



CHAPTER lviii.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Bedwellty Brighton Mid-Glamorgan Water Board Scarborough Stafford and Swansea. 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 : 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament :

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

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. 11) Act 1928. Short title.

A.D. 1928.

SCHEDULE.

URBAN DISTRICT OF BEDWELLY.

*Bedwellty
Order.*

Provisional Order for altering certain Local Acts.

WHEREAS the Urban District Council of Bedwellty (hereinafter referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Bedwellty (hereinafter referred to as "the District") and there are in force in the District the unrepealed provisions of the Bedwellty Urban District Council Act 1912 the Bedwellty Urban District Council Act 1919 and the Bedwellty Urban District Council Act 1925 (which Acts are hereinafter referred to collectively as "the Local Acts" and separately as the Acts of the year in which they were passed);

And whereas under the Local Acts the Council carry on a water undertaking and supply water within certain limits (hereinafter referred to as "the limits of supply") which comprise part of the District and the rates sums and prices which the Council are authorised to charge for the supply of water for domestic purposes and by measure are prescribed by Sections 25 and 33 of the Act of 1912;

And whereas the Council have made application to the Minister of Health for the issue of a Provisional Order to alter or amend the Local Acts 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 all other powers enabling him in that behalf hereby orders that the said Act shall be altered and amended as follows that is to say:—

Short title
and date of
operation.

1. This Order may be cited as the Bedwellty Order 1928 and shall come into operation on the Thirtieth day of September One thousand nine hundred and twenty-eight.

Rates and
charges for
supply of
water for
domestic
purposes.

2. Section 25 (Rates at which water is to be supplied for domestic purposes) of the Act of 1912 shall be repealed and the following provision shall be substituted therefor:—

" 25.—(1) The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish

to such owner or occupier a sufficient supply of water for domestic purposes at such rates as the Council may from time to time determine not exceeding the following rates :—

A.D. 1928.

—
Bedwellty
Order.

Where the gross value of the premises so supplied does not exceed six pounds ten shillings the rate of thirteen shillings per annum :

Where the gross value exceeds six pounds ten shillings the rate of ten per centum per annum upon such gross value.

“(2) For the purposes of this Article gross value shall be ascertained by the valuation list in force at the commencement of the half-year in which the water rate becomes payable. Provided that where the water rate is chargeable on the gross value of a part only of any premises entered in the valuation list or consolidated rate such gross value shall be a fairly apportioned part of the gross value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

“(3) In addition to the foregoing rates the Council may in the case of any premises to which they furnish a supply of water charge for every watercloset beyond the first (for which no additional charge shall be made) a sum not exceeding seven shillings and sixpence per annum and for every fixed bath not capable of containing more than seventy-five gallons and for every bath having an emptying aperture and capable of containing more than twenty gallons but not more than seventy-five gallons a sum not exceeding ten shillings per annum and for every bath capable of containing more than seventy-five gallons such sum as they may think fit.

“(4) The rates or sums in any half-year charged by the Council for the supply of water for domestic purposes shall not be more than sufficient so far as can be estimated by the Council before the commencement of the half-year for which the rates or sums are charged to enable the undertaking to be carried on without loss during that half-year.

“(5) When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Council may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.

—
Bedwellty
Order.

annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

“(6) Any sums charged under subdivisions (3) and (5) of this Article shall be recoverable at the like dates and in the same manner as other water rates or charges leviable by the Council under this Article can be recovered.”

Amendment
of section 26
of Act of
1912.

3.—(1) Section 26 (Supply to houses partly used for trade) of the Act of 1912 shall be read and have effect as if the following words were added to and formed part of subsection (1) of that Section namely :—

“or any workhouse public institution hospital asylum (whether public or private) sanatorium club hotel assembly hall restaurant public-house inn boarding-house (capable of accommodating twenty or more persons including the persons usually resident therein) or any school not maintained by the local education authority.”

(2) The minimum charge (exclusive of meter rent) for a supply of water by measure to any premises within the provisions of subsection (1) of Section 26 of the Act of 1912 as extended by this Article shall be the amount which would be payable according to the scale for the time being in force in respect of the same period for a supply of water for domestic purposes by the owner or occupier of a dwelling-house of the same gross value.

Maximum
price and
minimum
charge for
supply by
measure.

4.—(1) Section 33 (Price of supply by measure) of the Act of 1912 shall be altered and have effect so as to read as follows :—

“33. The price to be charged for a supply of water by measure shall not exceed two shillings per thousand gallons.”

(2) The minimum half-yearly payment (exclusive of meter rent) for a supply of water by measure for purposes other than domestic shall be forty shillings.

Power of
Minister of
Health to
vary water
rates and
charges.

5.—(1) The Minister of Health on the application of the Council or of twenty water consumers may from time to time by order vary the rates sums and prices which the Council are authorised to demand or charge for a supply of water for domestic purposes or by measure.

