



CHAPTER clxix.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Cheltenham Shrewsbury and Warrington. A.D. 1896.
[7th August 1896.]

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 and that the provisions herein contained should be enacted with reference to one of such Orders :

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Orders 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. Orders in schedule confirmed.

2. The Urban District Council for the Borough of Shrewsbury shall not under the powers of the Shrewsbury Order 1896 hereby confirmed purchase or acquire either compulsorily or by agreement ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction of power to take houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896. — at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title. **3.** This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 20) Act 1896.

SCHEDULE.

A.D. 1896.

BOROUGH OF CHELTENHAM.

*Cheltenham
Order.*

*Provisional Order for partially repealing and altering certain
Local Acts.*

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

And to all others whom it may concern.

WHEREAS the Borough of Cheltenham (herein-after referred to as “the Borough”) is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as “the Corporation”) are the Urban District Council and as such council are the local authority within the meaning of the Public Health Act 1875 for the Borough ;

And whereas the unrepealed provisions of the Cheltenham Improvement Act 1852 the Cheltenham Corporation Water Act 1878 and the Cheltenham Improvement Act 1889 (which Acts are herein-after together referred to as “the Local Acts” and each of which Acts is herein-after referred to as the Act of the year in which it was passed) as altered by certain Provisional Orders duly confirmed by Parliament but which do not affect the subject-matter of this Order are in force in the Borough ;

15 Vict. c. i.
41 & 42 Vict.
c. cciii.
52 & 53 Vict.
c. clxxxiv.

And whereas by Section 42 of the Act of 1878 provision is made with respect to the application of the revenue received by the Corporation from their water undertaking and it is enacted that the balance of such revenue remaining in any one year shall be devoted to the reduction of the price of water charged to consumers of water for domestic purposes ;

And whereas by Part II. (i.) of the Act of 1889 certain provisions were made with respect to the notification and prevention of infectious diseases and by Section 9 of that Act the medical officer of health is empowered in certain cases to inspect farmhouses dairies cowsheds milk stores milkshops or places beyond the Borough ;

And whereas by Section 35 of the Act of 1889 it is enacted that every continuation of an existing street shall for the purposes of the Public Health Acts and of that Act and of any byelaws made thereunder and for the time being in force within the Borough be a new street ;

And whereas by Part III. (ii.) of the Act of 1889 certain regulations as to buildings were enacted ;

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896.

—
Cheltenham
Order.

38 & 39 Vict.
c. 55.

And whereas by Part X. of the Act of 1889 provision was made with respect to markets and slaughter-houses in the Borough :

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 Acts shall be repealed and altered so that the following provisions shall have effect viz.,--

Art. I.—(1.) All dairymen supplying milk within the Borough from premises whether within or beyond the Borough shall notify to the Corporation all cases of infectious disease among persons engaged in or in connexion with their dairies and in default shall be liable to a penalty not exceeding forty shillings and the expressions "dairymen" and "dairies" shall in this Article have the same meaning as in the Infectious Disease (Prevention) Act 1890.

(2.) A person who knows himself to be suffering from any infectious disease shall not within the Borough milk any animal or pick fruit or engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings.

Art. II. Public notice of the provisions of Article I. of this Order shall be given forthwith after the commencement of this Order by advertisement in two newspapers published or circulated in the Borough and by a notice affixed outside the Town Hall of the Borough and by such further means as the Corporation deem reasonable for conveying notice of those provisions to persons affected or likely to be affected thereby A copy of the newspaper containing the advertisement shall be conclusive evidence that such public notice has been duly given unless the contrary be proved and no objection to such notice shall be made after six months from the date of the advertisement.

Art. III. The Corporation may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this Article and such compensation shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

Art. IV. If any land adjoining any street in the Borough is allowed to remain unfenced or the fences thereof to be or remain out of repair and such land is in the opinion of the Corporation owing to the absence or inadequate repair of such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the town clerk to the owner or occupier of the same or without any notice if the Corporation are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Corporation may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the

[59 & 60 VICT.] *Local Government Board's* [Ch. clxix.]
Provisional Orders Confirmation (No. 20) Act, 1896.

expenses thereby incurred shall be recoverable from such owner or occupier in any court of summary jurisdiction.

A.D. 1896.

