CHAPTER cxxxv.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Liverpool Nantwich Newcastle-under-Lyme New Mills Stratford-upon Avon and Torquay. [7th August 1912.]

A.D. 1912.

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 altered 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.

Audit of accounts of corporation of Newcastle-under-Lyme.

2. From and after the thirty-first day of March one thousand nine hundred and thirteen and so long as the provisions of Article I. of the Order relating to Newcastle-under-Lyme shall remain in operation sections twenty-five twenty-six and twenty-seven of the Municipal Corporations Act 1882 and section two hundred and forty-six of the Public Health Act 1875 shall cease to apply to any accounts of the mayor aldermen and burgesses of the borough of Newcastle-under-Lyme acting by the council (in this section referred to as "the corporation") or of the treasurer of that borough or of the officers of the corporation:

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Provided that the accounts of the corporation for the financial year ending the thirty-first day of March one thousand nine hundred and thirteen shall be audited as if this Act had not passed.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1912.

SCHEDULE.

CITY OF LIVERPOOL.

Liverpool Order.

Provisional Order for altering the Local Act 59 George III. Cap. IX. the Liverpool Building Act 1842 the Liverpool Improvement Act 1882 and the Local Government Board's Provisional Orders Confirmation (Askern &c.) Act 1881.

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

And to all others whom it may concern.

WHEREAS the City of Liverpool (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 Urban Sanitary Authority;

And whereas there are in force in the City the unrepealed provisions of a Local Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third and intituled "An Act for "abolishing the payment of certain tolls called ingates and outgates "collected at the several entrances into the Town of Liverpool in the "County of Lancaster and of certain tolls and stallage now payable "in the markets and fairs there and for granting other tolls and "stallage in lieu thereof and for the better regulation of the said "markets and fairs" (herein-after referred to as "the Act of 1819") as altered by a Provisional Order of the Local Government Board dated the Fifth day of May One thousand eight hundred and eighty-one (herein-after referred to as "the Order") which was duly confirmed by the Local Government Board's Provisional Orders Confirmation (Askern &c.) Act 1881 (herein-after referred to as "the Confirming Act") and the unrepealed provisions of the Liverpool Building Act 1842 (herein-after referred to as "the Act of 1842") and the Liverpool Improvement Act 1882 (herein-after referred to as "the Act of 1882") (all which Local Acts are herein-after together referred to as "the Local Acts");

59 Geo. III. c. ix.

44 & 45 Vict. c. xcviii.

5 Vict. Sess. 2. c. xliv.

45 Vict. c. lv.

And whereas in pursuance of Section 2 of the Act of 1819 as partially repealed and altered by Article III. of the Order the Corporation are empowered to demand receive and take of and from all

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and every person and persons (except any of the persons who under Section VI. of the Act of 1819 were exempted from the payment of the tolls or stallage authorised by the Act of 1819) exposing for sale any article matter or thing mentioned in the schedule to the Order in any of the markets established in the Town of Liverpool either before or after the date of the Act of Parliament confirming the Order or in the two ancient fairs held within the said town on the Twenty-fifth day of July and Eleventh day of November in each year and ten days previous and ten days subsequent to such fairs respectively such tolls as shall from time to time be fixed and appointed by the Corporation according to the schedule to the Order but not exceeding in amount the respective sums mentioned in that schedule but it is provided that nothing in the Order shall prejudice or affect the power of the Corporation from time to time to levy demand and take stallages according to the provisions of the Act of 1819 and the schedule thereto if they shall so think fit;

And whereas by Article IV. of the Order and Section 3 of the Confirming Act further provision was made as therein mentioned with respect to the tolls payable under the Order;

And whereas by the Act of 1842 and the Act of 1882 provision is made with respect to the construction of the walls of domestic buildings and of public buildings and with respect to the thickness of such walls;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to alter or amend the Local Acts and the Confirming Act in the manner hereinafter set forth:

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

38 & 39 Vict. c. 55.

Alteration of tolls in markets and fairs.

Art. I. The Act of 1819 as altered by the Order shall be further altered by the substitution for the tolls specified in the schedule to the Order of the tolls specified in the schedule to this Order and Articles III. and IV. of the Order and Section 3 of the Confirming Act shall have effect as if for the references in those Articles and that Section to the schedule to the Order and to the tolls payable under the Order there were substituted references to the schedule to this Order and to the tolls payable under this Order respectively.

