

[56 & 57 VICT.] *Local Government Board's* [Ch. cxvii.]
Provisional Orders Confirmation (No. 9) Act, 1893.



CHAPTER cxvii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Ashton in Makerfield, Brighton, Burnley, Llandudno, Newton-in-Mackerfield, Rhyl, and Smethwick. [29th June 1893.]

A.D. 1893.

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto, under the provisions of the Public Health Act, 1875:

38 & 39 Vict.
c. 55.

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

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

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

Orders
in schedule
confirmed.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 9) Act, 1893.

Short title.

A.D. 1893.

SCHEDULE.

*Ashton in
Makerfield
Order.*

LOCAL GOVERNMENT DISTRICT OF
ASHTON IN MAKERFIELD.

Provisional Order for altering the Ashton in Makerfield Local Board Act, 1875, and certain Confirming Acts.

To the Ashton in Makerfield Local Board, being the Sanitary Authority for the Urban Sanitary District of Ashton in Makerfield, in the County of Lancaster ; —

And to all others whom it may concern.

38 Vict.
c. xxxviii.

WHEREAS the Local Government District of Ashton in Makerfield, in the County of Lancaster (herein-after referred to as "the District"), is an Urban Sanitary District, of which the Ashton in Makerfield Local Board (herein-after referred to as "the Local Board") are the Urban Sanitary Authority, and the Ashton-in-Makerfield Local Board Act, 1875 (herein-after referred to as "the Local Act"), as altered by the Provisional Orders herein-after recited, is in force in the District ;

34 & 35 Vict.
c. 41.

And whereas by virtue of Section 2 of the Local Act Section 5 of the Gasworks Clauses Act, 1871, applies to the gas undertaking of the Local Board ;

And whereas by virtue of Section 17 of the Local Act and Section 5 of the Gasworks Clauses Act, 1871, the Local Board are prohibited from manufacturing gas or any residual products on any lands other than the lands described in the Second Schedule to the Local Act, and from storing gas on any lands other than those so described, without the previous consent in writing of the owner, lessee, and occupier of every dwelling-house situate within three hundred yards of the limits of those lands ;

And whereas by Section 60 of the Local Act the Local Board were empowered to borrow all such sums as they might from time to time think requisite for any of the purposes of the Local Act, not exceeding, in respect of the gas undertaking, twelve thousand pounds, and, in respect of the waterworks undertaking, twenty-five thousand pounds ;

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And whereas by a Provisional Order of the Local Government Board dated the Second day of April, One thousand eight hundred and eighty, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Aberavon, &c.) Act, 1880, and by another Provisional Order of the Local Government Board dated the Fifth day of May, One thousand eight hundred and eighty-three, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act, 1883 (which Provisional Orders and Confirming Acts are herein-after respectively referred to as "the Orders" and "the Confirming Acts"), the Local Board were empowered to borrow such further sum as they might from time to time think requisite, not exceeding, in respect of the gas undertaking, eight thousand pounds, and, in respect of the waterworks undertaking, ten thousand pounds :

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43 & 44 Vict.
 c. lxxxvi.

46 & 47 Vict.
 c. cxxxvi.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Local Act and the Confirming Acts, so far as they relate to the Orders, shall be altered so as to provide as follows :—

38 & 39 Vict.
 c. 55.

Art. I. The Local Act shall be altered so that the lands described in the Schedule hereto shall be substituted for the lands described in the Second Schedule to the Local Act.

Art. II. The Local Board may, with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow the sums and for the purposes following, in addition to the sums authorised to be borrowed for those purposes under the Local Act and the Orders ; viz,—

- (1.) On the security of the revenue arising from their gas undertaking, and of the district fund and general district rate of the District, or upon any of such securities, either together or separately, such sums, not exceeding in the whole the sum of fifteen thousand pounds, as may from time to time be necessary for the purposes of their gas undertaking.
- (2.) On the security of the revenue arising from their water undertaking, and of the district fund and general district rate of the District, or upon any of such securities, either together or separately, such sums, not exceeding in the whole the sum of five thousand pounds, as may from time to time be necessary for the purposes of their water undertaking.