*Cheltenham
Order.*

Art. V. From and after the commencement of this Order—

The erection of any building ;

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the adjoining ground ;

The conversion into or using as a dwelling-house of any building or part of a building not originally constructed for human habitation ;

The conversion into one dwelling-house of two or more dwelling-houses constructed originally as two or more dwelling-houses ;

The conversion into or using as two or more dwelling-houses of any building constructed originally as one dwelling-house ;

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the Borough into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;

The re-conversion into or using as a dwelling-house of any building which has been used or appropriated for any purpose other than a dwelling-house ;

The conversion into a dwelling-room of any room or part of a room used as a shop ;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only and (in matters relating to the structure of walls foundations roofs and chimneys for securing stability and the prevention of fires and for purposes of health) so far as regards the part of the existing building upon which such addition is to be placed ; and

The roofing or covering of an open space between walls or buildings ;
shall for all the purposes of the Local Acts as hereby altered and of any byelaws made thereunder be deemed to be the erection of a new building and Section 55 of the Act of 1889 shall extend to any such new building if such new building is erected at a distance of not less than fifty feet from any house or building belonging to any person other than a railway company.

Art. VI.—(1.) The Corporation may from time to time by written notice to the owner and occupier of any registered slaughter-house within the Borough which from its situation or construction is in the opinion of the Corporation injurious to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(2.) If any person acts in contravention of the provisions of subdivision (1) of this Article he shall be liable for each offence to a penalty not exceeding five pounds.

(3.) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896.
Cheltenham
Order.

of the Corporation under subdivision (1) of this Article such compensation in case of difference to be settled in manner provided by the Public Health Act 1875.

Art. VII. Any person deeming himself aggrieved by any requirement of the Corporation under Article VI. (1.) of this Order may appeal to the next practicable court of quarter sessions as if the notice of such requirement were an order of a court of summary jurisdiction.

Art. VIII. Section 42 of the Act of 1878 shall be altered so as to enable the Corporation at their discretion to carry to the credit of the borough fund the surplus remaining in any one year of the revenue received by them from their water undertaking in lieu of devoting such surplus to the reduction of the price of water as required by that section.

Art. IX. There shall be exempted from so much of the provisions of this Order as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Art. X. This Order may be cited as the Cheltenham Order 1896.

Given under the Seal of Office of the Local Government Board this
Seventeenth day of June One thousand eight hundred and
ninety-six.

(L.S.)

HENRY CHAPLIN President.
C. N. DALTON Assistant Secretary.

Shrewsbury
Order.

BOROUGH OF SHREWSBURY.

Provisional Order for partially repealing and altering the
Shrewsbury Waterworks Act 1856.

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

WHEREAS the Borough of Shrewsbury (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban District Council and as such council are the local authority within the meaning of the Public Health Act 1875 for the Borough and the Shrewsbury Waterworks Act 1856 (herein-after referred to as "the Local Act") is in force in the Borough;

And whereas by Section 69 of the Local Act the Shrewsbury Waterworks Company (herein-after referred to as "the Company") were empowered to sell to the Corporation and the Corporation were empowered to purchase the water

19 & 20 Vict.
c. xliii.

[59 & 60 VICT.] *Local Government Board's* [Ch. clxix.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896.
—
Shrewsbury
Order.

undertaking of the Company subject nevertheless and without prejudice to all mortgages and other debts of the Company which should be directly charged upon the said undertaking or any part thereof ;

And whereas by Section 75 of the Local Act it was enacted that immediately upon the said undertaking being purchased by and becoming vested in the Corporation all the powers authorities rights and privileges contained in that Act should be extended to and vested in the Corporation and be exercised and put in force by the Council of the Borough as if they had been throughout the Local Act named instead of the Company ;

And whereas by Section 79 of the Local Act the Corporation were empowered for the purpose of acquiring and maintaining the said undertaking to borrow upon the security of the rates rents and profits to be levied and received under the authority of that Act and of the waterworks when acquired and of the borough rate and of any property vested in or belonging to the Corporation any sum or sums of money not exceeding forty thousand pounds and it was enacted that all the provisions of the Commissioners Clauses Act 1847 with respect to mortgages to be executed by the Commissioners should be incorporated with that Act and should be applicable to the borrowing of such sum or sums of money as aforesaid by the Corporation ;