Nothing in this Article shall affect the tolls and sums of money which the Corporation are entitled to demand receive and recover in respect of the Stanley Cattle Market in pursuance of the Liverpool Corporation Act 1902.

Provision with respect to hollow walls.

Art. II.—(1) Notwithstanding anything in the Act of 1842 or the Act of 1882 any external wall and any separate side wall of a new public building or of a new domestic building may be constructed as a hollow wall in accordance with bye-laws to be made by the Corporation in pursuance of Section 157 of the Public Health Act 1875.

(2) In this Article the expressions "public building" "domestic building" "external wall" and "separate side wall" have the same meanings respectively as in the Act of 1882.

Short title.

Art. III. This Order may be cited as the Liverpool Order 1912.

The SCHEDULE above referred to.

	s.	*d.*
For each cart containing hay straw grass roots or other fodder for the use of or as food for cattle - - - -	0	9
For each wagon containing hay straw grass roots or other fodder for the use of or as food for cattle - - - -	1	0
For each wagon or cart containing loose potatoes - -	1	9
For each wagon or cart containing loose vegetables other than potatoes - - - - - - -	2	6
For each cart containing potatoes or other vegetables fruit or other produce in hampers or other packages or partly in packages and partly loose and for a space of not exceeding three feet in length on the surface of the ground adjoining and fronting such cart and not exceeding in width the width of the cart - - - - - - -	2	6
For each small single-horse wagon (the measurement whereof does not exceed ten feet in length by five feet in width inclusive of tail-board side-rails and other accessories for increasing the capacity of the wagon but exclusive of shafts) containing potatoes or other vegetables fruit or other produce in hampers or other packages or partly in packages and partly loose and for a space of not exceeding three feet in length on the surface of the ground adjoining and fronting such wagon and not exceeding in width the width of the wagon -	2	6

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	s.	d.
For each single-horse wagon (other than a small single-horse wagon mentioned in the last preceding item) containing potatoes or other vegetables fruit or other produce in hampers or other packages or partly in packages and partly loose and for a space of not exceeding three feet in length on the surface of the ground adjoining and fronting such wagon and not exceeding in width the width of the wagon -	3	0
For each two-horse wagon containing potatoes or other vegetables fruit or other produce in hampers or other packages or partly in packages and partly loose and for a space of not exceeding three feet in length on the surface of the ground adjoining and fronting such wagon and not exceeding in width the width of the wagon - - - - - - -	3	6
For each motor wagon loaded with vegetables fruit or other produce - - - - - - -	7	0
For each head of cattle not otherwise provided for - -	0	6
For each calf - - - - - - -	0	2
For each horse pony or mule - - - - -	1	0
For each ass - - - - - - -	0	3
For each pig goat sheep or lamb - - - - -	0	1
For any quantity of fish shell-fish game poultry rabbits or birds brought into the market in any hamper whisket basket box barrel crate sack bag or package of any description the measurement of which in any part thereof does not exceed one superficial foot - - - - - -	0	$0\frac{1}{2}$
And for every additional superficial foot or part of a foot -	0	$0\frac{1}{2}$
For any quantity of marketable commodities not otherwise provided for brought into the market in any sieve small basket package or receptacle of any description the measurement of which in any part thereof does not exceed one and a half superficial feet - - - - - - -	0	$0\frac{1}{2}$
For any quantity of marketable commodities not otherwise provided for brought into the market in any hamper whisket basket box barrel crate sack bag package or receptacle of any description the measurement of which in any part thereof exceeds one and a half superficial feet but does not exceed three superficial feet - - - - - - -	0	1
For any quantity of marketable commodities not otherwise provided for brought into the market in any hamper whisket basket box barrel crate sack bag package or receptacle of any description the measurement of which in any part thereof exceeds three superficial feet but does not exceed six superficial feet - - - - - - -	0	2

	s.	d.
For any quantity of marketable commodities not otherwise provided for brought into the market in any hamper whisket basket box barrel crate sack bag package or receptacle of any description the measurement of which in any part thereof exceeds six superficial feet but does not exceed nine superficial feet - - - - - - - -	0	3
For any article matter or thing not otherwise provided for brought into the market the measurement of which in any part thereof does not exceed three superficial feet - -	0	1
And for every additional three feet or part of three feet of superficial measurement - - - - -	0	1

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

(L.S.)

