CHAPTER cxlvi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Burton-upon-Trent Colwyn Bay and Colwyn Kingston-upon-Thames Leigh and Northallerton. [18th August 1911.]

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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. 8) Act 1911.

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SCHEDULE.

BOROUGH OF BURTON-UPON-TRENT.

Burton-upon-Trent Order.

Provisional Order for altering the Town of Burton-upon-Trent Act 1853 *the Burton-upon-Trent Improvement Act* 1878 *and the Burton-upon-Trent Corporation Act* 1896.

To the Mayor Aldermen and Burgesses of the Borough of Burton-upon-Trent;—

To the County Council of Stafford;—

To the Rural District Council of Tutbury;—

And to all others whom it may concern.

WHEREAS the Borough of Burton-upon-Trent (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;

16 & 17 Vict. c. cxviii. 41 Vict. c. lxi. 59 & 60 Vict. c. cxlviii.

And whereas the unrepealed provisions of the Town of Burton-upon-Trent Act 1853 the Burton-upon-Trent Improvement Act 1878 and the Burton-upon-Trent Corporation Act 1896 (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 certain Provisional Orders which were duly confirmed by Parliament but do not affect the subject-matter of this Order are in force in the Borough;

And whereas in pursuance of the provisions of the Local Acts the Corporation are empowered to construct and maintain works for the manufacture and storage of gas but by the Act of 1878 the Corporation are prohibited from manufacturing or storing gas except upon the lands specified in the Fourth Schedule to that Act;

And whereas by the Act of 1878 the limits (herein-after referred to as "the gas limits of the Corporation") within which the Corporation may supply gas are defined and it is expedient that the gas limits of the Corporation should be extended so as to include the Township of Barton under Needwood the Parish of Dunstall and so much of the Parish of Branstone as is not included in the existing gas limits of the Corporation;

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And whereas the said Township and Parishes are contributory places in the Rural District of Tutbury in the County of Stafford and are subject to the jurisdiction of the Rural District Council of Tutbury (herein-after referred to as "the Rural Council");

And whereas the Barton-under-Needwood Gas Company Limited (herein-after referred to as "the Gas Company") are at present supplying gas within part of the Township of Barton under Needwood but the Gas Company have agreed to sell and the Corporation have agreed to purchase the gas undertaking and property of the Gas Company including the land described in the Schedule hereto;

And whereas the Gas Company are not a company authorised by or in pursuance of any Act of Parliament or of any Order confirmed by Parliament to supply gas;

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 so as to enable the Corporation to acquire the undertaking of the Gas Company to confer on the Corporation further powers with relation to their gas undertaking and to make further provision in connexion therewith:

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.

Authorising purchase of Gas Company's undertaking.

Art. I. The Corporation may purchase by agreement but not otherwise the undertaking of the Gas Company.

Purchased undertaking to form part of gas undertaking of Corporation.

Art. II. From and after the date of the completion of the said purchase the undertaking so purchased shall be deemed for all purposes to form part of the gas undertaking of the Corporation and subject to the provisions of this Order such of the provisions of the Local Acts as relate to the gas undertaking of the Corporation shall apply and have effect accordingly.

Use of scheduled land for gas purposes.

Art. III. The Corporation when they have acquired the land described in the Schedule to this Order may notwithstanding anything in the Local Acts hold and use the land for all or any of the purposes of their gas undertaking including the manufacture and storage of gas and residual products.

Extension of gas limits of Corporation.

Art. IV.—(1) The gas limits of the Corporation shall be extended so as to comprise the Township of Barton under Needwood the Parish of Dunstall and so much of the Parish of Branstone as is not included

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in the existing gas limits of the Corporation (which Township Parish and part of a Parish are herein-after referred to as "the added area").