And whereas by Section 80 of the Local Act the Corporation were empowered from time to time as occasion required to order a sufficient rate to be made within the Borough and it was enacted that such rate should be so made as a separate rate but should be considered to be a borough rate and be levied in the manner authorised by the Municipal Corporations Act 1835 and the other Acts passed or to be passed in respect of the levying of borough rates and should be applicable to the payment of the sum or sums which might be borrowed by the Corporation for the purposes of that Act and the interest thereof in the same manner as if the amount of such sum or sums and interest were expenses incurred in carrying into effect within the Borough the provisions of the Municipal Corporations Act 1835 ;

And whereas by Section 81 of the Local Act it was enacted that if any sum should be paid or be required to be paid out of the Borough or other separate rate within the Borough under or in respect of the provisions of that Act then and in such case and so often as the same should happen the Corporation should allow or repay to the occupiers respectively to whom any land used as arable meadow or pasture ground only or as woodlands market gardens or nursery grounds and land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance situate within the Borough might belong a drawback on the assessment of such land to the said Borough or other separate rate or fund equivalent to the full amount of three-fourths of so much of such rate or fund as the said occupiers respectively might otherwise be liable to pay or might have paid for or towards the amount which the Corporation may require to apply or may have applied in manner aforesaid ;

And whereas by Section 82 of the Local Act it was enacted that as between the waterworks and the borough rate the water rents should be primarily liable to be applied in satisfaction of the sums borrowed by the Corporation as aforesaid and all interest for the time being due thereon ;

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896.
Shrewsbury
Order.

And whereas by Section 83 of the Local Act provision was made with respect to the application of the profits derived from the water undertaking of the Corporation ;

And whereas the Corporation under Section 69 of the Local Act purchased the water undertaking of the company subject to a mortgage directly charged upon such undertaking of the sum of six thousand pounds ;

And whereas the Corporation in pursuance of Section 79 of the Local Act have borrowed moneys amounting in the whole to the sum of forty thousand pounds ;

And whereas it is expedient that the Corporation should be empowered to construct additional waterworks and that the other provisions herein-after appearing should be made :

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 viz.,—

Art. I.—(1.) The Corporation may for the purposes of their water undertaking make and maintain such works as may from time to time be approved by the Local Government Board and may with the approval of the said Board purchase by agreement but not otherwise any lands which may be required for the purposes of or in connexion with their waterworks undertaking.

(2.) The Corporation shall in carrying out the provisions of subdivision (1) of this Article have the powers of a Local Authority under Section 54 of the Public Health Act 1875 in respect to the carrying of water mains within or without the Borough and shall be subject to the restrictions imposed by Sections 327 to 329 and 332 of the same Act.

(3.) The provisions of Section 308 of the last-mentioned Act shall apply as if the powers conferred by this Article were powers conferred by that Act.

Art. II. The purposes of subdivision (1) of Article I. of this Order shall be deemed to be purposes of the Public Health Act 1875 for which the Corporation may borrow money under and in accordance with the provisions of that Act.

Provided that all moneys so borrowed shall be borrowed upon the security of the revenue arising from the water undertaking of the Corporation and of the borough rate to be made levied and assessed in accordance with the provisions of Sections 80 and 81 of the Local Act and that the provisions of Section 82 of the Local Act shall apply to moneys so borrowed.

Art. III. So much of Section 79 of the Local Act as incorporated therewith the provisions of the Commissioners Clauses Act 1847 with respect to mortgages to be executed by the Commissioners shall be repealed except so far as it may have been acted upon and as it may be necessary to continue the same as regards existing mortgages.

Art. IV.—(1.) In order to provide for the repayment of the moneys borrowed by the Corporation under Section 79 of the Local Act and the moneys outstanding in respect of the mortgage debt of the Company so transferred as aforesaid (all

[59 & 60 VICT.] *Local Government Board's* [Ch. clxix.]
Provisional Orders Confirmation (No. 20) Act, 1896.

which moneys are herein-after referred to as "the existing water debt") the Corporation shall annually pay into a sinking fund (in this Order referred to as "the sinking fund") such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to provide for the repayment of the whole of the existing water debt within the period of twenty years from the Thirty-first day of March One thousand eight hundred and ninety-six (herein-after referred to as "the prescribed period").

A.D. 1896.
—
Shrewsbury
Order.