John Burns President.

H. C. Monro Secretary.

URBAN DISTRICT OF NANTWICH.

Provisional Order for altering the Nantwich Urban District Council Act 1903.

Nantwich Order.

To the Urban District Council of Nantwich;—

To the County Council of Chester;—

To the Rural District Council of Nantwich;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Nantwich (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 Nantwich (herein-after referred to as "the District") and there are in force in the District the unrepealed provisions of the Nantwich Urban District Council Act 1903 (herein-after referred to as "the Local Act") as altered by the Nantwich Order 1905 (herein-after referred to as "the Order of 1905") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1905 and the Nantwich Order 1907 (herein-after referred to as "the Order of 1907") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1907; 3 Edw. 7. c. civ. 5 Edw. 7. c. lxxiv. 7 Edw. 7. c. cliv.

And whereas the limits of the Council for the supply of gas were defined by Section 5 of the Local Act and those limits as so defined were extended by the Order of 1907 so as to include the part of the Parish of Wistaston in the Rural District of Nantwich and the County of Chester described in the schedule to that Order (which limits as so extended are herein-after referred to as "the gas limits");

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Nantwich Order.

And whereas the Council have made application to the Local Government Board for the issue of a Provisional Order to further 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 (herein-after referred to as "the commencement of this Order") the Local Act as altered as aforesaid shall be further altered so that the following provisions shall take effect that is to say:—

38 & 39 Vict. c. 55.

Extension of gas limits.

Art. I. The gas limits shall be extended so as to comprise so much of the said Parish of Wistaston (herein-after referred to as "the added area") as is not included in the existing gas limits and such of the provisions of the Local Act as altered as aforesaid with respect to the supply of gas and otherwise with respect to gas purposes as now apply and have effect within the existing gas limits shall with the necessary modifications apply and have effect within the gas limits as extended by this Order.

Protection for County Council of Chester.

Art. II.—(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 the county bridge (including the road repairable therewith) which is situate near Wistaston Mill in the added area (herein-after referred to as "the county bridge") 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 Act.

51 & 52 Vict. c. 41.

10 & 11 Vict. c. 15.

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

(3) If the County Council of Chester (herein-after referred to as "the County Council") at any time deem it necessary to raise sink or otherwise alter the situation of any gas pipe gas main or gasworks laid or placed by the Council in pursuance of this Order or of any enactment applied by this Order in under or upon the county bridge or any main road in the added area the County Council may by notice in writing require the Council 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 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 Council:

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) No claim shall be made against the County Council for damage to any works of the Council under this Order unless the Council shall within forty-eight hours of the discovery of such damage have given written notice thereof to the surveyor of the County Council and shall have afforded him a reasonable opportunity and facilities for inspecting such works.

(5) If any difference arises at any time between the County Council and the Council 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.

Protection for London and North Western Railway Company.

Art. III. Nothing in this Order shall affect the powers and rights of the London and North-Western Railway Company with respect to the supply of gas to any premises situate within that part of the added area which lies to the north of the Wistaston Brook whether such premises are or are not supplied by the Company at the commencement of this Order.

Short titles

Art. IV. This Order may be cited as the Nantwich Order 1912 and the Order of 1905 the Order of 1907 and this Order may be cited together as the Nantwich Orders 1905 to 1912.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

BOROUGH OF NEWCASTLE-UNDER-LYME.

Provisional Order for altering the Newcastle-under-Lyme Corporation Act 1877.

Newcastle-under-Lyme Order.

To the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme; —

And to all others whom it may concern.

WHEREAS the Borough of Newcastle-under-Lyme (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

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Newcastle-under-Lyme Order.

40 & 41 Vict. c. clxxii.