(2) The Council shall as soon as practicable after an order is made in pursuance of subdivision (1) of this article cause the order to be advertised in two successive weeks in one or more local newspapers circulating in the District and thereupon the

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lviii.]
Provisional Orders Confirmation (No. 11) Act, 1928.

order shall come into operation on the half-yearly day next following the date of the second advertisement. A.D. 1928.

—
Bedwellty
Order.

6.—(1) Section 6 (Dates for payment of water rates &c.) of the Act of 1925 shall be repealed.

Dates for
 payment of
 water rates.

(2) Notwithstanding anything in Section 70 of the Waterworks Clauses Act 1847 the Council may demand all rates rents and charges payable to them for the supply of water by half-yearly instalments in advance on the First day of April and the First day of October in each year Provided that such rates rents and charges shall not be recoverable until the expiration of two months from the said First day of April and First day of October respectively.

7. Notwithstanding anything in the Local Acts where sums are set apart as a sinking fund for the purpose of paying off principal moneys borrowed by the Corporation under any statutory borrowing power or appropriated to a reserve fund under the Local Acts or any of them the interest received in any year from the investment of the sums so set apart or appropriated shall form part of the revenue fund or rate out of which the sums were set apart or appropriated Provided that—

Interest on
 and pay-
 ments to
 sinking
 funds and
 reserve
 funds.

(1) In the case of an accumulating sinking fund the contributions to such fund out of such revenue fund or rate shall in that year be increased by a sum equal to the interest which would have accrued thereto if interest calculated at the rate per centum per annum on which the annual payments to the sinking fund are based had been accumulated in the sinking fund :

(2) In the case of a reserve fund a sum equivalent to the amount so carried to the revenue fund or rate as aforesaid shall be added to such reserve fund unless and until the reserve fund has reached the maximum allowed by the Local Acts.

8. Notwithstanding anything in the Local Acts or any of them the Council 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 reserve fund of the Council (in this Article referred to as "the lending fund") subject to the following conditions:—

Use of
 moneys
 forming
 part of
 reserve
 fund.

(1) The moneys so used shall be repaid to the lending fund out of the revenues of the Council within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable. Provided that the Council 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

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.

—
Bedwellty
Order.

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 revenues of the Council 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 Council 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 revenues of the Council :
- (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 provision of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly :
- (4) In this Article " 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.

Inquiries and expenses.

9.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary with reference to the purposes of this Order and such inspectors shall for the purposes of any inquiry have all such powers as they have for the purpose of inquiries directed by the Minister under the Public Health Act 1875.

(2) Where the Minister of Health causes any such inquiry to be held with reference to any of the purposes of this Order the costs incurred by the Minister in relation to that inquiry (including such sum not exceeding five guineas a day as the Minister may determine for the services of any inspector or officer of the Minister engaged in the inquiry) shall be paid by the Council and

the Minister may certify the amount of the costs so incurred and any sum so certified and directed by the Minister to be paid by the Council shall be a debt due to the Crown from the Council.

A.D. 1928.

—
Bedwellty
Order.

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

(L.S.)

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

BOROUGH OF BRIGHTON.

Provisional Order for altering the Brighton Corporation Act 1900.

Brighton
Order.

WHEREAS the Borough of Brighton 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 whereas under the provisions of certain Local Acts and Orders the Corporation carry on a water undertaking and supply water within the Borough and certain other areas;

And whereas by Section 72 of the Brighton Corporation Act 1900 (hereinafter referred to as "the Act of 1900") the Corporation are authorised to borrow for the general purposes of their waterworks sums not exceeding three hundred and fifty thousand pounds;

And whereas the Corporation have made application to the Minister of Health for the issue of a Provisional Order to amend the Act of 1900 in the manner hereinafter set forth:

Now therefore the Minister of Health in pursuance of the powers given to him by Sections 297 and 303 of the Public Health Act 1875 and of 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 Act of 1900 shall be amended as follows:—

1.—(1) In addition to any other borrowing powers possessed by them the Corporation shall have power with the sanction of the Minister of Health to borrow on the security of the revenue of their water undertaking and of the general fund and general rate of the Borough or upon any of such securities such sums as may from time to time be necessary for the general purposes of their water undertaking.

Additional
borrowing
powers.

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.

—
*Brighton
Order.*

(2) Any moneys so borrowed shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Minister may determine and such period shall with reference to the repayment of those moneys be the prescribed period for the purposes of the Local Loans Act 1875 and the provisions applied by the following subdivision of this Article.

(3) Subject to the provisions of this Order the provisions of Part V of the Act of 1900 shall so far as they are applicable apply to any sums so borrowed in the same way as they apply to any sums borrowed in pursuance of that Act :

Provided that the words "or such rate as the Minister of Health may from time to time approve" shall be inserted in Section 75 of the said Act after the words "a rate not exceeding three per centum."

Power to use
sinking fund
instead of
borrowing.

2.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of a loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in the exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this Article shall—

- (a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund ;
- (b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund ;
- (c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. Iviii.]
Provisional Orders Confirmation (No. 11) Act, 1928.

shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

A.D. 1928.