(2.) The Corporation shall as soon as practicable after the commencement of this Order transfer to the sinking fund any sum or sums standing to the credit of any existing sinking fund established for the repayment of the existing water debt.

(3.) The first annual payment into the sinking fund shall be made on or before the Thirty-first day of March One thousand eight hundred and ninety-seven and the subsequent annual payments on or before the Thirty-first day of March in each succeeding year.

(4.) Every sum paid to the sinking fund and the interest on the investments of the sinking fund shall unless applied in repayment of the existing water debt 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 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(5.) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of the existing water debt Provided that 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 on which the annual payments to the sinking fund are based.

(6.) If and so often as the income of the 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 upon which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation.

(7.) If and so often as the income of the 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 upon which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

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

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 will probably not be sufficient to repay within the prescribed period the existing water debt it

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896. shall be the duty of the Corporation to make such increased payments to the
Shrewsbury sinking fund as will cause the sinking fund to be sufficient for that purpose
Order. 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 part of the
existing water debt they may increase the amounts payable to the sinking fund.

(3.) If the amount in the sinking fund with the future payments thereto in
accordance with the provisions of this Order together with the accumulations
thereon will in the opinion of the Local Government Board be more than
sufficient to repay within the prescribed period the existing water debt the
Corporation may reduce the payments to be made to the sinking fund either
temporarily or permanently to such an extent as that Board shall approve.

(4.) If the amount in the sinking fund at any time together with the probable
accumulations thereon will in the opinion of the Local Government Board be
sufficient to repay the existing water debt within the prescribed period the
Corporation may with the consent of that Board discontinue the equal annual
payments to such sinking fund until the Local Government Board shall otherwise
direct.

(5.) Any surplus of the sinking fund remaining after the discharge of the
whole of the existing water debt shall be applied to such purpose or purposes
as the Corporation with the consent of the Local Government Board may
determine.

Art. VI. The Corporation shall except as herein-after provided have power to
re-borrow for the purpose of paying off any of the existing water debt which has
not been repaid and is intended to be forthwith repaid or in respect of any
part of the existing water debt which has been repaid by the temporary
application of funds at the disposal of the Corporation within twelve months
before the re-borrowing and which at the time of the repayment it was intended
to re-borrow :

Provided that the Corporation shall not have power to re-borrow for the
purpose of paying off any moneys repaid by means of the sinking fund or out of
moneys derived from the sale of land or out of any capital moneys properly
applicable to the purpose of such repayment other than moneys borrowed for
that purpose. Provided also that any moneys re-borrowed shall be secured on
the securities mentioned in the proviso to Article II. of this Order and shall
otherwise be deemed to form the same loan as the money for the repayment of
which the re-borrowing has been made and shall be repaid within the prescribed
period. Provided also that the provisions of Sections 236 to 239 of the Public
Health Act 1875 shall apply to all moneys so re-borrowed.

Art. VII.—(1.) The town clerk 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 this Order or in respect of any money raised there-
under and at any other time when the Local Government Board may require
such a return to be made transmit to the Local Government Board a return

[59 & 60 VICT.] *Local Government Board's* [Ch. clxix.]
Provisional Orders Confirmation (No. 20) Act, 1896.

in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return such 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 such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1896,

Shrewsbury
Order.

(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 such instalment or annual payment or sum is required by this Order or by the Local Government 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 those authorised the Local Government Board may by Order direct that the sum in such Order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. VIII. Section 83 of the Local Act shall be repealed except so far as the same may have been acted upon and in lieu thereof the following provisions shall have effect :—

(1.) The Corporation shall keep separate capital and revenue accounts of all receipts credits payments liabilities and transactions in and about the execution of the Local Act and this Order and from or on account of their water undertaking which accounts shall be distinct from the other accounts of the Council and shall be called respectively "the Water Capital Account" and "the Water Revenue Account."

(2.) All moneys from time to time received by the Corporation by way of revenue from their water undertaking shall be applied for the following purposes :—

In payment of the water establishment charges (that is to say) of the expenses properly chargeable to revenue of establishing conducting managing and maintaining the waterworks and works connected therewith ;

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of their water undertaking including the moneys outstanding in respect of the said mortgage debt of the Company ;

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896.

