they direct make such provision as to them seems fit for adapting the provisions of this Order to the alteration so made and to the incidents and consequences thereof and every such order shall have effect as if the terms thereof were inserted in this Order.

Settlement of differences.

Art. IX.—(1) If any difficulty arises with respect to any appointment of a Medical Officer of Health by the Joint Committee the Local Government Board may by order make or validate any appointment or do anything which appears to them to be necessary or expedient for facilitating the appointment of the Medical Officer of Health and the Local Government Board may also make any such order as appears to them to be necessary for bringing this Order into full operation.

(2) If any question or difference arises as to the interpretation of this Order or of the Regulations or as to the powers duties and proceedings of the

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South West Gloucestershire United Districts (Medical Officer of Health) Order.

Joint Committee or of a Constituent Authority for the purposes of this Order or of the Regulations or as to any other act matter or thing under this Order or the Regulations the said question or difference may on the application of the Joint Committee or of a Constituent Authority be referred to the decision of the Local Government Board and their decision shall be final and conclusive.

(3) Every order made by the Local Government Board in pursuance of this Article may modify any provision of this Order so far as appears to the Local Government Board to be necessary and shall have effect as if the order formed part of this Order.

Short title.

Art. X. This Order may be cited as the South West Gloucestershire United Districts (Medical Officer of Health) Order 1906.

The SCHEDULE above referred to.

1. Name of District.	2. Name of District Council.	3. Number of Members of Joint Committee.
The Urban District of Awre - -	The Urban District Council of Awre -	One.
The Urban District of Cirencester -	The Urban District Council of Cirencester -	One.
The Urban District of Newnham -	The Urban District Council of Newnham -	One.
The Urban District of Tetbury -	The Urban District Council of Tetbury -	One.
The Urban District of Westbury on Severn.	The Urban District Council of Westbury on Severn.	One.
The Rural District of Chipping Sodbury.	The Rural District Council of Chipping Sodbury.	Four.
The Rural District of Cirencester -	The Rural District Council of Cirencester -	Three.
The Rural District of East Dean and United Parishes.	The Rural District Council of East Dean and United Parishes.	Two.
The Rural District of Gloucester -	The Rural District Council of Gloucester -	Two.
The Rural District of Lydney - -	The Rural District Council of Lydney -	One.
The Rural District of Tetbury - -	The Rural District Council of Tetbury -	One.

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

(L.S.)

JOHN BURNS President.
S. B. PROVIS Secretary.

URBAN DISTRICT OF WHITBY.

A.D. 1906.

Provisional Order for altering the Local Act 7 William IV. Chapter X. the Local Government Board's Provisional Orders Confirmation Act 1874 (*No.* 3) *and the Whitby Urban District Council Act* 1905.

Whitby Order.

To the Urban District Council of Whitby ;—
To the County Council of the North Riding of Yorkshire ;—
And to all others whom it may concern.

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

And whereas the provisions of the Whitby Urban District Council Act 1905 (herein-after referred to as "the Act of 1905") are in force in the District;

5 Edw. 7. c. cxxxv.

And whereas by a Provisional Order dated the First day of June One thousand eight hundred and seventy-four and confirmed by the Local Government Board's Provisional Orders Confirmation Act 1874 (No. 3) (which Order and Act are herein-after referred to as "the Order" and "the Confirming Act") certain sections of the Local Act intituled "An Act "for better paving cleansing lighting watching and improving the Town "of Whitby in the North Riding of the County of York" (herein-after referred to as "the Act of 1837") were repealed and all the jurisdiction powers rights lands tenements hereditaments moneys property effects coal and other duties rents debts and liabilities then vested in or attaching to the Commissioners under the Act of 1837 were so far as they had not been transferred by the Public Health Act 1872 transferred to the Whitby Local Board;

37 & 38 Vict. c. lxxxix.

7 Will. IV. c. x.

35 & 36 Vict. c. 79.

And whereas the repealed sections of the Act of 1837 included provisions with respect to the repair maintenance construction and improvement of streets highways and bridges within the limits of that Act;

And whereas the District Council are the successors of the Whitby Local Board;

And whereas by virtue of the Act of 1905 the harbour undertaking of the Whitby Port and Harbour Trustees including all property powers rights duties obligations authorities and jurisdiction belonging to or vested in the Trustees has been transferred to and vested in the District Council and the District Council are by the Act of 1905 empowered to acquire by agreement certain lands including part of the bed of the River Esk together with the estuary and harbour and parts of the foreshore;

And whereas a county bridge (herein-after referred to as "the Whitby Bridge") now vested in and maintained by the County Council of the

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Whitby Order.

North Riding of Yorkshire (herein-after referred to as "the County Council") is situate within the District and crosses part of the harbour of Whitby and it is proposed that the said bridge and its approaches should be transferred to and vested in the District Council and it is expedient that the provisions herein after set forth should be made for the purposes of the said transfer and of the incidents and consequences of that transfer;

38 & 39 Vict. c. 55.

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Act of 1837 the Act of 1905 and the Confirming Act so far as it relates to the Order shall be altered and amended so that the following provisions shall have effect that is to say:—

Authorising District Council to acquire Whitby Bridge by agreement with County Council.

Art. I.—(1) The District Council may by agreement with the County Council acquire and the County Council may transfer to the District Council the Whitby Bridge and the approaches thereto.

(2) From and after the acquisition by the District Council of the Whitby Bridge and the approaches thereto all property powers rights duties capacities liabilities and obligations vested in or attaching to the County Council in relation to or in connexion with the Whitby Bridge and the approaches thereto shall subject to the provisions of this Order vest in or attach to the District Council and all duties liabilities and obligations of the County Council in relation to the Whitby Bridge and the approaches thereto or to the Whitby Bridge when improved or rebuilt and the approaches to the bridge as improved or rebuilt shall cease and determine.

