



CHAPTER iii.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Baildon Cambridge Oswestry and South Staffordshire Joint Small-pox Hospital District. A.D. 1929.

[26th July 1929.]

WHEREAS under the provisions of the Public Health Act 1875 the Minister of Health has made certain Orders which as amended are set out in the schedule hereto : 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 as amended and set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Orders Confirmation (No. 8) Act 1929. Short title.

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SCHEDULE.

URBAN DISTRICT OF BAILDON.

*Baildon
Order.*

Provisional Order altering a local Act.

WHEREAS the Urban District Council of Baildon are the local authority for the purposes of the Public Health Act 1875 for the Urban District of Baildon;

And whereas under the provisions of the Baildon Local Board Water Act 1890 as amended by the Baildon Order 1894 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1894 the Urban District Council carry on a water undertaking and supply water within their district;

And whereas the Urban District Council have applied to the Minister of Health for the issue of a Provisional Order to alter or amend the local Act in the manner following:

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 as follows:—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

- 1.—(1) This Order may be cited as the Baildon Order 1929.
(2) This Order shall come into operation on the date of the Act of Parliament confirming it.

interpreta-
tion.

- 2.—(1) This Order shall be read as one with the Baildon Local Board Water Act 1890.
(2) In this Order unless the context otherwise requires—
“the commencement of this Order” means the time at which this Order comes into operation;
“the Council” means the Urban District Council of Baildon;

- “ the deposited plan ” means the plan which was deposited in the office of the Minister on the nineteenth day of October nineteen hundred and twenty-eight and of which duplicates were on the preceding day deposited in the office of the Clerk of Parliaments House of Lords and in the Committee and Private Bill Office of the House of Commons; A.D. 1929.
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Baildon Order.
- “ the district ” means the Urban District of Baildon;
- “ the local Act ” means the Baildon Local Board Water Act 1890;
- “ the Minister ” means the Minister of Health;
- “ the Order of 1894 ” means the Baildon Order 1894;
- “ the water undertaking ” means the water undertaking of the Council under the local Act.

3. The following Acts and Parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Order) are hereby incorporated with this Order (namely):— *Incorporation of certain Acts.*

- (1) The Lands Clauses Acts with respect to the purchase and taking of lands by agreement except section 127 of the Lands Clauses Consolidation Act 1845;
- (2) The provisions of the Waterworks Clauses Act 1847 incorporated with the Public Health Act 1875 by section 57 of that Act but subject to the proviso in the said section contained; and
- (3) The Waterworks Clauses Act 1863.

PART II.

LANDS AND WORKS.

4.—(1) The Council may acquire by agreement the lands and buildings thereon known as Birch Close Farm situate in the urban district of Bingley in the West Riding of the County of York which lands contain in the whole by admeasurement 128 acres 2 roods or thereabouts and are edged red on the deposited plan. *Power to take land and construct works.*

(2) The Council may on the lands described in paragraph (1) of this article construct such works as may be necessary or desirable for the utilisation of any waters to be found in or under those lands.

(3) The works constructed by the Council under the powers of this article shall for all purposes be deemed part of the water undertaking.

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Order.

Purchase of
additional
lands by
agreement.

5. In addition to the lands which the Council are otherwise authorised to acquire the Council with the consent of the Minister may by agreement purchase take on lease acquire and hold such further lands as they may require for the purposes of the water undertaking :

Provided that the Council shall not—

- (1) create or permit a nuisance on any such lands ; or
- (2) erect any buildings thereon other than offices or dwelling-houses to be occupied by persons employed by the Council for the purposes of the water undertaking or such buildings as may be incident to or connected with the water undertaking ; or
- (3) construct any works on any such lands unless the works are incident to or connected with the water undertaking and shall not construct any works for taking or intercepting water from any such lands unless the works are authorised by and the lands upon which the same are to be constructed are specified in an Act of Parliament or a Provisional Order confirmed by Parliament.

Retention
and disposal
of lands.

6.—(1) Notwithstanding anything in any local Act or Order the Council may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or to be acquired by them under the local Act or this Order and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any moneys for equality of exchange :

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Nothing in this article shall release the Council or any person purchasing or acquiring any lands or any interest therein from them under this article from any rents covenants restrictions reservations terms or conditions made payable by or

contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Order had not been made.