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 Newcastle-under-Lyme Corporation Act 1877 (herein-after referred to as "the Local Act") as altered by a Provisional Order (herein-after referred to as "the Order") of the Local Government Board dated the Twenty-fifth day of April One thousand eight

54 & 55 Vict. c. lxix.

hundred and ninety-one which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1891;

And whereas by the Local Act the Corporation were empowered to purchase the undertaking of the Newcastle-under-Lyme Gaslight Company and to borrow money for the purchase of the said undertaking;

And whereas Section 54 of the Local Act required the Corporation to keep a separate account called the gas account which should be subject to the same provisions as to audit examination report inspection copies and extracts and production of vouchers as other accounts of the Corporation;

And whereas by the Order further borrowing powers for gas purposes were conferred upon the Corporation;

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

38 & 39 Vict. c. 55.

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 as altered by the Order shall be further altered so that the following provisions shall take effect that is to say:—

Audit of Borough accounts.

Art. I.—(1) Notwithstanding anything in the Local Act all accounts of the Corporation and of the treasurer of the Borough and of the officers of the Corporation under any public or private Act of Parliament or otherwise relating to matters dealt with by the Corporation in any capacity and including the accounts of any joint committee and of the officers of any joint committee appointed by the Corporation with the council of another borough or with a County Council or with a District Council or a Parish Council shall be audited by a district auditor appointed by the Local Government Board in like manner as accounts of an urban authority and their officers are audited.

Sections 247 and 250 of the Public Health Act 1875 and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the

recovery of sums as well as all enactments relating to matters incidental to or consequential upon any such accounts or audit shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of that authority they were herein re-enacted with the necessary modifications and accordingly all burgesses of the Borough and all ratepayers and owners of property in the Borough shall have the like rights and there shall be the same appeal as in the case of that audit:

Provided that the First Schedule to the District Auditors Act 1879 as applied by this Article shall be modified in the manner described in the Second Schedule to the Local Government Act 1888.

(2) Nothing in subdivision (1) of this Article shall apply to the audit of the accounts of the Corporation for the financial year ending the Thirty-first day of March One thousand nine hundred and thirteen.

(3) The Corporation may out of the borough fund—

(*a*) Pay reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of the said associations or any of them and of purchasing reports of the proceedings of any such conferences or meetings;

(*b*) Pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the Borough.

Additional borrowing powers.

Art. II. 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 sums not exceeding the sum of thirty thousand pounds as may from time to time be required for the purposes of their gas undertaking in addition to any moneys which they are authorised to borrow for those purposes under the Local Act or the Order.

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

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

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Period for repayment of borrowed moneys.

Art. IV. The moneys borrowed under Article II. of this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine 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. V.—(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 VI. 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 each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

Increase reduction or discontinuance of payments to sinking fund.

Art. VI.—(1) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

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

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

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either temporarily or permanently to such an extent as the Board approve.

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

Surplus of sinking fund.

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

Power to re-borrow.

Art. VII.—(1) The Corporation shall have power—

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this Article shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this Article.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) by instalments or annual payments; or

(*b*) by means of a sinking fund; or

(*c*) out of moneys derived from the sale of land; or

(*d*) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Application of borrowed moneys.

Art. VIII. All moneys from time to time borrowed under this Order shall be applied by the Corporation only for the purposes for which the

same are respectively authorised to be borrowed excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation with the approval of the Local Government Board determine.

Receiver.

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

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

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to the applicants collectively be not less than five hundred pounds in the whole.

Return as to provision for repayment of debt.

Art. X.—(1) The 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 said 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 purposes 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

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

Inquiries and expenses.

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

Short titles.

Art. XII. The Order may be cited as the Newcastle-under-Lyme Order 1891 this Order may be cited as the Newcastle-under-Lyme Order 1912 and the Order and this Order may be cited together as the Newcastle-under-Lyme Orders 1891 and 1912.

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

(L.S.)

JOHN BURNS President.
H. C. MONRO Secretary.

URBAN DISTRICT OF NEW MILLS.

New Mills Order.

Provisional Order for altering the New Mills Urban District Council Act 1906.

To the Urban District Council of New Mills;—
To the County Council of Chester;—
To the Mayor Aldermen and Burgesses of the Borough of Stockport;—
To the Rural District Council of Disley;—
And to all others whom it may concern.

WHEREAS the Urban District Council of New Mills (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 New Mills (herein-after referred to as "the District") and the unrepealed provisions of the New Mills Urban District Council Act 1906 (herein-after referred to as "the Local Act") are in force in the District;

And whereas by Section 5 of the Local Act it was enacted that the limits of the Local Act for the supply of gas (herein-after referred to as "the gas limits") should be the District;

And whereas by Section 43 of the Local Act it is enacted that the price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings and sixpence per thousand cubic feet;

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 (herein-after referred to as "the commencement of 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.