—
*Brighton
Order.*

(3) The provisions of this Article shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Minister with respect to the exercise of the powers contained in this Article as the Minister shall require.

3. Section 89 (Inquiries by Local Government Board) of the Act of 1900 shall apply to any inquiries directed by the Minister of Health to be held with reference to any moneys borrowed under the provisions of this Order :

Inquiries
and
expenses.

Provided that the words "not exceeding five guineas a day" shall be substituted therein for the words "not exceeding three guineas a day."

4. This Order may be cited as the Brighton Order 1928.

Short title.

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

(L.S.)

A. B. MACLACHLAN
Assistant Secretary Ministry of Health.

**DISTRICT OF THE MID-GLAMORGAN WATER
BOARD.**

Provisional Order for altering and amending the Mid-Glamorgan Water Acts 1920 and 1925.

*Mid-Glamorgan
Order.*

WHEREAS by the Mid-Glamorgan Water Acts 1920 to 1925 the Mid-Glamorgan Water Board (hereinafter referred to as "the Board") were established for the supply of water within the limits therein prescribed;

And whereas by Section 30 of the Mid-Glamorgan Water Act 1920 (hereinafter referred to as "the Act of 1920") as amended by Section 33 of the Mid-Glamorgan Water Act 1925 (hereinafter referred to as "the Act of 1925") a period of eight years from the First day of January One thousand nine hundred

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928: and twenty-one is limited for the completion by the Board of certain works authorised by the Act of 1920;

—
Mid-Glamorgan Order.

And whereas by Section 7 of the Act of 1925 a period of five years from the Seventh day of August One thousand nine hundred and twenty-five is limited for the completion of the works authorised by the said Act;

And whereas by virtue of Section 94 of the Act of 1920 the provisions of Section 303 of the Public Health Act 1875 apply to the Board as if they were a local authority within the meaning of that Section;

And whereas the Board have made application to the Minister of Health for the issue of a Provisional Order to amend the Act of 1920 and the Act of 1925 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 by any other Statutes in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the Act of 1920 and the Act of 1925 shall be amended as follows :—

Extension of time for completion of works.

1.—(1) Section 33 of the Act of 1925 shall have effect as if the words “thirteen years” had been inserted therein instead of the words “three years” as the period limited for the completion of such of the works numbered 49 50 and 51 in Section 27 of the Act of 1920 as shall not have been completed on the First day of January One thousand nine hundred and twenty-nine.

(2) Section 7 of the Act of 1925 shall have effect as if the words “fifteen years” had been inserted therein instead of the words “five years” as the period limited for the completion of the works numbered 9 10 11 12 and 13 in Section 4 and the works described in Section 5 of that Act.

(3) Subsection (2) of Section 10 of the Act of 1925 shall have effect as if the words “if and when and so far as the Minister of Health so requires” had been inserted therein instead of the word “so” and as if the words “shall be so” had been inserted therein instead of the word “then.”

Power of Minister of Health further to extend period for completion of works.

2. At any time before the expiration of the said periods of thirteen years and fifteen years respectively the Minister of Health on the application of the Board may if he thinks fit by Order extend such periods or either of them for a further period or periods not exceeding five years and thereupon Sections 33 and 7 of the Act of 1925 shall have effect accordingly.

Inquiries by Minister of Health.

3. Section 96 of the Act of 1920 as amended by Section 27 of the Mid-Glamorgan Water Act 1921 shall apply to any inquiry held by the Minister of Health or his officers for the purposes

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lviii.]
Provisional Orders Confirmation (No. 11) Act, 1928.

of this Order as if such inquiry related to the exercise of powers conferred on the Board by those Acts.

A.D. 1928:

4. This Order may be cited as the Mid-Glamorgan Water Order 1928.

—
Mid-Glamorgan Order.

Short title.

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

(L.S.)

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

BOROUGH OF SCARBOROUGH.

Provisional Order for altering the Scarborough Improvement Act 1889.

Scarborough Order.

WHEREAS the Borough of Scarborough (hereinafter 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 the unrepealed provisions of the Scarborough Improvement Act 1889 (hereinafter referred to as "the Act of 1889") and the Scarborough Corporation Act 1925 (hereinafter referred to as "the Act of 1925") are in force in the Borough;

And whereas by Section 155 of the Act of 1889 the removal of gravel and other material from the seashore within the Borough without the licence of the Corporation is prohibited;

And whereas by Section 157 of the Act of 1889 the Corporation are authorised to take leases of certain parts of the sands and seashore outside the boundaries of the Borough and the provisions of Part XI. of that Act except Sections 152 and 155 are made applicable thereto during the continuance of any such lease;

And whereas the Corporation are authorised by Section 192 of the Act of 1889 to borrow for any of the purposes mentioned therein;

And whereas by Section 109 of the Act of 1889 adequate means of ingress and egress are required to be provided in case of buildings used as places of public resort;

And whereas the Corporation have made application to the Minister for the issue of a Provisional Order to alter the Act of 1889 in the manner hereinafter set forth:

[Ch. lvi.iii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.

