



CHAPTER lvii.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Bury Derby Maryport Somerset and West Riding of Yorkshire. A.D. 1928.
[3rd August 1928.]

WHEREAS the Minister of Health has made the Provisional Orders set forth in the Schedule hereto under the provisions of the Public Health Act 1875 and the Local Government Act 1888 :

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 :—

1. The Orders set out in the Schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Orders Confirmation (No. 10) Act 1928. Short title.

A.D. 1928.

SCHEDULE.

BOROUGH OF BURY.

Bury Order.

Provisional Order for altering a Local Act.

WHEREAS the Borough of Bury (hereafter referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (hereinafter referred to as "the Corporation") are the local authority for the purposes of the Public Health Act 1875 and there are in force in the Borough the unrepealed provisions of the Bury Corporation Act 1909 (hereinafter referred to as "the Local Act");

And whereas the Local Act makes provision for the borrowing of moneys by the Corporation for the purposes of that Act and with respect to the repayment of loans;

And whereas the Corporation have made application to the Minister of Health for the issue of a Provisional Order to amend the Local Act in the manner hereinafter set forth:

Now therefore the Minister of Health in pursuance of the powers given to him by Section 303 of the Public Health Act 1875 and of any other powers in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect that is to say:—

Interpre-
tation.

1. In this Order the expressions "statutory borrowing power" and "statutory securities" have the same meaning as they have in the Local Act.

Consoli-
dated loans
fund.

2.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order as from the thirty-first day of March one thousand nine hundred and twenty-nine or as from any succeeding thirty-first day of March the Corporation may if they think fit establish a fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

(a) all moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys temporarily borrowed without security in connection with the exercise of duly authorised borrowing powers;

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- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers:
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—
Bury Order.

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and all sums provided by the Corporation as aforesaid before the thirty-first day of March as from which the consolidated loans fund shall be established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

- (a) in the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; or
- (b) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation:

And any moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not be used or applied otherwise than as provided in this paragraph.

(3) Save as in this article expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(4) The powers conferred by this article shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

3. Notwithstanding anything in the Local Act or any other Act or Order where sums are set apart as a sinking fund or redemption fund for the purpose of paying off moneys borrowed by the Corporation under any statutory borrowing power the interest received in any year from the investment of the sums so set apart shall form part of the general rate fund of the Borough and in the case of an accumulating sinking fund or redemption

Interest on
and pay-
ments to
sinking
funds.

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A.D. 1928. fund the contributions to the sinking fund or redemption fund
— out of the general rate fund of the Borough shall in that year
Bury Order. be increased by a sum equal to the interest that would have
accrued to the sinking fund or redemption fund if interest cal-
culated at the rate per centum per annum on which the annual
payments to the sinking fund or redemption fund are based
had been accumulated in the sinking fund or redemption fund.

Use of
moneys
forming part
of sinking
and other
funds.

4. Notwithstanding anything contained in the Local Act
or in any other Act the Corporation may use for the purpose
of any statutory borrowing power exercisable by them any
moneys forming part but not for the time being required for
the purposes of any fund accumulated for the redemption of
debt or as a reserve renewals contingent depreciation insurance
or other similar fund (in this article referred to as "the lending
fund") subject to the following conditions:—

- (1) The moneys so used shall be repaid to the lending fund
within the period by the methods and out of the fund
rate or revenue within by and out of which a loan
raised under the statutory borrowing power would be
repayable:

Provided that the Corporation shall repay to the
lending fund the moneys so used or the balance thereof
for the time being outstanding as the case may be as
and when the same shall be required for the purposes
of the lending fund and may if they so resolve repay
the same at any time within the period aforesaid and
in either case the repayment shall be made out of the
fund rate or revenue aforesaid or out of moneys which
would have been applicable to the repayment of a loan
if raised under the statutory borrowing power:

- (2) Interest shall be paid to the lending fund on any moneys
so used and for the time being not repaid at such rate
per centum per annum as may be determined by the
Corporation to be equal as nearly as may be to the
rate of interest which would be payable on a loan
raised on mortgage under the statutory borrowing
power and such interest shall be paid out of the fund
rate or revenue which would be applicable to the pay-
ment of interest on a loan raised under the statutory
borrowing power:
- (3) The statutory borrowing power shall be deemed to be
exercised by such use as fully in all respects as if a
loan of the same amount had been raised in exercise
of the power and the provisions of any enactment as
to re-borrowing of sums raised under the statutory
borrowing power shall apply accordingly.