Art. I.—(1) The gas limits shall be extended so as to comprise the area described in the Schedule to this Order (herein-after referred to as "the added area"). Extension of gas limits.

(2) Notwithstanding anything in the Local Act the price to be charged by the Council for gas supplied in the added area to consumers who burn the same by meter other than consumers occupying premises which are supplied with gas by the Council at the commencement of this Order may exceed that charged to the like consumers within the existing gas limits by a sum not exceeding—

(*a*) ninepence per one thousand cubic feet until the expiration of the quarter in which the volume of gas supplied by meter in the added area (except to premises which are supplied with gas by the Council at the commencement of this Order) during that quarter when added to the volume of gas so supplied during the preceding three quarters shall be ascertained to amount to or exceed six million cubic feet and after that limit has once been reached

(*b*) sevenpence per one thousand cubic feet until the expiration of the quarter in which the volume of gas supplied by meter in the added area (except to premises which are supplied with gas by the Council at the commencement of this

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Order) during that quarter when added to the volume of gas so supplied during the preceding three quarters shall be ascertained to amount to or exceed eight million cubic feet and after that limit has once been reached

(*c*) fivepence per one thousand cubic feet until the expiration of the quarter in which the volume of gas supplied by meter in the added area (except to premises which are supplied with gas by the Council at the commencement of this Order) during that quarter when added to the volume of gas so supplied during the preceding three quarters shall be ascertained to amount to or exceed ten million cubic feet and after that limit has once been reached

(*d*) threepence per one thousand cubic feet:

Provided that from and after the Thirty-first day of March One thousand nine hundred and twenty-three the foregoing provision shall be read and have effect as if the words "sevenpence" "fivepence" "threepence" and "one penny" were substituted therein for the words "ninepence" "sevenpence" "fivepence" and "threepence" respectively.

(3) Subject to the provisions of this Order the provisions of the Local Act 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 shall with the necessary modifications apply and have effect within the gas limits as extended by this Order.

(4) If at any time after the commencement of this Order the added area or any part thereof is formed into or added to an urban district and the Council of such district (herein-after referred to as "the Local Authority") shall give not less than six months' notice in writing to the Council of their desire to purchase such portion of the gasworks and plant of the Council as is contained within the added area or part thereof as the case may be and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the gasworks and plant of the Council (except the mains and pipes or other apparatus and fittings which shall be necessary for supplying with gas any other area within the gas limits as extended by this Order) and to supply gas within the added area or part thereof as the case may be then it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and the Local Authority shall purchase the portion of the gasworks and plant of the Council (except as aforesaid) within the added area or part thereof as the case may be at such price being a sum in gross

and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and the Council shall apply the proceeds of any such sale under this subdivision in the same manner as they are required to apply moneys received from the sale of land under Section 74 of the Local Act or for such purposes as may be approved by the Local Government Board:

Provided that after the completion of such purchase all obligations on the part of the Council to supply gas within the added area or part thereof as the case may be shall cease and determine.

Protection for County Council of Chester and Rural District Council of Disley.

Art. II.—(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 Act.

51 & 52 Vict. c. 41.

(2) Section 8 of the Gasworks Clauses Act 1847 as applied by or incorporated with the Local Act 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 District Council of Disley (herein-after referred to as "the Rural Council") have effect as if the word "seven" were substituted for the word "three" in that Section.

10 & 11 Vict. c. 15.

(3) If the County Council of Chester (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 laid or placed by the Council 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 Council 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 Council:

Provided that except in a case of necessity no such alteration shall be required or made as will permanently injure any such pipe

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main or works or prevent the gas from flowing as freely and conveniently as usual.

(4) No claim shall be made against the County Council for damage to any works of the Council under this Order unless the Council shall within forty-eight hours of the discovery of such damage have given written notice thereof to the surveyor of the County Council and shall have afforded him a reasonable opportunity and facilities for inspecting such works.

Protection for Stockport Corporation.