—
*Scarborough
Order.*

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 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 Act of 1889 shall be altered so that the following provisions shall have effect that is to say :—

Amendment
of Sections
155 and 157
of Act of
1889.

1.—(1) The provisions of Sections 155 and 157 of the Act of 1889 shall apply to all the sands and seashore in the possession or occupation of the Corporation whether situate within or beyond the Borough Provided that no byelaws made by the Corporation under the enactments referred to in the said Section 157 shall apply to any sands or seashore situate beyond the Borough until the Council of the urban or rural district within which such sands or seashore are situate have consented thereto.

(2) Section 157 of the Act of 1889 shall be read and have effect as if any reference to Section 155 of the Act of 1889 were omitted therefrom.

Prosecution
of offences
on sands or
seashore.

2. Notwithstanding the provisions of Section 253 of the Public Health Act 1875 the Corporation or any officer of the Corporation duly authorised in that behalf shall have power to take proceedings for any offence under Part XI. of the Act of 1889 as amended by this Order or under any byelaws made in pursuance thereof where such offence is committed on the sands or seashore in the possession or occupation of the Corporation and situated beyond the Borough.

Means of
escape from
buildings in
case of fire.

3.—(1) Every new building which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this Article have been complied with in relation thereto.

(2) The Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. Iviii.]
Provisional Orders Confirmation (No. 11) Act, 1928.

is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

A.D. 1928.
—
Scarborough
Order.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Corporation under paragraph (2) or paragraph (3) of this Article may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under either of the said paragraphs.

(5) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Corporation under this Article.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this Article he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) This Article shall not apply to premises to which Section 14 (Provision of means of escape in case of fire) and Section 15

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928. (Byelaws for means of escape from fire) of the Factory and
— Workshop Act 1901 or any enactment amending those Sections
Scarborough apply.
Order.

(9) Any person who shall offend against the provisions of this Article shall on summary conviction be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(10) For the purpose of this Article "daily penalty" means a penalty for each day on which any offence is continued by a person after conviction and "owner" has the same meaning as it has in the Public Health Act 1875.

Further
borrowing
powers.

4. The Corporation may with the sanction of the Minister of Health and subject to the provisions of this Order borrow such moneys as may be necessary from time to time for any purpose of the Act of 1889.

Period for
repayment
of borrowed
moneys.

5. Any moneys borrowed under this Order shall be repaid within such period as may be prescribed by the Minister of Health and that period shall be the prescribed period for the purposes of this Order and the enactments incorporated therewith or applied thereby.

Application
of provisions
of Act of
1925.

6. Subject to the provisions of this Order the provisions of Sections 57 59 64 and 100 of the Act of 1925 shall apply as if the said Sections were herein re-enacted and in terms made applicable to moneys borrowed under this Order and to any local inquiry held with reference to any of the purposes of this Order.

Short title.

7. This Order may be cited as the Scarborough Order 1928.

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

(L.S.)

E. TUDOR OWEN
Assistant Secretary Ministry of Health.

BOROUGH OF STAFFORD.

Stafford
Order.

Provisional Order for partially repealing and altering the
Stafford Corporation Act 1876.

WHEREAS the Borough of Stafford (hereinafter 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;

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lviii.]
Provisional Orders Confirmation (No. 11) Act, 1928.

And whereas there are in force in the Borough the unrepealed provisions of certain Local Acts and Provisional Orders duly confirmed by Parliament including the Stafford Corporation Act 1876 (hereinafter referred to as "the Local Act");

A.D. 1928.

—
*Stafford
Order.*

And whereas the Corporation are the owners of a water undertaking and levy water rents and charges for the supply of water;

And whereas by Part V. of the Local Act certain powers were conferred upon the Corporation for the regulation of their markets;

And whereas by Part VIII. of the Local Act as amended by subsequent Provisional Orders provision is made with respect to the borrowing of moneys for the purposes of the Local Act;

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 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 Local Act shall be altered or amended so that the following provisions shall take effect that is to say:—

PART I.

WATER.

1.—(1) The Corporation shall not be bound to supply with water otherwise than by measure (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any common lodging-house barracks workhouse or other public institution or building or any hotel restaurant public house or inn.

Supply of
water to
houses
partly used
for trade
&c.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this Article shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

(3) The charges to be made by the Corporation for a supply of water by measure under this Article shall not exceed the charges set out in the Second Schedule to this Order Provided that the minimum quarterly charge for such supply shall not be less than the sum which would have been chargeable in respect of such supply had the supply been given under the

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.

*Stafford
Order.*

Dates for
payment of
water rents.

provisions of the Local Act with respect to the supply of water for domestic purposes and the charges therefor.

2.—(1) Article 2 of the Provisional Order relating to the Borough scheduled to the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1891 is hereby repealed.

(2) Notwithstanding the provisions of Section 70 of the Waterworks Clauses Act 1847 the Corporation may from time to time by resolution declare that all or any of the water rents or charges which they are by this Order or any other Act or Order relating to their water undertaking authorised to demand and take shall commence and be payable at such time or times as the Corporation may by any such resolution determine Provided that nothing herein contained shall authorise the Corporation to require the payment of any water rent or charge more than three months in advance.