*Shrewsbury
Order.*

In providing for the discharge in accordance with the statutory provisions relating thereto of any moneys borrowed or re-borrowed for the purposes of their water undertaking including the moneys outstanding in respect of the said mortgage debt of the Company ;

In setting apart if the Council think fit a yearly sum not exceeding ten pounds per centum of such revenue for the purpose of forming a reserve fund to answer any deficiency at any time happening in the income of the Corporation from their water undertaking and to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (4) of Article IV. of this Order as to the sinking fund until it amounts according to the market price of such investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of such investments to the sum of five hundred pounds the income therefrom shall be applied in the same manner as money received by the Council by way of revenue under this Order ;

In payment if the Council think fit of the expenses of executing any permanent works authorised by the Local Act or this Order ;

and the Corporation shall carry to the borough fund any balance remaining in any year after retaining or setting aside such a sum as may in their opinion be required for carrying on their water undertaking and paying the current expenses connected therewith.

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

Art. X. This Order may be cited as the Shrewsbury Order 1896.

Given under the Seal of Office of the Local Government Board this
Fifth day of June One thousand eight hundred and ninety-six.

(L.S.)

HENRY CHAPLIN President.
HUGH OWEN Secretary.

BOROUGH OF WARRINGTON.

A.D. 1896.

*Provisional Order for partially repealing and altering certain
 Local Acts.*

*Warrington
 Order.*

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

And to all others whom it may concern.

WHEREAS the Borough of Warrington (herein-after referred to as "the
 Borough") is an Urban District of which the Mayor Aldermen and Burgesses
 acting by the council (herein-after referred to as "the Corporation") are the
 Urban District Council and as such council are the local authority within the
 meaning of the Public Health Act 1875 for the Borough ;

And whereas the unrepealed provisions of the Warrington Improvement and
 Market Act 1854 the Warrington Gas Act 1871 the Warrington Corporation
 Gas Act 1877 the Warrington Corporation Lighting and Improvement Act 1879
 and the Warrington Extension and Water Act 1890 (which Acts are herein-after
 together referred to as "the Local Acts" and each of which Acts is herein-after
 referred to as the Act of the year in which it was passed) are in force in the
 Borough ;

17 Vict. c. viii.
 34 Vict. c. liii.
 40 Vict.
 c. xxxiii.
 42 & 43 Vict.
 c. xcii.
 53 & 54 Vict.
 c. cexxxvi.

And whereas by Section 39 of the Act of 1854 the Towns Improvement
 Clauses Act 1847 except as therein provided was incorporated with the Act of
 1854 ;

10 & 11 Vict.
 c. 34.

And whereas by Section 57 of the Act of 1854 it is enacted that the prescribed
 sum at and beneath which the owners of rateable property shall be rated as
 directed by the one hundred and eighty-first section of the Towns Improvement
 Clauses Act 1847 shall be six pounds ;

And whereas by Section 59 of the Act of 1854 the provisions of the Town
 Police Clauses Act 1847 with respect to fires were incorporated with the Act of
 1854 ;

10 & 11 Vict.
 c. 89.

And whereas by Section 41 of the Act of 1877 the maximum price which the
 Corporation may charge for gas supplied by them is fixed and it is provided that
 if payment be made within one month after the delivery of the half-yearly account
 the Corporation shall make the deductions therein referred to ;

And whereas by Section 43 of the Act of 1877 provision is made with respect
 to the application of money from time to time received by the Corporation in
 respect of their gas undertaking except borrowed money and it is enacted by the
 last paragraph of that section that they shall from time to time carry to the
 borough fund the net surplus remaining after the fulfilment of the several
 purposes therein-before set out and the annual proceeds of the gas reserve fund
 when amounting to ten thousand pounds ;

And whereas by Sections 8 to 10 of the Act of 1879 provision was made with
 respect to the regulation of the line of buildings in streets within the Borough ;

And whereas by Section 19 of the Act of 1879 the Corporation were empowered
 to acquire by agreement for the purposes of their night-soil depôt any land not
 exceeding in the whole two acres ;

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896.
—
Warrington
Order.