Art. III. Any mains pipes or other works which the Council may lay down or execute under or over any works mains or pipes belonging to the Mayor Aldermen and Burgesses of the Borough of Stockport (herein-after referred to as "the Corporation") shall be laid down and executed and subsequently maintained and repaired by the Council under the direction and superintendence (if the same be given) and to the reasonable satisfaction of the water engineer for the time being of the Corporation and in accordance with plans and sections previously submitted to and reasonably approved by him Provided that if for fourteen days after any such plans and sections have been submitted to the said water engineer he shall fail to give notice to the Council specifying his objections thereto he shall be deemed to have approved thereof.

Settlement of differences.

Art. IV. If any difference arises between the County Council or Rural Council as the case may be and the Council with respect to any matter to which Article II. of this Order relates or if any difference arises as to whether any works referred to in Article III. of this Order should reasonably satisfy the water engineer of the Corporation or as to whether his approval is unreasonably withheld or otherwise under the last-mentioned Article the difference shall be determined by arbitration and if the parties fail to agree as to the appointment of an arbitrator the appointment shall be made by the Local Government Board and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Midland Railway Company.

Art. V. The following provisions for the protection of the Midland Railway Company (in this Article referred to as "the Railway Company") shall be in force and have effect in regard to the added area:—

(1) In laying down or executing or in effecting the repairs and renewals of any main pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the Railway Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the Railway Company the same shall be done under the superintendence and to the reasonable satisfaction

of the principal engineer of the Railway Company and only according to plans submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council who also shall restore and make good the roads over any such bridges level crossings and approaches which the Railway Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any bridge or level crossing the Council shall make compensation in respect thereof to the Railway Company the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

(2) Any dispute or difference which may arise between the Railway Company and the Council with reference to the provisions of this Article or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Railway Company and the Council or either of them.

Art. VI. This Order may be cited as the New Mills Order 1912. Short title.

The SCHEDULE above referred to.

The whole of the Parish of Disley in the Rural District of Disley and the County of Chester except the part of that Parish which is comprised in the limits of supply of the Chapel Whaley and District,

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Gas Company which part is shown on the map referred to in sub-section (2) of Section 4 of the Chapel Whaley and District Gas Act 1911 and is described in that Act as follows:—

That part of the Parish of Disley which lies within the following boundary line (that is to say):—

An imaginary line drawn straight from the Buxton Road at the southerly corner of the road leading to the towing-path of the Peak Forest Canal in an easterly direction until such line meets the boundary of the Disley Rural District then following such boundary in a southerly direction to a point known as Diglee Clough then drawn straight in a northerly direction to Bank End Farm.

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

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

BOROUGH OF STRATFORD-UPON-AVON.

Stratford-upon-Avon Order.

Provisional Order for partially repealing and altering the Stratford-upon-Avon Borough Act 1879.

To the Mayor Aldermen and Burgesses of the Borough of Stratford-upon-Avon;—

To the County Council of Warwick;—

To the Rural District Council of Stratford-on-Avon;—

And to all others whom it may concern.

WHEREAS the Borough of Stratford-upon-Avon (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 Stratford-upon-Avon Borough Act 1879 (herein-after referred to as "the Local Act") as altered by the Stratford-upon-Avon Orders 1881 to 1902 (all of which Orders were duly confirmed by Parliament and are herein-after referred to as "the Orders");

42 & 43 Vict. c. cxix.

And whereas in pursuance of the provisions of the Local Act the Corporation as the successors of the Local Board of Health for the

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Stratford-upon-Avon Order.

District of Stratford-upon-Avon are empowered to construct and maintain works for the manufacture and storage of gas but by Section 48 of the Local Act the Corporation are prohibited from manufacturing gas or residual products except upon the lands described in the First Schedule to that Act;

And whereas by Section 4 of the Local Act the limits (herein-after referred to as "the gas limits of the Corporation") within which the Corporation may supply gas are defined;

And whereas the Parish of Snitterfield was until recently supplied with gas from certain Gasworks (herein-after referred to as "the Snitterfield Gasworks") constructed upon the land described in the Schedule to this Order;

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 so as to enable the Corporation to take on lease the Snitterfield Gasworks and to purchase the gas mains laid in the Parish of Snitterfield to extend the gas limits of the Corporation so as to include the Parishes of Hampton Lucy or Bishops Hampton and Snitterfield in the Rural District of Stratford-on-Avon and to confer on the Corporation further powers in relation to their gas undertaking:

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

38 & 39 Vict. c. 55.