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

Art. IV. The moneys borrowed by virtue of this Order shall be repaid within such period, not exceeding thirty years from the date of borrowing, as the Local Board, with the sanction of the Local Government Board, shall determine ; and the period so determined and sanctioned is herein-after referred to as "the prescribed period," and shall be the prescribed period for the purpose of the Local Loans Act, 1875.

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

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

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

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

(3.) Every sum paid to a sinking fund, and, in the case of an accumulating sinking fund, the interest on the investments of the sinking fund, shall, unless applied in repayment of the loan in respect of which the sinking fund is formed, be immediately invested in securities in which trustees are by law for the time being authorised to invest, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority as defined by Section 34 of the Local Loans Act, 1875, other than the Local Board, the Local Board being at liberty from time to time to vary and transpose such investments.

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

(5.) The Local Board 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 Local Board shall pay into the fund each year, and accumulate during the residue of the prescribed period, a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

(b.) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were

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invested at the rate per centum per annum on which the equal annual payments to the fund are based, any such excess may be applied towards such equal annual payments.

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

Art. VI.—(1.) If it appears to the Local Board 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 Local Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose: Provided that if it appears to the Local Government Board that any such increase is necessary, the Local Board shall increase the payments to such extent as the Board may direct.

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

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

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

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

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

Provided that the Local Board shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments, or by means of a sinking fund, or out of moneys derived from the sale of land, or out of any capital moneys properly applicable to the purpose of such repayment,

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other than moneys borrowed for that purpose: Provided also, that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made, and shall be repaid within the prescribed period.

Art. VIII.—(1.) The clerk to the Local Board shall, within twenty-one days after the Twenty-fifth day of March in each year, if during the twelve months next preceding the said Twenty-fifth day of March any sum is required to be paid as an instalment or annual payment, or to be appropriated, or to be paid to a sinking fund, in pursuance of the provisions of this Order, or in respect of any money raised thereunder, and at any other time when the Local Government Board may require such a return to be made, transmit to the Local Government Board a return, in such form as may from time to time be prescribed by that Board, and, if required by that Board, verified by statutory declaration of such clerk, showing for the year next preceding the making of such return, or for such other period as the Board may prescribe, the amounts which have been paid as instalments or annual payments, and the amounts which have been appropriated, and the amounts which have been paid to or invested or applied for the purpose of the sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of compound interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and, in the event of his failing to make such return, such clerk shall for each offence be liable to a penalty not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court; and, notwithstanding the recovery of such penalty, the making of the return shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return, or otherwise, that the Local Board have failed to pay any instalment or annual payment required to be paid, or to appropriate any sum required to be appropriated, or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue thereof to be paid, appropriated, or set apart), or have applied any portion of any sinking fund to any purpose other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid or applied as in such Order mentioned; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

Art. IX. All moneys from time to time borrowed by virtue of this Order shall be applied by the Local Board only for the purposes for which the same are respectively authorised to be borrowed, excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Local Board, with the approval of the Local Government Board, determine.

Art. X. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order, the costs incurred by

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that Board in relation to such inquiry (including such reasonable sum, not exceeding three guineas a day, as that Board may determine, for the services of the inspector or officer of the Board engaged in such inquiry) shall be paid by the Local Board, and the Local Government Board may certify the amount of the costs so incurred, and any sum so certified and directed by that Board to be paid by the Local Board shall be a debt due to the Crown from the Local Board.

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

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

Art. XII. Section 69 of the Local Act shall be altered by the omission therefrom of the words "or entitled."

The SCHEDULE above referred to.

All that piece of land situate at or near to Gas Street or Dobb's Court, in the District, bounded on the north side partly by Millingford Brook and partly by lands belonging, or reputed to belong, to Lord Gerard; on the east side by lands belonging, or reputed to belong, to Lord Gerard and John Henry Arthur Whitley respectively; on the south side partly by Gas Street or Dobb's Court and partly by land belonging, or reputed to belong, to John Henry Arthur Whitley; on the west side partly by the file works and cottage belonging or reputed to belong to, and in the occupation of, John Lowe, and partly by lands and cottage belonging, or reputed to belong, to the executors of the late Thomas Simm, and in the occupation of Peter Cottam and others, and partly by land belonging, or reputed to belong, to Thomas Pendlebury.