(2) The provisions of the Local Acts as altered by this Order with respect to the supply of gas and otherwise with respect to gas purposes which now apply and have effect within the existing gas limits of the Corporation shall with the necessary modifications apply and have effect within the gas limits of the Corporation as extended by this Order Provided that the price to be charged by the Corporation for gas supplied in the added area to consumers who burn the same by meter may exceed that charged to the like consumers within the Borough by a sum not exceeding one shilling and eightpence per one thousand cubic feet.

Protection for County Council and Rural Council.
51 & 52 Vict. c. 41.

Art. V.—(1) Subsection (12) of Section 11 of the Local Government Act 1888 (which relates to main roads) shall apply and have effect as if with the necessary modifications the subsection were herein re-enacted and in terms made applicable to every county bridge (including every road repairable with a county bridge) which is situate within the added area and in relation to which anything is authorised or required to be done or is done in pursuance of this Order or of any enactment applied by or incorporated with the Local Acts.

10 & 11 Vict. c. 15.

(2) Section 8 of the Gasworks Clauses Act 1847 as applied by or incorporated with the Local Acts shall in relation to any main road county bridge or road repairable with a county bridge in the added area and in relation to any road in the added area under the control or management of the Rural Council have effect as if the word "seven" were substituted for the word "three" in that Section.

(3) If the County Council of Stafford (herein-after referred to as "the County Council") or the Rural Council at any time deem it necessary to raise sink or otherwise alter the situation of any gas pipe gas main or gasworks acquired by the Corporation from the Gas Company in pursuance of this Order or laid or placed by the Corporation in the added area in pursuance of this Order or of any enactment applied by this Order in under or upon a main road or a county bridge or a road repairable with a county bridge or any road under the control and management of the Rural Council the County Council or the Rural Council as the case may be may by notice in writing require the Corporation to raise sink or otherwise alter the situation of the said pipe main or works in such manner and within such reasonable time as is specified in the notice and if the notice is not complied with the County Council or the Rural Council as the case may be may themselves make the alteration required and the reasonable expenses of or connected with any such alteration shall whenever

there is sufficient ground for requiring the alteration be paid by the Corporation:

Provided that except in a case of necessity no such alteration shall be required or made as will permanently injure any such pipe main or works or prevent the gas from flowing as freely and conveniently as usual.

(4) If any difference arises at any time between the County Council or Rural Council as the case may be and the Corporation with respect to any matter to which this Article relates the difference shall if either Authority so require be determined by an arbitrator appointed by the Local Government Board.

Quality of gas.

Art. VI. The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing place herein-after mentioned when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

34 & 35 Vict. c. 41.

Photometer to be provided.

Art. VII. The Corporation shall maintain at the testing place provided by the Corporation in pursuance of subsection (6) of Section 41 of the Act of 1878 the bar photometer and other necessary appliances for testing the quality of the gas The standard light shall be that supplied by Harcourt's ten candle Pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light.

Burner and testing.

Art. VIII. Subsection (7) of Section 41 of the Act of 1878 shall be repealed and the following provisions shall have effect that is to say:—

(1) For the purposes of the Gasworks Clauses Act 1871 the burner to be used for testing the gas shall be the Metropolitan Argand Burner No. 2 with a glass chimney six inches in length by one inch and five-eighths of an inch in internal diameter:

(2) The Board of Trade may on the application of the Corporation or any five consumers approve the use of any other burner photometer or standard light that may appear to that Board to be equally or more suitable for the testing:

(3) Any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at the said testing place or elsewhere not being the immediate approach to any railway bridge or railway station as and when he thinks

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fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Corporation of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

No penalty in case of unavoidable cause.

Art. IX. No penalty shall be incurred by the Corporation for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that the insufficiency defect or excess was produced by an unavoidable cause or accident.

Period of error in defective meters.

Art. X.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Additional borrowing powers for gas undertaking.

Art. XI. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the revenue of their gas undertaking and of the district fund and general district rate of the Borough or upon either of those securities such further moneys as may from time to time be required for the purposes of their gas undertaking including the acquisition of the undertaking of the Gas Company and the provision of wagons for use on railways for the conveyance of coal.