5. This Order may be cited as the Bury Order 1928.

Bury Order.
Short title.

Given under the Official Seal of the Minister of Health this Eleventh day of May One thousand nine hundred and twenty-eight.

(L.S.)

H. W. S. FRANCIS
Assistant Secretary Ministry of Health.

BOROUGH OF DERBY.

Provisional Order for partially repealing a Confirming Act.

Derby Order.

WHEREAS the Borough of Derby (hereinafter referred to as "the Borough") is an Urban Sanitary District of which the Mayor Aldermen and Burgesses acting by the Council (hereinafter referred to as "the Corporation") are the Local Authority for the purposes of the Public Health Act 1875 and the unrepealed provisions of the Derby Order 1920 (hereinafter referred to as "the Order of 1920") which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 7) Act 1920 are in force in the Borough;

And whereas by paragraph (2) of Article 2 of the Order of 1920 it was provided that the Corporation should forthwith plant or cause to be planted with trees and evergreen shrubs the lands therein mentioned and further that the Corporation should at all times maintain such lands so planted;

And whereas the Corporation have made application to the Minister of Health for the issue of a Provisional Order partially to repeal the Order of 1920 in the manner hereinafter set forth:

Now therefore the Minister of Health in pursuance of the powers given to him by Section 297 of the Public Health Act 1875 and by any other Statutes in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the Order of 1920 shall be amended in manner following:—

1. Paragraph (2) of Article 2 of the Order of 1920 shall be repealed.

Partial repeal
of Order of
1920.

2. This Order may be cited as the Derby Order 1928.

Short title.

Given under the Official Seal of the Minister of Health this Eleventh day of May One thousand nine hundred and twenty-eight.

(L.S.)

H. W. S. FRANCIS
Assistant Secretary Ministry of Health.

A.D. 1928.

URBAN DISTRICT OF MARYPORT.

*Maryport
Order.*

*Provisional Order for partially repealing altering
and amending certain local Acts and confirmation Acts.*

WHEREAS the Urban District Council of Maryport (in this Order called "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Maryport (in this Order called "the District") and the local Acts and confirmation Act mentioned in the First Schedule to this Order are in force within a portion or the whole of the District;

And whereas by the local Acts provision was made for the levy of a district rate (in this Order called "the district rate of 1866") a highway rate and a market rate and the proceeds of those rates are carried by the Council to a district fund (in this Order called "the district fund of 1866") a highway fund or account and a market fund or account;

And whereas upon the extension of the Urban District of Maryport by the County of Cumberland (Maryport) Confirmation Order 1894 it was provided that the local Acts then in force should not extend to the areas added to the Urban District and that the extended Urban District should be divided into three rating areas called rating area No. 1 (comprising the Urban District before its extension) rating area No. 2 and rating area No. 3 (which together are coextensive with the added areas);

And whereas the Council have applied to the County Council of Cumberland under subsection (6) of section 59 of the Local Government Act 1888 for the amendment of the Confirmation Order of 1894 by a further Order extending to the whole of the District such of the local Acts and confirmation Acts as are in force within a part of the District and abolishing the three rating areas into which the District is divided;

And whereas by the local Acts and Orders in force within the District the Council or their predecessors were empowered to borrow money for the purposes of those Acts and Orders;

And whereas the Council have made application to the Minister of Health (in this Order called "the Minister") partially to repeal alter and amend the local Acts and confirmation Acts in the manner hereinafter set forth:

Now therefore the Minister in pursuance of the powers given to him by sections 297 and 303 of the Public Health Act

1875 and of any other power in that behalf hereby orders that the following provisions shall take effect :—

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*Maryport
Order.*

PART I.

CONSOLIDATION OF RATES AND FUNDS.

1. The local Acts and the confirmation Act mentioned in the First Schedule to this Order are hereby repealed to the extent specified in the third column of that Schedule :

Repeal of
local Acts
and confirm-
ation Act.

Provided that nothing in this article shall prejudice or affect any mortgage or other security charged upon the harbour of Maryport or the harbour undertaking as defined in the Maryport Harbour Act 1894.

2. All the provisions of the Towns Improvement Clauses Act 1847 with respect to the manner of making rates authorised by that or the special Act and with respect to the recovery of rates shall be excepted from incorporation with the Maryport Improvement and Harbour Act 1866 as if those provisions had been included among the excepted sections which are mentioned in section 27 of that Act.