Water rents
may be
collected
with general
rate.

3.—(1) On and after the First day of April Nineteen hundred and twenty-nine any water rent or charge payable to the Corporation may be collected together with the general rate and the same books may be used for the said rent and charge and the general rate.

(2) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding two and a half per centum on the amount due in respect of any water rent or charge or any instalment thereof from every person who pays the same within such time after demand thereof as the Corporation may prescribe.

(3) Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rent or charge or any instalment thereof shall be demanded.

(4) Notice of the effect of this Article shall be endorsed on all demand notes for water rents or charges where the Corporation have determined to make such an allowance.

Application of
Section 11 of
Rating and
Valuation Act
1925 to
collection of
water rents &c.

4. On and after the First day of April Nineteen hundred and twenty-nine the Corporation may if they think fit apply the provisions of Section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 with the necessary modifications to the collection of any water rent rate or charge payable to the Corporation.

PART II.

MARKETS.

Partial
repeal of
Local Act.

5. Sections 65 66 69 70 and 72 of the Local Act are hereby repealed so far as they relate to the markets of the Corporation.

Markets
Public
Health Act
to apply.

6.—(1) The markets of the Corporation shall be deemed to have been and to be markets held established or provided under the Public Health Act 1875 and the provisions of the Public

Health Act 1875 with respect to markets and the enactments incorporated therewith and thereby rendered applicable to markets to be established or regulated in pursuance of the said Act shall accordingly extend and apply to the said markets of the Corporation Provided that all tolls rents and stallages leviable by the Corporation in respect of the use of the said markets shall be approved by the Minister of Health.

A.D. 1928.

—
*Stafford
Order.*

(2) Any tolls rents and stallages which the Corporation are entitled to take at the date of this Order in respect of the use of the said markets may continue to be taken until a fresh scale of tolls rents and stallages made under the provisions of the Public Health Act 1875 and this Order shall have come into force.

PART III.

FINANCIAL PROVISIONS.

7. 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;

(b) “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 stock 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 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation; and

(c) “revenues of the Corporation” includes revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates or contributions leviable by or on the order or precept of the Corporation.

Meaning in this Part of “statutory borrowing power” “statutory security” and “revenues of the Corporation.”

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.

—
Stafford
Order.
One form of
mortgage for
all purposes.

8.—(1) Notwithstanding the provisions of any local Act or order in force within the Borough where the Corporation 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 Corporation and may be made in the form contained in the First 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 Corporation at any time after the date of the first grant of a mortgage under this Article.

(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 Corporation.

(5) Nothing in this Article contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this Article and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this Order had not been made.

(6) Nothing in this Article contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this Article.

Register of
mortgages.

9.—(1) There shall be kept at the offices of the Corporation a register of the mortgages granted under this Part of this Order and within fourteen days after the date of any such mortgage the town clerk 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.

(2) Every such register shall be open to public inspection during office hours at the said offices without fee or reward and if the town clerk 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.

Transfer of
mortgages.

10.—(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

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lviii.]
Provisional Orders Confirmation (No. 11) Act, 1928.

be according to the form contained in the First Schedule to this Order or in a form to the like effect which shall not contain any recital trust power or proviso whatsoever.

A.D. 1928.

—
Stafford
Order.

(2) There shall be kept at the offices of the Corporation 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 town clerk 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 Corporation 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.

11. If the town clerk shall wilfully neglect or refuse to cause to be made 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.

Penalty for neglect or failure to enter in register.

12. Notwithstanding anything contained in the Local Act or in any other Act the Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund or other fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent insurance superannuation or other similar fund (in this Article referred to as "the lending fund") and not for the time being required for the purpose for which the moneys have been accumulated subject to the following conditions :—

Use of moneys forming part of sinking and other funds.

- (1) The moneys so used shall be repaid to the lending fund within the period and by the methods within and by 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 decide repay the same at any time within the period aforesaid :

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.

—
*Stafford
Order.*

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 :

- (3) Any repayment made or interest paid shall be treated in the accounts of the Corporation as if it were the repayment of or the payment of interest on a loan raised under the statutory borrowing power :
- (4) 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 the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Power to use
sinking fund
instead of
borrowing.

13.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of a loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in the exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this Article shall—

- (a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund ;
- (b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund ;
- (c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lviii.]
Provisional Orders Confirmation (No. 11) Act, 1928.

(3) The provisions of this Article shall not apply to any sinking fund formed under the Local Loans Act 1875. A.D. 1928.

(4) The Corporation shall furnish all such information (if any) to the Minister of Health with respect to the exercise of the powers contained in this article as the Minister shall require.

—
*Stafford
 Order.*

14. Notwithstanding anything in the Local Acts where sums are set apart as a sinking fund for the purpose of paying off principal moneys borrowed by the Corporation under any statutory borrowing power or appropriated to a reserve fund under this Order the interest received in any year from the investment of the sums so set apart or appropriated shall form part of the revenue fund or rate out of which the sums were set apart or appropriated. Provided that—

Interest on
 and pay-
 ments to
 sinking funds
 and reserve
 funds.