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

Art. XII. 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 borrowed moneys.

Art. XIII. The moneys borrowed under Article XI. 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 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

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period for the purposes of this Order and of the Local Loans Act 1875.

Mode of repayment.

Art. XIV.—(1) The Corporation shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

Formation maintenance and application of sinking fund.

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

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

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

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

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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. XV.—(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. XVI.—(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.

(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. XVII. 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

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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. XVIII.—(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. XIX.—(1) The treasurer of the Borough shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of the treasurer showing for the year next preceding the making of the return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make the return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of 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. XX. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Act of 1853 the Act of 1878 or of this Order the costs incurred by the Board in relation to that inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in the inquiry) shall be paid by the 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. XXI. This Order may be cited as the Burton-upon-Trent Order 1911.

The SCHEDULE above referred to.

All that piece of land situate in the Township of Barton under Needwood in the County of Stafford being the site of the existing gasworks of the Barton-under-Needwood Gas Company Limited and containing an area of two roods and seven perches or thereabouts and bounded on the west by two fields belonging or reputed to belong to Sir Reginald Hardy Baronet and other lands belonging or reputed to belong to Mrs. Wright of Errisbeg House on the north by a field belonging or reputed to belong to the aforesaid Sir Reginald Hardy on the east by a field belonging or reputed to belong to the Midland Railway Company and on the south by the approach road to the said gasworks.

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

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

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Colwyn Bay and Colwyn Order.

URBAN DISTRICT OF COLWYN BAY AND COLWYN.

Provisional Order for altering the Colwyn Bay and Colwyn Urban District Council Act 1902.

To the Urban District Council of Colwyn Bay and Colwyn; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Colwyn Bay and Colwyn (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 Colwyn Bay and Colwyn (herein-after referred to as "the District") and the unrepealed provisions of the Colwyn Bay and Colwyn Urban District Council Act 1902 (herein-after referred to as "the Local Act") are in force in the District;

2 Edw. 7. c. clxxv.

And whereas by Sections 6 and 7 of the Local Act the Council were authorised subject as therein provided to make and maintain in the lines according to the levels and within the limits of deviation shown on certain plans and sections therein and herein-after referred to as "the deposited plans and sections" the promenades and sea walls and the other works described in those sections and by Sections 8 and 9 of the Local Act the Council were further authorised subject as therein provided to make maintain and work in and according to the lines situations and levels and within the limits of deviation shown on the deposited plans and sections the sewerage works and sewage outfall works and the other works described in those sections;

And whereas by Section 10 of the Local Act and subject as provided in that section the Council were empowered in constructing the works aforesaid to deviate from the lines thereof and from the levels thereof as shown on the deposited plans and sections to the extent mentioned in the said Section 10;

And whereas in constructing the works aforesaid the Council have found it necessary to deviate from the lines and levels shown on the deposited plans and sections and to exceed the deviations allowed by Section 10 of the Local Act;

And whereas the Council were empowered to borrow by the paragraph lettered (A) of subsection (1) of Section 50 of the Local Act the sum of twenty-eight thousand and twenty-four pounds for the purchase of lands and easements for and for the construction of the promenades authorised by the Local Act and by the paragraph lettered (C) of the said subsection the sum of sixty-eight thousand pounds for the purchase of lands and easements for and for the construction of the sewerage and sewage outfall works authorised by the Local Act and the Council have incurred expenditure on the purchase of the said lands and easements and the construction of the said works in excess of the said sums of twenty-eight thousand and twenty-four pounds and sixty-eight thousand pounds respectively;

And whereas by Section 54 of the Local Act the Council are required to pay off the moneys borrowed by them under the Local Act within the periods prescribed by that Section;

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

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

Authorisation of works constructed by Council.

Art. I. The works constructed by the Council as aforesaid so far as the same are beyond the limits of deviation prescribed by the Local Act shall be deemed to have been constructed by the Council in the exercise of their powers under the Local Act and the provisions of the Local Act as altered by this Order shall apply and have effect accordingly.