Amendment
of 29 & 30
Vict. c. ccxlv.
s. 27.

3.—(1) All receipts and expenses of the Council which if this Order had not been made would have been payable to or out of—

- (a) the district rate of 1866 or the district fund of 1866; or
- (b) the highway rate or the fund or account to or from which the receipts and expenses of the Council in respect of highways are credited or paid; or
- (c) the market rate or the fund or account to or from which the receipts and expenses of the Council in respect of the market are credited or paid;

Abolition
of district
fund and
rate of
1866 and
highway and
market
funds and
rates.

shall be paid to or charged on a fund (to be known as and in this Order called "the amalgamated rate fund") to be formed for rating area No. 1 as if that area were the rating area of the Council within the meaning of section 10 of the Rating and Valuation Act 1925 and those expenses shall be defrayed out of a rate levied in rating area No. 1 as an additional item of the general rate of the District under section 2 of the Rating and Valuation Act 1925.

(2) In any case for which no specific provision is made in this Order any reference in any local Act or Order to any of the funds or rates mentioned in sub-paragraphs (a) (b) or (c) of paragraph (1) of this article shall be read as a reference to the amalgamated rate fund or the additional item of the general rate to be levied in rating area No. 1.

(3) The district fund of 1866 the highway fund and the market fund shall be closed and any balance which on the date

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of the operation of this Order is standing to the credit or the debit of any of those funds shall be transferred to the credit or the debit (as the case may be) of the amalgamated rate fund and any moneys owing to the district fund of 1866 the highway fund or account or the market fund or account of the Council shall be recoverable by the Council as if this Order had not been made and when received by the Council shall be carried to the credit of the amalgamated rate fund.

Provision if
local Acts
extended to
whole
District and
rating areas
abolished.

4. If by an order made under section 59 of the Local Government Act 1888 and confirmed by the Minister such of the Acts mentioned in the First Schedule to this Order as are in force within a part of the District are extended to the whole of the District and the three rating areas into which the District is divided are abolished then on the day in which that order comes into operation—

- (1) The amalgamated rate fund shall be amalgamated with the rate funds for rating area No. 2 and rating area No. 3 and shall form part of the general rate fund for the whole of the District ;
- (2) The provisions of the Rating and Valuation Act 1925 shall apply to the District as if the rate funds had been amalgamated by virtue of section 10 of that Act ; and
- (3) The expenses of the Council shall be defrayed from the general rate to be made and levied by the Council over the whole of the District under section 2 of the Rating and Valuation Act 1925.

PART II.

ACCOUNTS AND RESERVE FUNDS OF LOCAL ACT UNDERTAKINGS.

Separate
accounts in
respect of
certain
under-
takings.

5.—(1) The Council shall keep their accounts so as to distinguish capital from revenue and as regards the revenue account to show under a separate heading or division in respect of each of the following undertakings (that is to say) the water undertaking the slaughter-house undertaking and the market undertaking (each of which is in this article separately referred to as "the undertaking") on the one side all receipts (including the interest on any reserve fund authorised in connection therewith) and on the other side all payments in respect of the undertaking such payments being divided so as also to show in each case the amounts expended upon each of the following purposes :—

- (a) The working and establishment expenses and cost of maintenance of the undertaking ;
- (b) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking ;

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(c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

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(d) The amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and

(e) All other expenses (if any) of the undertaking properly chargeable to revenue.

(2) The Council shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered thereunder in order to show the financial position of the undertaking or purpose.

6.—(1) The Council may if they think fit maintain a reserve fund in respect of their water undertaking their slaughter-house undertaking and their market undertaking (each of which is in this article separately referred to as "the undertaking") or any of such undertakings by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities (with power to vary and transpose such investments) until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-tenth of the aggregate capital expenditure for the time being by the Council upon the undertaking in respect of which such fund is formed.

Reserve
funds.

(2) Any reserve fund which has been formed for the purpose of the undertaking and which is in existence at the date of the operation of this Order shall be deemed to have been formed under this article.

(3) All interest received in any year from the investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the rate fund out of which the expenses of the Council in respect of the undertaking are for the time being payable but the reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum.