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Order.

7.—(1) The Council may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of the local Act or this Order in the purchase of other lands which they are empowered so to acquire but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of the local Act the Order of 1894 or this Order and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by the local Act or this Order except to such extent and upon such terms as may be approved by the Minister :

Proceeds of
sale of
surplus land.

Provided that—

- (a) The amount to be applied in the purchase of lands under this article shall not exceed the amount for the time being unexhausted of the borrowing powers of the Council for the purpose of such purchase ;
- (b) The borrowing powers of the Council for the purchase of lands shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this article.

(2) Section 18 of the local Act (which relates to the application of moneys derived from sale of surplus lands) is hereby repealed.

8.—(1) The Council may purchase or take on lease dwelling-houses to be occupied by persons employed by the Council for the purposes of the water undertaking and may erect and maintain dwelling-houses for those persons upon any lands for the time being belonging to the Council for the purposes of that undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Council for the purposes of that undertaking.

Dwelling-
houses for
persons in
Council's
employ-
ment.

(2) Any dwelling-houses provided by the Council under this article may be let by the Council to persons employed by them for the purposes of the water undertaking.

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PART III.

*Bairdon
Order.*

SUPPLY OF WATER.

Charges for
supplies for
motor cars
refrigerating
apparatus
&c.

9.—(1) Where water supplied for domestic purposes is used for horses or washing 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 employed charge for the water so used such a sum not exceeding twenty-five shillings per 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.

(2) Where water supplied by the Council to a person who takes a supply both for domestic purposes and by measure for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing 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 they think fit require that all water so used by means of such hose-pipe or other similar apparatus shall be taken by measure and paid for accordingly.

(3) Where a person who takes a supply of water for domestic purposes from the Council desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Council shall be entitled to require that all water so used shall—

- (a) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for such water shall be five shillings; or
- (b) be paid for at such rates as may be agreed between the consumer and the Council.

Rates
payable by
owners of
small houses.

10. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply of water but notwithstanding any such determination the rate may be recovered by the Council from the occupier and may if so recovered and if the occupier be not himself liable for water rate under any lease or agreement be deducted by him from the rent from time to time due from him to the owner :

Provided that no greater sum shall be recovered by the Council at any one time from any such occupier than the amount of rent owing by him or the amount of rent which shall have accrued due from him subsequent to the service upon him by the Council of a notice to pay the rate.

11.—(1) The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require a separate pipe to be laid from the main pipe into each house supplied by them with water.

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Order.

(2) Where the erection of any house to be supplied with water by the Council is completed after the commencement of this Order the Council by a notice in writing may require the owner of the house within three months after the receipt by the owner of the notice to provide a separate communication pipe from the main into the house and upon the default of the owner the Council may themselves execute the work required by the notice and may recover the cost of the work from the owner.

Council not
bound to
supply
several
houses by
one pipe.

12.—(1) For the purpose of enabling any person to comply with any obligation imposed on him by the Waterworks Clauses Act 1847 or by any other Act or Order to maintain any pipe or apparatus used for the supply of water by the Council that person shall have the like powers of opening the ground as are conferred upon persons by the Waterworks Clauses Act 1847 for the purpose of laying communication pipes subject nevertheless to the conditions imposed by sections 48 to 52 of that Act.

Power to
break up
streets &c.

(2) Where any owner or occupier is entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street within the district the Council may agree with the owner or occupier to execute works on his behalf and subject to the terms of the agreement any expenses incurred thereunder by the Council shall be recoverable by the Council from the owner or occupier with whom the agreement is made.

13.—(1) If in the opinion of the Council any waste of water or injury or risk of injury to person or property is caused or is likely to be caused by reason of any injury to or defect in any communication pipe which the Council are not under an obligation to maintain the Council may execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without a request being made to them.

Power to
Council to
repair com-
munication
pipes.

(2) If any injury to or defect in the communication pipe shall have been found to exist the expenses incurred by the Council in ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil) shall be recoverable by the Council from the owner of the premises supplied or where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable.

(3) Except in case of emergency the Council shall not under the powers of this article enter into any house or private premises

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Baldon Order.

Council to connect communication pipes with mains.