Authorising taking on lease of Gasworks and purchasing of distributing mains.

Art. I. The Corporation may by agreement but not otherwise purchase or take on lease the Snitterfield Gasworks and purchase the distributing mains in the Parish of Snitterfield.

Gasworks taken on lease to form part of gas undertaking of Corporation.

Art. II. The distributing mains so purchased and after the purchase or during the continuance of the said lease the Snitterfield Gasworks 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 Act as altered by the Orders 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 after the purchase or during the continuance of the said lease may notwithstanding anything in the Local Act hold and use the land described in the Schedule to this Order for all or any of the purposes of their gas undertaking including the manufacture and storage of gas and residual products.

A.D. 1912.

Stratford-upon-Avon Order.

Extension of gas limits of Corporation.

Art. IV.—(1) The gas limits of the Corporation shall be extended so as to comprise the Parishes of Hampton Lucy or Bishops Hampton and Snitterfield (which Parishes are herein-after referred to as "the added area").

(2) The provisions of the Local Act as altered by the Orders and 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 the maximum price charged to consumers within the Borough by a sum not exceeding one shilling and twopence per one thousand cubic feet.

Protection for County Council of Warwick. 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 Act.

10 & 11 Vict. c. 15.

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

(3) If the County Council of Warwick (herein-after referred to as "the County Council") at any time deem it necessary to raise sink or otherwise alter the situation of any gas pipe or gas main acquired by the Corporation 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 the County Council may by notice in writing require the Corporation to raise sink or otherwise alter the situation of the said pipe or main 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 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 or

main or prevent the gas from flowing as freely and conveniently as usual.

(4) If any difference arises at any time between the County Council 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 Section 38 of the Local Act 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. So much of Section 38 of the Local Act as prescribes the burner to be used for testing the gas 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 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

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Stratford-upon-Avon Order.

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.

Short title.

Art. XI. This Order may be cited as the Stratford-upon-Avon Order 1912.

The SCHEDULE above referred to.

All that piece of land situate in the Parish of Snitterfield in the County of Warwick being the site of the Snitterfield Gasworks belonging or reputed to belong to Lady Trevelyan and containing an area of six hundred and eighty square yards or thereabouts and bounded on the south-east by a public road and on all other sides by property belonging or reputed to belong to Lady Trevelyan.

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

(L.S.)

John Burns President.
H. C. Monro Secretary.

BOROUGH OF TORQUAY.

A.D. 1912.

Provisional Order for altering the Torquay Harbour and District Act 1886.

Torquay Order.

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

And to all others whom it may concern.

WHEREAS the Borough of Torquay (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 the unrepealed provisions of the Torquay Harbour and District Act 1886 (herein-after referred to as "the Local Act") as altered by the Torquay Order 1910 (herein-after referred to as "the Order") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1910 and by certain other Provisional Orders duly confirmed by Parliament which do not affect the subject-matter of this Order are in force in the Borough;

49 & 50 Vict. c. cxix.

10 Edw. 7. and 1 Geo. 5. c. lxxxv.

And whereas in pursuance of Section 7 of the Local Act the Local Board of Health for the District of Torquay who were the predecessors of the Corporation purchased the harbour lands hereditaments rights and property (herein-after collectively referred to as "the harbour undertaking") comprised in the agreement set forth in the First Schedule to the Local Act (herein-after referred to as "the Agreement") upon the terms of the Agreement which terms by the said section were made binding upon the Local Board;

And whereas the harbour undertaking includes the buildings (in the Local Act and herein-after in this Order referred to as "the Bath Saloons") which consist of bath rooms rooms used for public entertainments skating and dancing a museum and a disused swimming bath and conveniences connected therewith and by the terms of the Agreement it was provided amongst other things that for the preservation of the views enjoyed from the houses in a certain street known as Beacon Terrace no existing building at the Bath Saloons should be raised above the existing height of the buildings there and that no new or additional building should be erected there or upon the adjacent land of a greater height than that of the existing buildings and that such restriction should be made binding in perpetuity;

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Torquay Order.