And whereas by Section 31 of the Act of 1879 the Corporation were empowered with the consent of the Local Government Board to borrow for the gas purposes of the Act of 1877 and that Act sums not exceeding in the whole twenty thousand pounds and for the completion of their night-soil depôt the Corporation were empowered to borrow sums not exceeding in the whole five thousand pounds ;

And whereas by Section 78 of the Act of 1890 provision is made with respect to the application of money received by the Corporation on account of their water revenue and by the last paragraph of that section it is provided that they shall from time to time carry to the borough fund the net surplus remaining after the fulfilment of the several purposes therein-before set out and the annual proceeds of the reserve fund when amounting to ten thousand pounds ;

And whereas by Section 79 of the Act of 1890 it is enacted that if in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the borough rate by carrying an adequate sum therefrom to the credit of the water account and that the Corporation from time to time in preparing the estimate of the amount required in their judgment to be raised by means of a borough rate for the purposes of the Borough shall include therein such sums respectively (if any) as in the judgment of the Corporation are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of such borough rate :

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 (herein-after referred to as "the commencement of this Order") the Local Acts shall be partially repealed and altered so that the following provisions shall have effect :—

Art. I. The following provisions of the Local Acts viz.,—

Of the Act of 1871—

Section 32.

Of the Act of 1877—

Section 54.

Of the Act of 1879—

Sections 8 to 10 and 19.

Of the Act of 1890—

Section 80

shall be repealed except so far as the same may have been acted upon Provided that any action or proceeding pending or existing by or against the Corporation under any of the repealed sections may be continued prosecuted and enforced by or against the Corporation in like manner as if this Order had not been made.

Art. II. Section 57 of the Act of 1854 shall be altered by the substitution of the words " eight pounds " for the words " six pounds . "

Art. III.—(1.) The Corporation may in their discretion render their accounts of the amount due from consumers of gas in respect of gas supplied to them either half-yearly quarterly or at end of periods of seven months and five months in each year.

[59 & 60 VICT.] *Local Government Board's* [Ch. clxix.]
Provisional Orders Confirmation (No. 20) Act, 1896.

(2.) The word "half-yearly" shall be omitted from the first proviso to Section 41 of the Act of 1877. A.D. 1896.

*Warrington
Order.*

Art. IV. The following provisions shall be substituted for the last paragraph of Section 43 of the Act of 1877 viz.,—

" And the Corporation shall carry to the credit of the improvement rate so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to ten thousand pounds."

" If in any year the amount standing to the credit of the gas account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the improvement rate by carrying an adequate sum therefrom to the credit of the gas account and the Corporation from time to time in preparing the estimates of the amount required in their judgment to be raised by means of the improvement rate shall include therein such sums respectively (if any) as in the judgment of the Corporation are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the gas account and shall collect the same as part of such improvement rate."

Art. V.—(1.) The following provisions shall be substituted for the last paragraph of Section 78 of the Act of 1890 viz.,—

" And the Corporation shall carry to the credit of the improvement rate so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to ten thousand pounds."

(2.) Section 79 of the Act of 1890 shall be altered by the substitution of the words "improvement rate" for the words "borough rate" where they first and thirdly occur in that section and of the words "the improvement rate" for the words "a borough rate for the purposes of the Borough."

Art. VI.—(1.) The gas annuities issued by the Corporation under the Act of 1877 and the water annuities issued by the Corporation under the Act of 1890 and all mortgages and other securities which before the commencement of this Order shall have been charged on the borough fund and borough rate of the Borough for securing the repayment of money borrowed for the purposes of the gas and water undertakings of the Corporation shall on and after the commencement of this Order (so far as the same shall not be paid and satisfied out of the revenue of the gas undertaking and the revenue of the water undertaking respectively) be paid and satisfied out of the improvement rates instead of the borough fund and borough rates.

(2.) Nothing in this Order contained shall injuriously affect any gas or water annuity issued by the Corporation or any mortgage or other security which may have been given by the Corporation in respect of moneys borrowed by them for the purposes of their gas or water undertaking or the rights and powers of

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896. persons entitled under any such annuity mortgage or other security to enforce the same as if this Order had not been made.

—
*Warrington
Order.*

Art. VII.—(1.) Where any street in the Borough is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building excavation or obstruction (being of a permanent character) shall be erected or made nearer to the centre of the street than such line.

(2.) The Corporation may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the centre of the street and the same when purchased shall vest in the Corporation as part of the street.

(3.) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land or building for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept. All compensation under this section shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

(4.) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to the provisions of this Article he shall for every such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding the like amount for every day during which he shall continue such offence after he has been convicted thereof.