(1) In the case of an accumulating sinking fund the contributions to such fund out of such revenue fund or rate shall in that year be increased by a sum equal to the interest which would have accrued thereto if interest calculated at the rate per centum per annum on which the annual payments to the sinking fund are based had been accumulated in the sinking fund:

(2) In the case of a reserve fund a sum equivalent to the amount so carried to the revenue fund or rate as aforesaid shall be added to such reserve fund unless and until the reserve fund has reached the maximum allowed by this Order.

15. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Interest on
 mortgages
 held jointly.

16. If any moneys are payable to a mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Receipt in
 case of
 persons not
 sui juris.

17.—(1) The Corporation shall have power—

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

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

Power to
 re-borrow.

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.

—
*Stafford
Order.*

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

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

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

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

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

Reserve
funds.

18.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely):—

(a) the water undertaking;

(b) the markets undertaking;

by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the case of each of the undertakings a sum equal to one-tenth of the aggregate capital for the time being expended by the Corporation upon the undertaking.

(2) Any reserve fund which has been formed for the purposes of either of the said undertakings and which is in existence at the commencement of this Order shall be deemed to have been formed under this Article.

(3) Any reserve fund formed under this Article shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that 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. A.D. 1928.

(4) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

—
*Stafford
Order.*

19. This Order may be cited as the Stafford Order 1928. Short title.

SCHEDULES.

FIRST SCHEDULE.

A.—FORM OF MORTGAGE.

By virtue of the Stafford Order 1928 as confirmed by Parliament and of other their powers in that behalf them enabling the Mayor Aldermen and Burgesses of the Borough of Stafford acting by the Council (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds paid to the treasurer of the Borough 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 Corporation in the Stafford 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 Corporation 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 Corporation to the mortgagee or by the mortgagee to the Corporation :

[Ch. Iviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.

—
Stafford
Order.

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 mayor and town clerk of the Borough 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 Corporation have caused their common seal to be hereunto affixed this day of
nineteen hundred and

The Endorsement within referred to.

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].

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
transferee") do hereby transfer to the transferee [his] executors
administrators and assigns [the within-written security] [the
mortgage number of the revenues of the Mayor
Aldermen and Burgesses of the Borough of Stafford 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

SECOND SCHEDULE.

A.D. 1928.

*Stafford
Order.*

Scale of Charges for the supply of water by measurement.

Gallons.	Gallons.	Per 1,000 gallons. s. d.
For any quantity—		
exceeding 10,000 but not exceeding 15,000	per quarter	1 5½
„ 15,000	„ 25,000	1 5
„ 25,000	„ 40,000	1 4½
„ 40,000	„ 60,000	1 4
„ 60,000	„ 100,000	1 3½
„ 100,000	„ 150,000	1 3
„ 150,000	„ 225,000	1 2½
„ 225,000	„ 300,000	1 2
„ 300,000	„ 400,000	1 1½
„ 400,000	„ 550,000	1 1
„ 550,000	„ 750,000	1 0½
„ 750,000	„ 1,000,000	1 0
„ 1,000,000	„ 1,500,000	11½
„ 1,500,000	„ 2,000,000	11
„ 2,000,000	„ 2,500,000	10½
„ 2,500,000	„ 3,000,000	10
„ 3,000,000	„ 3,500,000	9½
„ 3,500,000	„ 4,250,000	9
„ 4,250,000	„ 5,000,000	8½
„ 5,000,000	- - - - -	8

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

(L.S.)

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

A.D. 1928.,

BOROUGH OF SWANSEA.

*Swansea
Order.*

*Provisional Order for altering the Swansea Corporation
Act 1912.*

WHEREAS the County Borough of Swansea (hereinafter 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 Swansea 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 Swansea Corporation Act 1912 (hereinafter referred to as "the Local Act");

And whereas by an Agreement dated the Twenty-second day of November One thousand nine hundred and ten which Agreement is set out in the Fourth Schedule to the Local Act the Swansea Corporation covenanted to pay to the Merthyr Tydfil Corporation during the continuance of the Agreement next hereinafter recited the sum of Three hundred pounds per annum and such first mentioned Agreement was confirmed by Section 118 of the Local Act;

And whereas by another Agreement of the same date made between the Visiting Committee for the Borough and the Borough of Merthyr Tydfil which Agreement is set forth in the Schedule hereto provision was made with respect to the proportions in which the expenses of providing a lunatic asylum for the joint use of the said Boroughs should be borne and with respect to other matters;

And whereas by Section 101 of the Local Act provision is made for the borrowing of certain sums by the Swansea Corporation and the Mayor Aldermen and Burgesses of the County Borough of Merthyr Tydfil (hereinafter referred to as "the Merthyr Tydfil Corporation") in connection with the erection and furnishing of the said lunatic asylum for the Borough and the Borough of Merthyr Tydfil;

And whereas the Swansea Corporation and the Merthyr Tydfil Corporation have borrowed moneys in pursuance of such provisions and have by means of such moneys purchased land and commenced the erection of a lunatic asylum thereon;

And whereas the Swansea Corporation have made application to the Minister of Health for the issue of a Provisional Order to alter or amend the Local Act in 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

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lviii.]
Provisional Orders Confirmation (No. 11) Act, 1928.