Given under the Seal of Office of the Local Government Board, this
Twenty-first day of April, One thousand eight hundred and
ninety-three.

(L.S.)

HENRY H. FOWLER, President.
HUGH OWEN, Secretary.

A.D. 1893.

Brighton
Order.

BOROUGH OF BRIGHTON.

Provisional Order for altering the Brighton Improvement
Act, 1884.

To the Mayor, Aldermen, and Burgesses of the Borough of Brighton,
being the Urban Sanitary Authority for that Borough ; —

And to all others whom it may concern.

47 & 48 Vict.
c. cclxii.

WHEREAS the Borough of Brighton (herein-after referred to as "the Borough") is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the Brighton Improvement Act, 1884 (herein-after referred to as "the Local Act"), is in force in the Borough ;

And whereas by Section 5 of the Local Act it is (inter alia) enacted that in that Act the expression "the old market" means the market for the sale of meat, fish, poultry, butter, herbs, roots, fruits, garden-stuff, and other provisions in the Borough as it existed at the time of the passing of the Local Act, and that the expression "the new market" means the market authorised to be provided by the Local Act ;

And whereas by Section 23 of the Local Act it is enacted that the Corporation may, by agreement, but not otherwise, purchase such lands within the Borough, not exceeding in the whole five acres, as they may think suitable for the erection and maintenance of a market for the sale of meat, fish, poultry, game, milk, butter, eggs, cheese, herbs, roots, fruits, garden-stuff, and other provisions, or any of them, with such stalls, sheds, and other conveniences as they may think proper ; and that the Corporation shall, upon such lands and within such parts of the same as they may think proper, provide, establish, maintain, and regulate a market, to be called "the new market," and may from time to time upon such lands enlarge or contract the limits of such market, and may from time to time form, construct, and regulate such market-places and market-houses, and all such dwelling-houses, buildings, shops, stalls, works, approaches, conveniences, and appurtenances therein, thereto, or connected therewith, as they may think fit, for the sale of meat, fish, poultry, game, milk, butter, eggs, cheese, herbs, roots, fruits, garden-stuff, and other provisions ;

And whereas by Section 24 of the Local Act it is enacted that, when and as soon as the new market provided by the Corporation in pursuance of the provisions of Part IV. of that Act (which included Section 23 above recited) is ready to be opened for the use of the public, the Corporation shall fix a day for the opening thereof, and by a notice under the hand of the town clerk, published once in a newspaper circulating in the Borough, notify that the new market has been provided, and the day and hour when the same will be opened, and that from the day so notified the old market shall be discontinued and shall cease to be used as a market, and no market shall thereafter be holden on the site thereof ;

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And whereas by Section 26 of the Local Act it is enacted that, upon the discontinuance of the old market, the Corporation may pull down the buildings thereof, and may erect, upon the site of the old market, buildings to be used for the purpose of municipal offices, and buildings to be used as arcades or bazaars, or for such other purposes as they may think fit, or they may alter and extend the old market building so as to adapt it for use for all or any of the aforesaid purposes;

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Brighton
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And whereas the old market as defined by Section 5 of the Local Act now comprises a market for retail trade held in the market house situate in Market Street in the Borough, and a market for wholesale trade held in the streets adjacent or near to the market house;

And whereas the Corporation have not exercised the powers conferred by Section 23 of the Local Act, but they have acquired certain lands situate between Black Lion Street and the existing market house, and they propose to appropriate such lands for the purpose of extending and improving the old market, and for the erection of additional municipal offices and other buildings in connexion therewith as herein-after mentioned:

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

38 & 39 Vict.
c. 55.