14.—(1) Notwithstanding anything contained in any local Act or Order relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for the purpose of connecting any communication or service pipe with the main.

(2) The Council on the request of the owner or occupier of any premises who is entitled to be supplied with water by the Council shall execute on any water main of the Council any work which may be necessary to connect the communication or service pipe of that owner or occupier with the main subject nevertheless to any obligation of the owner or occupier in relation to the execution of the work and the expenses incurred by the Council in the execution of the work shall be recoverable by them from the owner or occupier by whom the request was made.

Maintenance of common pipes.

15. When several houses or parts of houses in the occupation of several persons are supplied with water by the Council by one common pipe belonging to several owners or occupiers of those houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of the pipe in such proportions as may be settled by the manager of the water undertaking or other officer duly authorised in that behalf by the Council.

Power to remove fittings and meters.

16.—(1) The manager of the water undertaking or other officer duly authorised in that behalf by the Council may give not less than forty-eight hours' notice in writing under his hand to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours of the intention of the Council to enter the premises for the purpose of removing the pipe meter or fitting belonging to the Council.

(2) Upon the expiration of a notice given under paragraph (1) of this article the Council by their workmen or other agents may enter the house building or land to which the notice relates between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing every such pipe meter and fitting and may remove the same but shall repair all damage caused by such entry or removal.

17. Subject to the provisions of the Waterworks Clauses Act 1847 the Council may for the purpose of the prevention and detection of waste affix and maintain meters and similar apparatus on their service pipes and mains and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages or tramways in the district or gas or water pipes electric and other lines wires and apparatus in the district:

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Baildon
Order.
Detection
of waste.

Provided that the Council shall not interfere with any telegraphic line as defined by the Telegraph Act 1878 belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of that Act.

18. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to sell
meters.

19. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to
Council of
connecting
or dis-
connecting
meters.

20. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any officer of the Council may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises in the district which may be supplied with water by the Council in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Extension of
power to
inspect
premises.

21. Every person who—

- (a) without the consent of the Council shall wilfully; or
- (b) shall negligently

Penalty for
closing
valves and
apparatus.

close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained:

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Order.*

Penalty for
interfering
with valves
&c.

Provided that this article shall not apply to a consumer closing a valve fixed on his communication pipe.

22. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 (which relates to penalties for destroying valves &c.) and that section shall extend and apply accordingly.

Power to
supply water
fittings.

23.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets and other fittings as are required or permitted by their regulations and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fitting let for hire under this article shall bear either a distinctive metal plate affixed to a conspicuous part thereof or a distinctive brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof and when so distinguished shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be.

(3) All fittings let by the Council on hire under this article and bearing an indication that the Council are the owners thereof in accordance with paragraph (2) of this article shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Council but nothing in this paragraph shall affect the assessment to local rates of any premises upon which any such fittings are fixed.

(4) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this article in connection therewith including interest upon any moneys borrowed for those purposes and all sums applied to a sinking fund for repayment of moneys so borrowed.

(5) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of the provision of such fittings or the repairing fixing or removal thereof such sum shall be clearly and separately stated in the demand note.

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Order.

(6) The total sums expended and received by the Council in each year in connection with the purposes of this article (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for that year.

24.—(1) All water supplied by the Council for domestic purposes shall be pure and wholesome and if at any time it shall appear to the Council that any water so supplied by them is liable to act upon lead in such a manner as to endanger the health of the consumer the Council shall forthwith treat any water so supplied so as to prevent such action.

For preven-
tion of
plumbism.

(2) If at any time it shall appear to the county medical officer of health of the West Riding of Yorkshire that any water supplied by the Council is liable to act upon lead in such a manner as to endanger the health of the consumer the County Council of the West Riding of Yorkshire may by a notice in writing require the Council forthwith to treat any water so supplied so as to prevent such action and it shall be the duty of the Council to comply with the notice :

Provided that if any difference shall arise between the Council and the County Council as to the necessity of such a requirement or of any measures required by the notice to be adopted by the Council the difference shall be determined by the Minister on the application of either of the parties.

(3) If the Council shall at any time supply water otherwise than in accordance with the provisions of this article they shall be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding ten pounds for every day during which such default shall continue after conviction for an offence.