1875 and of all other powers enabling him in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order (hereinafter referred to as "the commencement of this Order") the Local Act shall be altered or amended in manner following (that is to say):—

A.D. 1928.

Swansea
Order.

1.—(1) The borrowing powers conferred on the Merthyr Tydfil Corporation by Section 101 of the Local Act so far as they have not at the commencement of this Order been exercised shall be transferred to the Swansea Corporation and the Swansea Corporation shall be entitled to exercise such powers in like manner and subject to the like provisions as under the said Act they are entitled to exercise the borrowing powers thereby conferred on them.

Borrowing
powers.

(2) The Swansea Corporation may with the sanction of the Minister of Health borrow on the security of the Borough Fund and Borough Rate in addition to any other moneys which they are authorised to borrow such further sums as may from time to time be required to complete the purchase of land for and the erection equipping and furnishing of a lunatic asylum for the Borough and the Borough of Merthyr Tydfil.

(3) Any moneys borrowed under subdivision (2) of this Article shall be repaid within such period not exceeding sixty years from the date of borrowing as the Swansea Corporation may with the sanction of the Minister of Health determine and the period so determined shall with reference to the repayment of such moneys be the prescribed period for the purposes of the Local Act and the Local Loans Act 1875.

(4) The provisions which by virtue of Sections 103 and 131 of the Local Act apply to the borrowing of moneys by the Swansea Corporation under Section 101 of that Act shall apply to the borrowing of moneys under subdivision (2) of this Article as if the same had with any necessary modifications been incorporated herewith.

2. Notwithstanding the provisions of Section 118 of the Local Act the Swansea Corporation and the Merthyr Tydfil Corporation in the case of the first recited agreement and the Visiting Committees for the said Boroughs in the case of the second recited agreement may with the approval of the Minister of Health agree upon and give effect to any variations which may be necessary or desirable in the terms of such agreements by reason of the provisions of this Order or otherwise :

Power to
vary agree-
ments.

Provided that if the parties are unable to agree upon such variations the difference shall be referred to and determined by an arbitrator to be appointed failing agreement at the request of either party after notice in writing to the other by the Minister

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928. of Health and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such reference and determination.

—
*Swansea
Order.*

Inquiries by
Minister of
Health.

3.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary with reference to the purposes of this Order and such inspectors shall for the purposes of any inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) When the Minister of Health causes any such inquiry to be held with reference to any of the purposes of this Order the costs incurred by the Minister in relation to that inquiry (including such sum not exceeding five guineas a day as the Minister may determine for the services of any inspector engaged in the inquiry) shall be paid by the Swansea Corporation and the Minister may certify the amount of the costs so incurred and any sum so certified and directed by the Minister to be paid by the Swansea Corporation shall be a debt due to the Crown from the Swansea Corporation.

Short title.

4. This Order may be cited as the Swansea Order 1928.

SCHEDULE.

It is agreed this Twenty-second day of November One thousand nine hundred and ten between the VISITING COMMITTEES FOR THE COUNTY BOROUGH OF SWANSEA and the COUNTY BOROUGH OF MERTHYR TYDFIL that the said county boroughs shall henceforth be united for the purposes of the Lunacy Act 1890 and that an asylum for the reception of lunatics with all necessary buildings courts yards and outlets shall be immediately provided on a site in or near to the County Borough of Swansea and properly fitted up and accommodated for the purposes mentioned in the said Act And—

1. That the necessary expenses attending the providing building furnishing and fitting up of the said asylum including the cost of the purchase of land shall be defrayed by the said county boroughs so united in the following proportions such proportions being fixed according to the probable extent of the accommodation required for the lunatics of the contracting county boroughs (that is to say) :—

The County Borough of Swansea two-thirds of the said expenses.

The County Borough of Merthyr Tydfil one-third of the same.

2. That the necessary expenses of repairs to the buildings and maintenance of the said asylum shall be paid by the councils of the said county boroughs quarterly and shall be borne by the said county boroughs in proportions to be ascertained in the manner following. The number of pauper lunatics in the institution shall be ascertained on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year. The number of pauper lunatics of the County Borough of Swansea shall be ascertained and also the number of those of the County Borough of Merthyr Tydfil. The proportion of these expenses incurred in respect of any quarter and payable by the County Borough of Swansea shall be a sum calculated by multiplying the total of such expenses for that quarter by the number of pauper lunatics of the County Borough of Swansea ascertained on the date ending that quarter (as being in the institution on that date) and dividing the result by the total number of pauper lunatics of the said county boroughs (in the institution on that date). The proportion of these expenses incurred in respect of any quarter and payable by the County Borough of Merthyr Tydfil shall be a sum similarly calculated by multiplying the total of such expenses for that quarter by the number of pauper lunatics of the County Borough of Merthyr Tydfil ascertained on the date ending that quarter (as being in the institution on that date) and dividing the result by the total pauper lunatics of the said county boroughs in the institution on that date.