Additional borrowing powers.

Art. II. Section 50 of the Local Act shall have effect—

(1) as if to the paragraph lettered (A) of subsection (1) of that section there were added the words "and with the sanction "of the Local Government Board such further sums not "exceeding in the whole the sum of four thousand three "hundred pounds as may be necessary"; and

(2) as if to the paragraph lettered (C) of the said subsection there were added the words "and with the sanction of "the Local Government Board such further sums not "exceeding in the whole the sum of eight thousand "pounds as may be necessary".

Period for repayment of borrowed money.

Art. III. Section 54 of the Local Act shall apply and have effect as if there were inserted in the section immediately after the words "within forty-five years from the date or dates of borrowing the same" the words "in the case of moneys other than moneys borrowed with the "sanction of the Local Government Board and in the case of moneys "borrowed with the sanction of the Local Government Board within "such period or periods not exceeding thirty years from the date of "borrowing as that Board may sanction".

Short title.

Art. IV. This Order may be cited as the Colwyn Bay and Colwyn Order 1911.

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

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

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Kingston-upon-Thames Order.

BOROUGH OF KINGSTON-UPON-THAMES.

Provisional Order for altering the mode of defraying the expenses of an Urban District Council and for partially repealing and altering the Kingston-upon-Thames Improvement Act 1855.

To the Mayor Aldermen and Burgesses of the Borough of Kingston-upon-Thames; —

And to all others whom it may concern.

WHEREAS the Borough of Kingston-upon-Thames (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;

18 Vict. c. xlv. And whereas the unrepealed provisions of the Kingston-upon-Thames Improvement Act 1855 (herein-after referred to as "the Local Act") are in force in the Borough;

10 & 11 Vict. c. 34. And whereas by Section 42 of the Local Act certain provisions of the Towns Improvement Clauses Act 1847 are incorporated with the Local Act and the Corporation are accordingly empowered to make special and general sewer rates and to borrow money by mortgage of those rates;

And whereas by virtue of Sections 69 71 and 73 of the Local Act the Corporation are empowered to make rates termed "the Highway Rate" "the Lighting Rate" "and "the General Improvement Rate" and by Sections 70 72 and 74 provision is made for the application and disposal of all moneys coming into the hands of the Corporation from those rates;

And whereas by Section 76 of the Local Act Clause 159 of the Towns Improvement Clauses Act 1847 enabling the Corporation to borrow money by mortgage of the special and general sewer rates was extended also to the said General Improvement Rate and the Corporation were empowered to borrow money on the credit of that rate;

And whereas at the passing of the Public Health Act 1875 the expenses incurred by the Corporation for sanitary purposes were defrayed otherwise than in the manner provided by the Local Government Acts and the Corporation have made application to the Local Government Board to declare by Provisional Order that the expenses incurred by

them in the execution of the said Act shall be defrayed out of a district fund and general district rate to be levied by them under that Act;

And whereas it is expedient that the Local Act should be partially repealed and altered with regard to the making and levy of rates and to the security for loans heretofore contracted for purposes of the Local Act and to other matters and the Corporation have made application to the Local Government Board for the issue of a Provisional Order to partially repeal and alter the Local Act in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 208 and 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order and declare that from and after the Thirtieth day of September One thousand nine hundred and eleven (herein-after referred to as "the commencement of this Order") the Local Act shall be partially repealed and altered as herein-after mentioned that is to say:— 38 & 39 Vict. c. 55.

Art. I. The following provisions of the Local Act namely,— Partial repeal of Local Act.

So much of Section 42 as incorporates Sections 156 to 199 of the Towns Improvement Clauses Act 1847;

Sections 69 to 76; and

Sections 78 79 and 86

shall be wholly repealed:

Provided that notwithstanding such repeal the provisions of the Local Act which relate to the mode and period of repayment of moneys borrowed under the Local Act and to borrowing for the purpose of paying off such moneys shall subject to sub-division (5) of Article II. of this Order remain in force and continue to apply to so much of any moneys so borrowed as are owing at the commencement of this Order.