And whereas by Section 45 of the Local Act the said Local Board were authorised to borrow money on the security of the revenue of the harbour district fund and general district rates for (amongst other things) repairs to harbour buildings bath saloons and baths and refitting and decorating the same;

And whereas the Corporation propose to extend and improve the Bath Saloons and to provide in connexion therewith a new swimming bath medicinal and other baths buildings and conveniences and to make regulations with regard to charges for admission to and use and bye-laws for the use conduct and management of the same;

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

38 & 39 Vict. c. 55.

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

Bath Saloons severed from harbour undertaking.

Art. I. The Bath Saloons together with the lands rights machinery plant apparatus fittings and furniture held exerciseable or used by the Corporation in connexion therewith shall cease to form part of the harbour undertaking of the Corporation and shall be carried on by the Corporation as a separate undertaking to be called "the baths undertaking."

Extension and improvement of Bath Saloons.

Art. II.—(1) The Corporation may—

(*a*) in accordance with such plans and sections as may be approved by the Local Government Board extend and improve the Bath Saloons and provide in connexion therewith a new swimming bath medicinal and other baths and such buildings and conveniences as may be approved by the Local Government Board:

(*b*) maintain and carry on any extensions or improvements of the Bath Saloons and any baths buildings and conveniences provided in pursuance of paragraph (*a*) of this subdivision as part of the baths undertaking and may provide such machinery plant apparatus equipment fittings and furniture as may be required for those purposes:

Byelaws for regulation of Bath Saloons.

(*c*) make alter repeal and enforce byelaws for the regulation and management of the Bath Saloons or any part thereof and for regulating the admission thereto and the user thereof and respecting the conduct of persons therein

and may by such byelaws provide for the removal by any officer of the Corporation or constable of any person infringing any such byelaw:

Charges for use of baths, &c.

(*d*) make such charges as they think fit for the admission to and the use of the Bath Saloons or any part thereof.

(2) Nothing in this Article shall be deemed to invalidate or affect the restriction imposed by the terms of the Agreement and at present binding on the Corporation in respect of the height of buildings raised or erected upon the site of the Bath Saloons or upon adjacent lands.

Application of revenue of baths undertaking.

Art. III.—(1) The Corporation shall apply the moneys from time to time received by them by way of revenue from the baths undertaking in each year in the following manner and for the following purposes that is to say:—

First—In payment of the working and establishment expenses of the baths undertaking and the cost of maintenance of the Bath Saloons:

Secondly—In payment of the interest on moneys borrowed or re-borrowed for the purposes of the baths undertaking:

Thirdly—In providing for the discharge of the moneys borrowed or re-borrowed for the purposes of the baths undertaking in accordance with the provisions of the Acts or Orders which are applicable thereto:

Fourthly—In extending and improving (if the Corporation think fit) any permanent works in connexion with and for the purposes of the baths undertaking.

The Corporation shall carry to the district fund of the Borough so much of any balance remaining in any year of the moneys received by way of revenue from the baths undertaking as may in their opinion not be required for the purposes thereof and for paying the current expenses connected therewith.

(2) Any deficiency in the revenue derived from the moneys received as aforesaid shall be forthwith made good out of the district fund and general district rate of the Borough.

Borrowing powers for purposes of this Order

Art. IV. 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 the baths undertaking and of the district fund and general district rate of the Borough such sums as may from time to time be necessary for the purposes of subdivision (1) of Article II. of this Order.

Period for repayment of borrowed moneys.

Art. V. The moneys borrowed under Article IV. of this Order shall be repaid within such period not exceeding thirty years from the date of borrowing as the Corporation with the sanction of the Local

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Government Board in each case determine and the period so determined and sanctioned shall with reference to the repayment of those moneys be the prescribed period for the purposes of the Local Loans Act 1875 and of the provisions of the Order as applied by this Order.

Application of provisions of Order to purposes of this Order.

Art. VI. The provisions of Articles III. and V. to XI. of the Order shall apply as if the said Articles were herein re-enacted and in terms made applicable respectively to the moneys borrowed under Article IV. of this Order and to any local inquiry held with reference to any of the purposes of this Order.

Short titles.

Art. VII. This Order may be cited as the Torquay Order 1912 and the Order and this Order may be cited together as the Torquay Orders 1910 and 1912.

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

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

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