(5.) Any person deeming himself to be aggrieved by the Corporation having prescribed and defined a line of frontage as aforesaid may appeal to the next practicable court of quarter sessions as if the formal prescription and definition of such line by the Corporation were an order of a court of summary jurisdiction.

(6.) For the purposes of this Article—

(a.) The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the adjoining ground ;

(b.) The making of any addition to an existing building by making any projection therefrom but so far as regards such addition only shall be deemed to be the erection of a new building.

[59 & 60 VICT.] *Local Government Board's* [Ch. clxix.]
Provisional Orders Confirmation (No. 20) Act, 1896.

(7.) The provisions of this Article shall not apply to any building (not being a dwelling house) belonging to any railway company and used by such company as part of or in connection with their railway.

A.D. 1896.
—
*Warrington
Order.*

(8.) There shall be exempted from the provisions of this Article every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Art. VIII. The Act of 1854 shall be altered so as to provide as follows:—

“(1.) The captain or superintendent of the fire brigade of the Corporation
“ or other officer of such fire brigade for the time being in charge of the
“ engine or other apparatus for extinguishing fires attending at any fire
“ within the Borough shall from the time of his arrival and during his
“ presence thereat have the sole charge and control of all operations for
“ the putting out of such fire whether by the Corporation or any other
“ fire brigade including the fixing of the positions of fire-engines and
“ apparatus the attaching of hose to any water-pipes or water supply and
“ the selection of the parts of the building on fire or of adjoining buildings
“ against which the water is to be directed.

“(2.) Such captain superintendent or other officer in charge shall have power
“ to stop or regulate the traffic in any street whenever in his opinion it is
“ necessary or desirable to stop or regulate such traffic for the purpose
“ of extinguishing any fire or for the safety or protection of life or
“ property.

“(3.) If any person shall wilfully obstruct or hinder any officer or officers of
“ the fire brigade in the execution of their duty he shall be liable to a
“ penalty not exceeding five pounds.”

Art. IX. The provisions of Section 42 of the Act of 1879 shall apply to penalties under the provisions of Articles VII. and VIII. of this Order.

Art. X. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow—

(a) on the security of the revenue arising from their gas undertaking and of the improvement rates or upon either of such securities such further sums not exceeding in the whole the sum of thirty thousand pounds as may from time to time be necessary for the purposes of that undertaking; and

(b) on the security of the improvement rates such further sums not exceeding in the whole the sum of twenty thousand pounds as may from time to time be necessary for the purposes of their night-soil depôt.

Art. XI. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act 1875 shall be available to the Corporation and Sections 236 to 238 both inclusive of the Public Health Act 1875 shall apply to all moneys raised and borrowed on mortgage by virtue of this Order.

Art. XII. The moneys borrowed by virtue of this Order shall be repaid as regards moneys borrowed for the purposes of the gas undertaking within such period not exceeding thirty years and as regards moneys borrowed for the purposes of the night-soil depôt within such period not exceeding fifty years

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896.
Warrington
Order.

from the date of borrowing as the Corporation with the sanction of the Local Government Board shall determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall be the prescribed period for the purpose of the Local Loans Act 1875.

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

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

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

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

(3.) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities other than the securities of the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

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

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

A.D. 1896.
—
Warrington
Order.

Art. XIV.—(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 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 in the opinion of the Local Government Board 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 that Board shall approve.

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

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

Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose. Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

[Ch. clxix.] *Local Government Board's* [59 & 60 VICT.]
Provisional Orders Confirmation (No. 20) Act, 1896.

A.D. 1896.

—
Warrington
Order.

Art. XVI.—(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 Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of such treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return such 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 such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government 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 such instalment or annual payment or sum is required by this Order or by the Local Government 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 those authorised the Local Government Board may by Order direct that the sum in such Order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. XVII. All moneys from time to time borrowed by virtue of 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.

Art. XVIII.—(1.) The mortgagees of the Corporation by virtue of this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

[59 & 60 VICT.] *Local Government Board's* [Ch. clxix.]
Provisional Orders Confirmation (No. 20) Act, 1896.

(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.

A.D. 1896.
—
*Warrington
Order.*

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

Art. XX. This Order may be cited as the Warrington Order 1896.

Given under the Seal of Office of the Local Government Board this
Twelfth day of June One thousand eight hundred and ninety-six.

(L.S.)

HENRY CHAPLIN President.
S. B. PROVIS Assistant Secretary.

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