Art. II. The Local Act shall be further altered so that the following provisions shall have effect that is to say:— Establishment of district fund on which expenses are to be charged.

(1) All expenses incurred or payable by the Corporation in the execution of the Local Act as altered by this Order or of any other Local Act in force in the Borough which if this Order had not been made would have been payable out of the rates leviable under the Local Act and—

Notwithstanding anything in Section 207 of the Public Health Act 1875 all expenses incurred or payable by the Corporation in the execution of the Public Health Acts or of any other Act under which the expenses of the

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Kingston-upon-Thames Order.

Urban District Council are to be charged on or defrayed out of the district fund and general district rate as expenses of the Public Health Act 1875—

shall be charged on and defrayed out of a district fund and general district rate which shall be levied by the Corporation under the Public Health Act 1875 and all the provisions of the last-mentioned Act with respect to the district fund and general district rate for the purposes of the Public Health Acts shall apply and have effect accordingly:

Provided that in making the estimate for the general district rate to be levied from time to time by the Corporation the moneys required for defraying expenses which if this Order had not been made would have been payable out of the rates leviable under the Local Act other than the Highway Rate shall be separately estimated and in regard to so much of any general district rate as is made to raise such moneys the Metropolitan Water Board shall be assessed in the proportion of one-fourth part only of the net annual value of any lands used only for the conveyance of water through the Borough in their large mains for the supply of other places and not for distribution within the Borough:

Receipts to be carried to district fund.

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

Application of capital moneys.

(3) All moneys in the nature of capital received by the Corporation in pursuance of the Local Act as altered as aforesaid shall be applied in or towards paying off any moneys borrowed for the purposes of the Local Act and for the time being owing or if there be no moneys so owing in or towards paying off any other borrowed moneys for the time being owing by the 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:

(4) All moneys borrowed under the Local Act which at the commencement of this Order remain unapplied shall be appropriated to the purposes for which the same were authorised to be borrowed:

Altering security for loans.

(5) The district fund and the general district rate leviable in pursuance of subdivision (1) of this Article shall be substituted for the rates formerly leviable under the Local Act as the security or as part of the security upon which moneys may be borrowed by the Corporation for the purpose of paying off moneys borrowed under the Local Act and outstanding at the commencement of this Order or upon which moneys may after the commencement of this Order be borrowed or re-borrowed by the Corporation under any other Local Act in force in the Borough:

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

Saving for rights of mortgagees.

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

Short title.

Art. III. This Order may be cited as the Kingston-upon-Thames Order 1911.

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

(L.S.)

John Burns President.
H. C. Monro Secretary.

A.D. 1911.

Leigh Order.

BOROUGH OF LEIGH.

Provisional Order for partially repealing and altering a Local Act and certain Confirming Acts.

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

And to all others whom it may concern.

WHEREAS the Borough of Leigh (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;

And whereas there are in force in the Borough the unrepealed provisions of the Westleigh Pennington and Bedford Local Boards (Gas) Act 1874 (herein-after referred to as "the Local Act") as altered by the Leigh Order 1881 which was confirmed by the Local Government Board's Provisional Orders Confirmation (Birmingham Tame and Rea &c.) Act 1881 the Leigh Order 1888 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1888 the Leigh Order (No. 2) 1895 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1895 Session 2 and the Leigh Order 1900 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1900 (each of which Provisional Orders is herein-after referred to as the Order of the year in which it was made and each of which Confirming Acts is herein-after referred to as the Confirming Act of the year in which it was passed and all of which Provisional Orders and Confirming Acts are herein-after collectively referred to as the "Orders" and "the Confirming Acts" respectively);

37 & 38 Vict. c. lxxi.
44 & 45 Vict. c. cii.
51 & 52 Vict. c. cxxxi.
59 Vict. c. ix.
63 & 64 Vict. c. clxxvii.