PART IV.

FINANCIAL.

25. 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 reborrowing 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

Meaning in
this Part of
certain
expressions.

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Order.*

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 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;
- (c) "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 so much of any rates or contributions leviable by the Council as is required for defraying expenses of the Council.

Loans for Water Undertaking.

Additional
borrowing
power.

26.—(1) In addition to the sums which they are authorised by section 22 of the local Act as amended by article 1 of the Order of 1894 to borrow the Council with the sanction of the Minister may borrow on the security of the revenue of the water undertaking and of the general rate fund and general rate of the district or upon either of such securities such sums as may from time to time be necessary for the purposes of the water undertaking.

(2) Any moneys so borrowed shall be repaid within such period not exceeding sixty years from the date of borrowing as the Council 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 this Order and the Local Loans Act 1875.

(3) The power of borrowing money given by this Order shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875.

Method of
raising
money.

27. The Council may raise all or any moneys which they are authorised to borrow under this Order by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another way or other ways.

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

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Order.

Mode of re-
payment.

(2) If the Council determine to repay by means of a sinking fund any moneys borrowed under this Order the sinking fund shall be formed and maintained either—

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

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or at such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is in this Order called an accumulating sinking fund.

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

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

(5) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed:

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

(6) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum

A.D. 1929. per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council.

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*Bairdton
Order.*

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

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

Increase
reduction or
discontinu-
ance of
payments to
sinking fund.

29.—(1) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose :

Provided that if it appears to the Minister that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct.

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

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

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

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

General Provisions as to Loans.

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30.—(1) Subject to the provisions of this article the Council may—

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Order.*

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

Power to
reborrow.

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

(2) Any moneys borrowed under this article shall for the purposes of repayment be deemed to form part of the original loan and shall be paid 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 Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

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

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

(5) Section 28 of the local Act (which empowers the Council to reborrow) is hereby repealed.

31.—(1) Notwithstanding the provisions of any local Act or Order in force in 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.

One form of
mortgage
for all
purposes.

(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

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A.D. 1929. in the form contained in the Schedule to this Order or in a form to the like effect.

—
Baildon
Order.

(3) All mortgages granted under this article shall rank equally without any priority or preference by reason of any precedence in the respective dates of the exercise 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.

(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.

Register of
mortgages.

32.—(1) There shall be kept at the offices of the Council a register of the mortgages granted under the preceding article of this 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.

(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 to a penalty not exceeding five pounds.

Transfer of
mortgages.

33.—(1) Any mortgagee or other person entitled to any mortgage granted under the power conferred by article 31 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 Schedule to this Order or in a form to the like effect which shall not contain any recital trust power or proviso whatsoever.

(2) There shall be kept at the offices of the Council a register of the transfers under this article of mortgages 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.

A.D. 1929.

—
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Order.

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

Penalty for neglect or failure to enter in register.

35.—(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 in pursuance of any statutory borrowing power and not raised by the issue of stock.

Returns as to repayment 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 or other the chief accounting officer 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 or verify such return the clerk of the Council shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister and notwithstanding the recovery of such penalty the making and verifying 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 the Act or Order in pursuance of which the moneys are raised 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 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.

(4) Section 29 of the local Act (which relates to annual returns to the Minister with respect to sinking funds) is hereby repealed.

A.D. 1929.

PART V.

*Baildon
Order.*

SUPPLEMENTAL.

Inquiries
and
expenses.

36.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary with reference to the purposes of the local Act the Order of 1894 or 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 causes any such inquiry to be held with reference to any of the purposes of the local Act the Order of 1894 or 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.

Recovery of
penalties
&c.

37. Save as otherwise by this Order expressly provided all offences against this Order and all penalties forfeitures costs amounts and expenses imposed or recoverable under this Order may be prosecuted and recovered in a summary manner:

Provided that costs amounts or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of
demands.

38. Proceedings for the recovery of any demand made under the authority of this Order or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

SCHEDULE.

A.—FORM OF MORTGAGE.

By virtue of the Baildon Order 1929 as confirmed by Parliament and of other their powers in that behalf them enabling the Baildon 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 Baildon Order 1929 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].

A.D. 1929.

—
*Baildon
Order.*

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.