Maintenance repair and rebuilding of Whitby Bridge by District Council.

Art. II. From and after the acquisition by the District Council of the Whitby Bridge and the approaches thereto the Whitby Bridge shall be maintained altered widened repaired improved or rebuilt at the expense and under the sole management and control of the District Council and for those purposes and for any other purposes of this Order the District Council may by agreement acquire lands under and subject to the provisions of the Public Health Act 1875 and subject to the provisions of this Order the provisions of the Public Health Act 1875 and any statutory provisions amending incorporated with or applied by the Public Health Act 1875 shall apply to the purposes of this Order as if they were purposes of the last mentioned Act.

Borrowing powers of District Council and of County Council.

Art. III.—(1) The District Council may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the security of the district fund and general district rate of the district such sums as are necessary for the purpose of defraying any such expenditure for the purposes of this Order as in the opinion of the Local Government Board ought to be spread over a term of years.

(2) The payment of any capital sum by the County Council to the District Council under and in accordance with the terms of any agreement

in pursuance of this Order shall be deemed to be a general county purpose for which the County Council are authorised by Section 69 of the Local Government Act 1888 to borrow money and the provisions of that section shall subject to the provisions of this Order apply to any moneys borrowed for that purpose by the County Council Provided that the words "not exceeding sixty years" shall in relation to this subdivision be substituted for the words "not exceeding thirty years" in subsection (5) of the said section.

(3) Money borrowed under this Order shall not be reckoned as part of the debt of the District Council for the purpose of the limitation on borrowing under subsections (2) and (3) of Section 234 of the Public Health Act 1875 or as part of the total debt of the County Council for the purposes of Section 69 of the Local Government Act 1888.

Appropriation of moneys received by District Council from County Council under any agreement for transfer of Whitby Bridge.

Art. IV. Any capital sum received by the District Council in accordance with the terms of any agreement with the County Council in pursuance of this Order shall be immediately invested by the District Council 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 District Council the District Council being at liberty from time to time to vary and transpose the investments and the interest arising from the same shall be applied by the District Council towards the cost of the maintenance of the Whitby Bridge:

Provided that the District Council may with the sanction of the Local Government Board and subject to such conditions as may be imposed by the Local Government Board apply any such capital sum towards the cost of the rebuilding of the Whitby Bridge.

Local Loans Act made applicable.

Art. V. For the purpose of raising money in the exercise of the powers of borrowing or re-borrowing conferred upon them by this Order the provisions of the Local Loans Act 1875 shall be available to the District Council.

Period for repayment of borrowed moneys.

Art. VI. The moneys borrowed by the District Council under this Order shall be repaid within such period as that 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. VII.—(1) The District Council shall repay the moneys borrowed by them under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual or half-yearly instalments of

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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 VIII. of this Order if the District Council determine to repay by means of a sinking fund any moneys borrowed by them 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 District Council the District Council being 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 District Council towards the equal annual payments to the fund.

(5) The District 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 District 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 District 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 District Council in addition to the payments provided for by this Order.

Increase reduction or discontinuance of payments to sinking fund.

Art. VIII.—(1) If it appears to the District 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 District 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 District Council shall increase the payments to such extent as the Board may direct.

(2) If the District 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 District 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 District 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 District Council with the consent of the Local Government Board may determine.

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Power to re-borrow.

Art. IX. The District Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed by them 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 District 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 District 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 the 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. X. All moneys from time to time borrowed or re-borrowed by the District Council under this Order shall be applied by the District 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 District Council with the approval of the Local Government Board determine.

Receiver.

Art. XI.—(1) Subject to the provisions of this Article any mortgagee of the District 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 those applicants collectively be not less than five hundred pounds in the whole.

Return as to provision for repayment of debt.

Art. XII.—(1) (*a*) The clerk to the District 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 by the District Council under this Order 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 said 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 such 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:

(*b*) If it appears to the Local Government Board by that return or otherwise that the District Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether the instalment or annual payment or sum is required by this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than an authorised purpose the Board may by order direct that the sum in their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

(2) In the case of any moneys borrowed by the County Council for the payment of a capital sum under and in accordance with the terms of any agreement in pursuance of this Order the provisions of subdivision (1) of this Article shall apply with the substitution of references to the County Council for references to the District Council.

Inquiries and expenses.

Art. XIII. 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 District 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 District Council shall be a debt due to the Crown from the District Council.

Works below high water mark not to be

Art. XIV. The District Council shall not under the powers of this Order construct on the bed of the River Esk and estuary and harbour or the

A.D. 1906.

Whitby Order.

commenced without consent of Board of Trade.

foreshore on both sides thereof any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the District Council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Order the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the District Council and the amount of such cost and charge shall be a debt due from the District Council to the Crown and shall be recoverable as a Crown debt or summarily.

Saving rights of Crown.

Art. XV. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments or rights of whatsoever description belonging to His Majesty in right of his Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent such Commissioners and such Board are hereby respectively authorised to give.

Saving rights of Lord of Manor of Whitby.

Art. XVI. Nothing in this Order shall take away lessen prejudice or alter any franchise estate right interest power authority or privilege of or belonging to Sir Charles William Strickland Baronet or other the Lord of the Manor of Whitby and liberty of Whitby Strand.

Short title.

Art. XVII. This Order may be cited as the Whitby Order 1906.

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

(L.S.)

JOHN BURNS President.
S. B. PROVIS Secretary.

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