And whereas by the Local Act as altered as aforesaid the Corporation or their predecessors were empowered to borrow for the purposes of their gas undertaking sums amounting to one hundred and seventy-five thousand pounds;

And whereas it is expedient that the Corporation be empowered to borrow further moneys for the purposes of their gas 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 Act and the Confirming Acts 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

38 & 39 Vict. c. 55.

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

Additional borrowing powers for gas undertaking.

Art. I. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the revenue of their gas undertaking and of the district fund and general district rate of the Borough or upon either of those securities such further moneys as may from time to time be required for the purposes of their gas 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 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 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 Corporation with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the 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 Corporation shall repay the moneys borrowed under this Order (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

Formation maintenance and application of sinking fund.

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

(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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Leigh Order.

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

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

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

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

Increase reduction or discontinuance of payments to sinking fund.

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

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

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

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

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

Surplus of sinking fund.

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

Power to re-borrow.

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

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

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or 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 1881 as relates to Article VI. of the Order of 1881 so much of the Confirming Act of 1888 as relates to Articles VII. and VIII. of the Order of 1888 and so much of the Confirming Act of 1900 as relates to Article IX. of the Order of 1900 are hereby repealed.

(2) 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 the

Orders or of this Order or in respect of any money raised for the purposes of the gas undertaking of the Corporation 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.

(3) 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 the Orders or this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than an authorised purpose the Board may by order direct that the sum in their order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as is mentioned in the said order and any such order shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

Inquiries and expenses.

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

A.D. 1911.

Leigh Order. Short titles.

Art. XI. This Order may be cited as the Leigh Order 1911 and the Orders and this Order may together be cited as the Leigh Orders 1881 to 1911.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

URBAN DISTRICT OF NORTHALLERTON.

Northallerton Order.

Provisional Order for altering the Northallerton Waterworks Acts 1891 *and* 1909.

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 there are in force in the District the unrepealed provisions of the Northallerton Waterworks Act 1891 (herein-after referred to as "the Act of 1891") and the Northallerton Waterworks Act 1909 (which Acts are herein-after together referred to as "the Local Acts") the former of which was altered by the Northallerton Order 1904 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1904;

54 & 55 Vict. c. cxxxiv. 9 Edw. 7. c. lxxxiii. 4 Edw. 7. c. cxviii.

And whereas the Council are the owners of the water undertaking authorised by the Local Acts and are empowered subject to the provisions of the Act of 1891 to supply water within an area comprising the District and the townships named in Section 14 of that Act;

And whereas by the Local Acts as altered as aforesaid the Council were authorised to construct reservoirs and other works for the purposes of their water undertaking and to borrow money for those purposes;

And whereas the Council have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Acts so as to enable the Council to borrow further moneys for the purposes of their water 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

38 & 39 Vict. c. 55.

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 further altered so that the following provisions shall have effect viz.,—

Additional borrowing powers for water undertaking.

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 revenue of their water undertaking and of the district fund and general district rate of the District or upon either of those securities such further moneys as may from time to time be required for the purposes of their water undertaking.

Local Loans Act and certain provisions of Public Health Act 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

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Northallerton Order.

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.

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.

Increase reduction or discontinuance of payments to sinking fund.

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

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

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

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

Surplus of sinking fund.

Art. VI.—(1) The Council shall have power— Power to reborrow.

(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.

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(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) The Clerk to the Council shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder

and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of the clerk showing for the year next preceding the making of the return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make the return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

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

Inquiries and expenses.

Art. X. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Northallerton Waterworks Act 1909 or of this Order the costs incurred by the Board in relation to that inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in the inquiry) shall be paid by the Council and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council.

A.D. 1911.

Northallerton Order.

Short titles.

Art. XI. This Order may be cited as the Northallerton Order 1911 and the Northallerton Order 1904 and this Order may be cited together as the Northallerton Orders 1904 and 1911.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

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