(4) A reserve fund shall be applicable to the payment to the rate fund mentioned in paragraph (3) of this article in any year in which as shown by the accounts to be kept in pursuance of the preceding article of this Order the payments and expenses made and incurred in respect of the undertaking shall exceed the money received in respect of the same undertaking of a sum not exceeding the amount of such excess or for meeting any

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extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or otherwise for the benefit of the undertaking and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(5) Resort may be had under paragraph (4) of this article to a reserve fund although the fund may not at the time have reached or may have been reduced below the prescribed maximum.

(6) In this article "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council.

PART III.

LOANS FOR WATER UNDERTAKING.

Additional
borrowing
powers for
water under-
taking.

7.—(1) The Council may with the sanction of the Minister borrow at interest such sums as may from time to time be required for the purposes of their water undertaking including the provision of working capital in connection with the undertaking and they shall pay off all moneys so borrowed within such periods as may be prescribed by the Minister.

(2) In order to secure the repayment of the money borrowed under this article and the payment of interest thereon the Council may mortgage or charge the amalgamated rate fund and the additional item of the general rate to be levied in rating area No. 1 or if by virtue of this Order all the expenses of the Council are defrayed from the general rate levied over the whole of the District the general rate fund and the general rate of the District shall be substituted in this provision for the amalgamated rate fund and the additional item of the general rate.

(3) In calculating the amount which the Council may borrow under the provisions of the Public Health Acts 1875 to 1925 any sums which the Council may borrow under or for the purposes of this article shall not be reckoned as part of the debt of the Council for the purposes of any enactments relating to the powers of borrowing by the Council.

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(4) Nothing in this article shall restrict the operation of the provision in Part IV. of this Order as to the security for mortgages granted under that Part of this Order.

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8. The provisions of the Maryport Order 1914 mentioned in the Second Schedule to this Order shall apply as if those provisions were herein re-enacted and in terms made applicable to the moneys borrowed under this Part of this Order and otherwise to the purposes of this Part of this Order :

Application
of provisions
of Maryport
Order 1914.

Provided that—

- (a) Article IV. of the Order of 1914 shall have effect as if the words “ three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve ” were substituted in paragraph (2) (b) of that article for the words “ three pounds per centum per annum ”; and
- (b) Article X. of the Order of 1914 shall have effect as if the words “ five guineas ” were substituted therein for “ three guineas.”

9.—(1) The clerk of the Council shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under this Part of this Order.

Return to
Minister as
to repay-
ment of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk of the Council and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister either from a return made under this article or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Minister 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 Minister may by order direct that the sum in such order mentioned not exceeding the

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amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

PART IV.

GENERAL PROVISIONS AS TO LOANS.

10. In this Part of this Order—

- (a) "statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed; and
- (b) "revenues of the Council" includes revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and rates or contributions leviable by or on the order or precept of the Council.

Meaning in this Part of "statutory borrowing power" and "revenues of the Council."

One form of mortgage for all purposes.

11.—(1) Notwithstanding the provisions of any local Act or Order in force within the District where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this article.

(2) Every mortgage granted under this article shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of repayment and shall be sealed with the common seal of the Council and may be made in the form contained in the Third Schedule to this Order or in a form to the like effect.

(3) All mortgages granted under this article shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever

and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this article.

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Order.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this article shall be and the same are by virtue of this Order charged indifferently upon all the revenues of the Council.

12.—(1) There shall be kept at the offices of the Council a register of the mortgages granted under this Part of his Order and within fourteen days after the date of any such mortgage the clerk of the Council shall cause to be made an entry in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Register of
mortgages.

(2) Every such register shall be open to public inspection during office hours at the said offices without fee or reward and if the clerk of the Council or other person having the custody of the register shall refuse to allow such inspection he shall be liable on summary conviction to a penalty not exceeding five pounds.

13.—(1) Any mortgagee or other person entitled to any mortgage granted under this Part of this Order may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Order or in a form to the like effect which shall not contain any recital trust power or proviso whatsoever.

Transfer of
mortgages.

(2) There shall be kept at the offices of the Council a register of the transfers of mortgages granted under this Part of this Order and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk of the Council who shall on payment of a sum not exceeding five shillings cause an entry to be made in the register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(3) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

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Penalty for neglect or failure to enter in register.

Protection of lender from inquiry.

Council not to regard trusts.

14. If the clerk of the Council shall wilfully neglect or refuse to make in a register any entry by this Part of this Order required to be made in the register he shall be liable on summary conviction to a penalty not exceeding twenty pounds.