The within-named _____ consenting the within-mentioned time for repayment of the within-mentioned principal sum is hereby extended to the _____

[Ch. iii.] *Ministry of Health* [20 GEO. 5.]
Provisional Orders Confirmation (No. 8) Act, 1929.

A.D. 1929. day of nineteen hundred and [and the interest
— to be paid thereon on and from the day of
Baildon nineteen hundred and is hereby declared to be at the
Order. 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 trans-
feree") do hereby transfer to the transferee [his] executors
administrators and assigns [the within-written security] [the
mortgage number of the revenues of the Baildon
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

BOROUGH OF CAMBRIDGE.

Cambridge *Provisional Order amending the Cambridge Corporation*
Order. *Act 1922.*

WHEREAS the Borough of Cambridge is an urban district
of which the mayor aldermen and burgesses acting by the
Council are the urban authority for the purposes of the Public
Health Act 1875 and the Cambridge Corporation Act 1922 is
in force in the Borough;

And whereas section 27 of the local Act authorised the said
urban authority to define the future line of existing streets;

And whereas the urban authority have applied to the
Minister of Health for the issue of a Provisional Order to amend
the local Act in the manner following :

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 in that behalf hereby orders as follows :—

A.D. 1929.

—

Cambridge Order.

1. This Order may be cited as the Cambridge Order 1929 and shall come into operation on the date of the Act of Parliament confirming it.

Short title and commencement.

2. In this Order "the Corporation" means the mayor aldermen and burgesses of the Borough of Cambridge acting by the council.

Interpretation.

3.—(1) In subsection (1) of section 27 of the Cambridge Corporation Act 1922 the words "(being of a permanent character)" are hereby repealed and at the end of the subsection there shall be added the following words :—

Partial repeal and amendment of local Act.

" except with the consent in writing of the Corporation
 " which may be given for such period and upon and
 " subject to such terms and conditions as they may
 " deem expedient."

(2) The words added to the said section 27 by paragraph (1) of this article shall be deemed always to have formed part of that section and any consent given by the Corporation before the date when this Order comes into operation with reference to the making or placing of any new building erection excavation or obstruction nearer to the centre of a street or road than the line of frontage prescribed and defined therefor under the provisions of that section shall be deemed to have been given in pursuance of those provisions.

(3) Any terms or conditions imposed by the Corporation in connection with the giving of any consent as aforesaid shall be binding upon the owner lessee or occupier for the time being of the land upon which the building erection excavation or obstruction to which the consent relates is made or placed.

BOROUGH OF OSWESTRY.

Provisional Order altering and amending certain local Acts and confirmation Acts.

Oswestry Order.

WHEREAS the Borough of Oswestry is an urban district of which the mayor aldermen and burgesses acting by the council (in this Order referred to as "the Corporation") are the local authority for the purposes of the Public Health Act 1875;

[Ch. iii.] *Ministry of Health* [20 GEO. 5.]
Provisional Orders Confirmation (No. 8) Act, 1929.

A.D. 1929.

—
*Oswestry
Order.*

And whereas the local Acts confirmation Acts and Orders mentioned in the Schedule to this Order contain provisions relating to markets and fairs and the Corporation are thereby empowered to borrow moneys within the limits and subject to the sanctions therein provided for the purposes of their markets and fairs ;

And whereas the Corporation have applied to the Minister of Health for the issue of a Provisional Order to alter or amend the local Acts and Orders in the manner following :

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 as follows :—

Short title
and com-
mencement.

1.—(1) This Order may be cited as the Oswestry Order 1929 and this Order and the Orders mentioned in Part II of the Schedule to this Order may be cited as the Oswestry (Markets) Orders 1879 to 1929.

(2) This Order shall come into operation on the date of the Act of Parliament confirming it.

Interpre-
tation.

2. In this Order unless the context otherwise requires—

“ The Borough ” means the Borough of Oswestry ;

“ The Minister ” means the Minister of Health ;

“ The Order of 1902 ” means the Oswestry Order 1902.

Additional
borrowing
powers.

3.—(1) In addition to the sums which they are already authorised to borrow the Corporation may with the sanction of the Minister borrow on the security of the revenue arising from their markets and fairs and of the general rate fund and general rate of the Borough or upon either of such securities such sums as may from time to time be required for the purposes of their market undertaking.