3. That the committee of visitors to superintend the building erection and management of the said asylum shall be appointed in the following proportions (that is to say) the Council of the County Borough of Swansea shall appoint thirteen and the Council of the County Borough of Merthyr Tydfil shall appoint twelve and the proportions in which the said committee of visitors are to be appointed as aforesaid may be from time to time varied with the consent in writing under the hands of the greater number of visitors of the said boroughs and with the consent of the Commissioners in Lunacy.

4. That the sums received from any source other than the Guardians of the Swansea Union and the Guardians of the Merthyr Tydfil Union on account of the maintenance in the asylum of pauper patients private patients and criminal patients shall be apportioned between the said county boroughs in proportion to the number of pauper lunatics from time to time in the institution such number being ascertained as provided in Clause 2 of this Agreement.

5. Should either of the contracting councils use for the lunatics of their county boroughs a larger proportion of the accommodation in the asylum than is represented by the proportions in which the expenses are defrayed in pursuance of

A.D. 1928.

—
Swansea
Order.

[Ch. lviii.] *Ministry of Health* [18 & 19 GEO. 5.]
Provisional Orders Confirmation (No. 11) Act, 1928.

A.D. 1928.
 Swansea
 Order.

Clause 1 of this Agreement the contracting council using such accommodation shall pay to the other contracting council for and in respect of such user such sum and in such manner as may be agreed between the contracting councils and in case of dispute the matter shall be referred to the Secretary of State whose decision shall be final.

6. And it is hereby further agreed in accordance with the provisions of Section 267 of the Lunacy Act 1890 that in the event of the dissolution of this Agreement the visiting committee shall divide the real and personal property held for the purposes of the said Agreement between the contracting councils in the proportion in which they are respectively interested therein and for this purpose a valuation of the assets shall be made and a sum of money of such amount and to be raised by either of the said councils in such proportions as the committee with the consent of a Secretary of State approve may be awarded to either of the said councils instead of a share or part of a share in such property.

In Witness whereof we the undersigned being the majority of each of the Committees appointed by the said councils respectively do on behalf of the said councils set our hands and seals this twenty-second day of November One thousand nine hundred and ten.

J. LIVINGSTON.	(L.S.)	J. M. BERRY.	(L.S.)
DAVID MATTHEWS.	(L.S.)	DANIEL WILLIAM JONES	(L.S.)
GEO. PAYNE.	(L.S.)	WM. LEWIS.	(L.S.)
WM. OWEN.	(L.S.)	ISAAC EDWARDS.	(L.S.)
A. LOVELL.	(L.S.)	WALTER T. G. MARSH.	(L.S.)
DANIEL JONES.	(L.S.)	HENRY M. LLOYD.	(L.S.)
GEO. A. HEMMINGS.	(L.S.)	WILLIAM JONES.	(L.S.)
IVOR H. GWYNNE.	(L.S.)	FRANK T. JAMES.	(L.S.)
MORGAN HOPKIN.	(L.S.)	DAN THOMAS.	(L.S.)
F. E. TUNBRIDGE.	(L.S.)	E. MORRELL.	(L.S.)
DD. DAVIES.	(L.S.)	J. HARPUR.	(L.S.)
THOMAS MERRELLS.	(L.S.)	F. SYDNEY SIMONS.	(L.S.)
HARRY ROGERS.	(L.S.)		

Signed Sealed and Delivered by the above named
 JAMES LIVINGSTON DAVID MATTHEWS GEORGE
 PAYNE WILLIAM OWEN ARTHUR LOVELL
 DANIEL JONES GEORGE ALBERT HEMMINGS
 IVOR H. GWYNNE MORGAN HOPKIN FRANK
 EDWARD TUNBRIDGE DAVID DAVIES THOMAS
 MERRELLS and HARRY ROGERS in the presence
 of

D. C. JOHN
 Deputy Town Clerk Swansea.

[18 & 19 GEO. 5.] *Ministry of Health* [Ch. lviii.]
Provisional Orders Confirmation (No. 11) Act, 1928.

Signed Sealed and Delivered by the within named
JOHN MATHIAS BERRY DANIEL WILLIAM JONES
WILLIAM LEWIS ISAAC EDWARDS WALTER
THOMSON GLENDINNING MARSH HENRY
MORGAN LLOYD WILLIAM JONES FRANK
TREHARNE JAMES DAN THOMAS ENOCH
MORRELL JOHN HARPUR and F. SYDNEY
SIMONS in the presence of

A.D. 1928.

—
Swansea
Order.

T. ANEURYN REES
Town Clerk.

Approved.

W. CHURCHILL
(One of His Majesty's Principal
Secretaries of State.)

Whitehall
28th December 1910.

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

(L.S.) H. W. S. FRANCIS
Assistant Secretary Ministry of Health.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