15. A person lending money borrowed by the Council under a statutory borrowing power shall not be bound to inquire as to the observance by them of any of the provisions of any Act or Order governing the loan or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

16. The Council shall not be bound to see to the execution of any trust (whether express implied or constructive) to which any loan or security for a loan given by them for money borrowed under a statutory borrowing power may be subject but the receipt of the person in whose name any such loan or security for a loan stands in the register of mortgages of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

PART V.

SUPPLEMENTARY.

Saving for rating schemes and current rates.

17. Nothing in this Order shall affect the operation of any scheme made under the Rating and Valuation Act 1925 or the collection or recovery of any rate made by the Council before this Order comes into operation.

Saving for outstanding loans.

18. Nothing in this Order shall prejudice or affect any mortgage or other security which immediately before the date of the operation of this Order operates as a charge on any of the funds or rates of the Council in respect of moneys borrowed or the powers of any person entitled under any such mortgage or security to enforce the same as if this Order had not been made and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Order the power may continue to be exercised as if this Order had not been made.

Short title and commencement.

19. This Order may be cited as the *Maryport Order 1928* and shall come into operation on the thirty-first day of March nineteen hundred and twenty-nine.

SCHEDULES.

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FIRST SCHEDULE.

*Maryport
Order.*

LOCAL ACTS AND CONFIRMATION ACT RELATING TO THE DISTRICT
 TO BE REPEALED IN PART.

Session and Chapter. 1.	Short Title. 2.	Extent of Repeal. 3.
29 & 30 Vict. c. ccxlv.	The Maryport Improvement and Harbour Act 1866.	In section 27 the words "numbered 191 192 196 197 and 198." Section 169 sections 171 to 173 sections 175 to 178 sections 180 to 183 and sections 191 and 192. Schedules (K) to (N).
41 & 42 Vict. c. cliii.	The Maryport Improvement Act 1878.	Sections 33 to 37 and sections 42 to 48.
57 & 58 Vict. c. cvi.	The Maryport Harbour Act 1894.	Subsection (1) of section 51.
9 Edw. 7. c. clvi.	The Local Government Board's Provisional Orders Confirmation (No. 9) Act 1909.	So much of the Act as confirms that portion of article II. of the Maryport Order 1909 which relates to the water undertaking of the Council.

SECOND SCHEDULE.

PROVISIONS OF THE MARYPORT ORDER 1914 APPLIED
 BY THIS ORDER.

- Article II. (Local Loans Act and certain provisions of Public Health Act made applicable.)
 Article IV. (Mode of repayment Formation maintenance and application of sinking fund.)
 Article V. (Increase reduction or discontinuance of payments to sinking fund and surplus of sinking fund.)
 Article VI. (Power to re-borrow.)
 Article VII. (Application of borrowed moneys.)
 Article VIII. (Receiver.)
 Article X. (Inquiries and expenses.)

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THIRD SCHEDULE.

Maryport
Order.

A.—FORM OF MORTGAGE.

By virtue of the Maryport Order 1928 as confirmed by Parliament and of other their powers in that behalf them enabling the Maryport Urban District Council (hereinafter referred to as "the Council") in consideration of the sum of pounds paid to the treasurer of the Council by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the Maryport Order 1928 defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the day of and the day of in each year].

And it is hereby agreed that the said principal sum shall be repayable at the option of either party at the offices of the Council on the day of nineteen hundred and but if not required by either party to be repaid on that date shall be repaid on the expiration of six calendar months' notice in writing by the Council to the mortgagee or by the mortgagee to the Council :

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon and mentioned in an endorsement to be made hereon under the hand of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of nineteen hundred and

The Endorsement within referred to.

A.D. 1928.

The within-named
consenting the within-mentioned time for repayment of the
within-mentioned principal sum is hereby extended to the
day of nineteen hundred and [and the interest
to be paid thereon on and from the day of
nineteen hundred and is hereby declared to be at the
rate of per centum per annum].

*Maryport
Order.*

Dated this day of nineteen
hundred and .

B.—FORM OF TRANSFER OF MORTGAGE.

I [the within-named]
[of] in consideration of the sum of
 pounds paid to me by
of (hereinafter referred to as "the trans-
feree") do hereby transfer to the transferee [his] executors ad-
ministrators and assigns [the within-written security] [the
mortgage number of the revenues of the Maryport
Urban District Council bearing date the day of
] and all my right and interest
under the same subject to the several conditions on which I hold
the same at the time of the execution hereof and I the transferee
for myself my executors administrators and assigns do hereby
agree to take the said mortgage security subject to the same
conditions.