(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 that 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 paragraph of this article.

(3) Subject to the provisions of this Order the provisions of article 2 and of articles 4 to 9 of the Order of 1902 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 Order.

A.D. 1929.

4. Article 10 of the Order of 1902 shall apply to any inquiries directed by the Minister to be held with reference to the purposes of this Order :

—
Oswestry Order.

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

Inquiries and expenses.

SCHEDULE.

PART I. *Local Acts.*

Session and Chapter.	Short Title.
11 & 12 Vict. c. xxxiii.	The Oswestry Markets and Fairs Act 1848.
48 & 49 Vict. c. xliii.	The Oswestry (Corporation) Water and Markets Act 1885.

PART II. *Confirmation Acts and Orders.*

Session and Chapter.	Short Title.	Order thereby confirmed.
42 & 43 Vict. c. civ.	The Local Government Board's Provisional Orders Confirmation (Axminster Union &c.) Act 1879.	The Oswestry Order 1879.
61 & 62 Vict. c. xxxii.	The Local Government Board's Provisional Orders Confirmation (No. 2) Act 1898.	The Oswestry Order 1898.
2 Edw. 7. c. exciii.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1902.	The Oswestry Order 1902.
11 & 12 Geo. 5. c. lxi.	The Ministry of Health Provisional Orders Confirmation (No. 5) Act 1921.	The Oswestry Order 1921.

A.D. 1929. SOUTH STAFFORDSHIRE JOINT SMALL-POX
HOSPITAL DISTRICT.

*South
Staffordshire
Order.*

Provisional Order altering a confirming Act.

WHEREAS by virtue of the South Staffordshire Joint Small-pox Hospital Orders 1903 to 1928 (which were confirmed by Parliament) as amended by the Wolverhampton Corporation Act 1926 certain boroughs other urban districts and rural districts constitute a united district called the South Staffordshire Joint Small-pox Hospital District of which the governing body is the South Staffordshire Joint Small-pox Hospital Board;

And whereas by article 19 of the South Staffordshire Joint Small-pox Hospital Order 1903 provision was made for the establishment of a common fund of the joint board and for contributions thereto being paid by each constituent authority in the proportion which the number of inhabitants in their district bears to the total number of inhabitants of the constituent districts and that article and article 20 of the Order provided in addition for payment into the common fund by each of the constituent authorities of sums in respect of the cost of maintenance of patients received from their district into the hospital of the joint board;

And whereas it is expedient that the Order of 1903 should be amended so that the cost of maintenance of patients shall be defrayed out of the contributions made under the said article 19 by the constituent authorities:

Now therefore the Minister of Health in pursuance of the powers given to him by section 297 of the Public Health Act 1875 and of all other powers enabling him in that behalf hereby orders as follows:—

Short title
and com-
mencement.

1.—(1) This Order may be cited as the South Staffordshire Joint Small-pox Hospital Order 1929 and the South Staffordshire Joint Small-pox Hospital Orders 1903 to 1928 and this Order may be cited together as the South Staffordshire Joint Small-pox Hospital Orders 1903 to 1929.

(2) This Order shall come into operation on the first day of October nineteen hundred and twenty-nine:

Provided that for the purpose of the preparation by the South Staffordshire Joint Small-pox Hospital Board of any precept to be made in respect of the financial year commencing on that day this Order shall operate from the date of the Act of Parliament confirming it.

2.—(1) Expenses incurred by the South Staffordshire Joint Small-pox Hospital Board in the maintenance of a patient in any hospital of the joint board shall cease to be charged exclusively to the constituent authority from whose district the patient was received in the hospital but shall be defrayed out of the contributions to the common fund of the joint board made by the constituent authorities in proportion to the number of inhabitants in each constituent district.

(2) In article 19 of the South Staffordshire Joint Small-pox Hospital Order 1903 the words “the sums received from the “Constituent Authorities in respect of the cost of maintenance “of patients as hereinafter provided and” and the whole of article 20 of that Order are hereby repealed.

A.D. 1929.

—
*South
Staffordshire
Order.*

Cost of
maintenance
of patients
in hospitals
and partial
repeal of
Order of
1903.

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