Dated this day of nineteen
hundred and .

Given under the Official Seal of the Minister of Health this
Tenth day of May nineteen hundred and twenty-
eight.

(L.S.)

A. B. MACLACHLAN
Assistant Secretary Ministry of Health.

A.D. 1928.

COUNTY COUNCIL OF SOMERSET.

*County of
Somerset
Order.*

*Provisional Order to enable the County Council of Somerset
to put in force the Compulsory Clauses of the Lands
Clauses Acts.*

WHEREAS the County Council of Somerset (hereinafter referred to as "the Council") require to purchase and take the lands described in the Schedule hereto for the purposes of the provision of (a) a police station and court-house and other buildings connected therewith at Weston-super-Mare and (b) a police constable's dwelling-house at East Coker :

Now therefore the Minister of Health in pursuance of the powers given to him by Section 176 of the Public Health Act 1875 and Section 65 of the Local Government Act 1888 and all other powers enabling him in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect that is to say :—

Compulsory
powers of
purchase.

1. The Council shall be empowered for the purposes aforesaid to put in force with reference to the lands described in the Schedule hereto (subject to the continuance of existing public rights of highway if any) the powers of the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 with respect to the purchase and taking of lands otherwise than by agreement or any of them.

Short title.

2. This Order may be cited as the County of Somerset Order 1928.

The SCHEDULE above referred to.

A.D. 1928.

*County of
Somerset
Order.*

Parish of WESTON-SUPER-MARE Urban District of WESTON-SUPER-MARE County of SOMERSET.

No. on deposited Plans.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	House out-buildings and land known as "White-cross Nursery" Walliscote Road and Station Road.	Alice Mary Fowler - Esther Jane Glossop (Trustee) Percival George Davies (Trustee).	Albert Ernest Blake Brooks.	William Brooks Limited.

Parish of EAST COKER Rural District of YEOVIL County of SOMERSET.

2	Semi-detached cottage and garden at North Coker.	Dorothy Margaret Heneage wife of Colonel Godfrey Clement Walker Heneage The Right Honourable William Charles de Meuron Wentworth Fitzwilliam Earl Fitzwilliam K.C.V.O. C.B.E. D.S.O. (Trustee). Edward Archer Bolton Clive (Trustee).	The Chief Constable of Somerset.	Police Constable William March.
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Given under the Official Seal of the Minister of Health this Tenth day of May One thousand nine hundred and twenty-eight.

(L.S.)

A. B. MACLACHLAN
 Assistant Secretary Ministry of Health.

[Ch. Ivii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 10) Act, 1928.

A.D. 1928.

COUNTY OF THE WEST RIDING OF
YORKSHIRE.

*County of
the West
Riding of
Yorkshire
Order.*

*Provisional Order made in pursuance of Sections 69 (2)
and 87 of the Local Government Act 1888.*

51 & 52 Vict.
c. 41.

WHEREAS by article 1 of the County of the West Riding of Yorkshire Order 1902 (hereinafter referred to as "the Order of 1902") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1902 the County Council of the West Riding of Yorkshire were authorised to borrow such sums as would not together with the sums which they might be authorised to borrow under the Local Government Act 1888 (hereinafter referred to as "the Act") without a Provisional Order and the outstanding balance of debt after deducting the amount of any sinking fund exceed the sum of one million three hundred and sixty thousand eight hundred and forty-nine pounds;

And whereas the said County Council have made application to the Minister of Health for the issue of a Provisional Order to increase the County Council's borrowing powers in manner hereinafter appearing:

Now therefore the Minister of Health in pursuance of the powers given to him by the Act and of any other powers in that behalf hereby orders as follows:—

Additional
borrowing
powers.

1.—(1) The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1902 so far as it relates to the Order of 1902 is hereby repealed.

(2) Subject to and in accordance with the provisions of the Act the County Council may from time to time borrow such sums as will not exceed in the aggregate by more than six hundred thousand pounds the limit imposed by subsection (2) of Section 69 of the Act.

Short title.

2. This Order may be cited as the County of the West Riding of Yorkshire Order 1928.

Given under the Official Seal of the Minister of Health
this Eleventh day of May One thousand nine hundred
and twenty-eight.

(L.S.)

H. W. S. FRANCIS
Assistant Secretary Ministry of Health.

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