Art. I. The Corporation may alter and extend the old market by the erection, partly upon the site thereof, and partly upon the lands acquired by the Corporation as aforesaid, or upon some part thereof, of a new market house, with all such buildings, shops, stalls, works, approaches, conveniences, and appurtenances therein, thereto, or connected therewith, as they may think fit.

Art. II. When the new market house and other buildings authorised by Article I. of this Order have been opened, the Corporation may appropriate for the purposes mentioned in Article III. of this Order the remainder of the site of the existing market house and of the lands acquired as aforesaid.

Art. III. The Corporation may re-construct the existing town hall and municipal offices of the Borough, and may upon the lands described in Article II. of this Order, or upon some part thereof, erect additional municipal offices, a police court, and quarter sessions court, with the necessary offices and police cells, a drill hall, and a fire brigade station.

Art. IV. If the Corporation shall at any time provide, establish, and maintain a market in accordance with the provisions of Section 23 of the Local Act, such market may, notwithstanding the provisions of Section 24 of the Local Act, be either in addition to or in lieu of the old market, as extended in accordance with Article I. of this Order, and the provisions of Section 25 of the Local Act shall apply to the market so provided, notwithstanding that the old market may not be discontinued.

Art. V.—(1.) If any market provided under Section 23 of the Local Act shall be declared by the Corporation to be in lieu of any market now held in any street in the Borough, the Corporation shall have power, upon giving ten days previous

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public notice by advertisement in some local newspaper circulating within the Borough, and by bills posted in the streets in which such market is held, to discontinue the market so held from a date to be mentioned in such notice.

(2.) If any market provided under Section 23 of the Local Act shall be declared by the Corporation to be in lieu of the old market held in the market house to be erected in pursuance of Article I. of this Order, the Corporation shall have power, upon giving such public notice as aforesaid, to discontinue the old market as extended in accordance with Article I. of this Order from a date to be mentioned in such notice, and upon such discontinuance the market house so erected shall be appropriated to such of the purposes mentioned in Article III. of this Order, or in Section 26 of the Local Act, as the Local Government Board may approve, and may be altered and extended, if necessary, to fit it for such purposes.

Given under the Seal of Office of the Local Government Board, this
Twenty-seventh day of April, One thousand eight hundred and
ninety-three.

(L.S.)

HENRY H. FOWLER, President.
HUGH OWEN, Secretary.

Burnley
Order.

BOROUGH OF BURNLEY.

Provisional Order for partially repealing and altering certain
Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Burnley, being
the Urban Sanitary Authority for that Borough ; —

And to all others whom it may concern.

WHEREAS the Borough of Burnley (herein-after referred to as "the Borough") is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the unrepealed provisions of the Burnley Borough Improvement Act, 1871, and the Burnley Borough Improvement Act, 1883 (each of which Acts is herein-after referred to as the Act of the year in which it was passed), as altered by certain other Local Acts and Provisional Orders duly confirmed by Parliament, but which do not affect the subject-matter of this Order, are in force in the Borough ;

And whereas by Section 4 of the Act of 1871 it was (inter alia) enacted that, from and after the commencement of that Act, the Acts described in the Second Schedule thereto, Part II., should cease to apply to the Borough and to all places within any of the respective limits defined in the Burnley Improvement Act, 1854 ;

And whereas by Section 37 of the Act of 1883 it is enacted that, from and after the passing of that Act, every person who shall intend to make or lay out

34 & 35 Vict.
c. cliv.
46 & 47 Vict.
c. lxxvii.

17 & 18 Vict.
c. lxxvii.

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any new street within the Borough, whether the same is intended to be used as a public way or not, shall comply with (inter alia) the following provisions:—

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- (6.) After the completion of any building in any such street and before the same is occupied the footway opposite to and for the whole length of such building shall be well and properly flagged :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect ; viz.,—

38 & 39 Vict.
c. 55.

Art. I. So much of Section 4 of the Act of 1871 as enacts that the Acts described in Part II. of the Second Schedule thereto shall cease to apply to the Borough and to all places within any of the respective limits defined in the Burnley Improvement Act, 1854, shall be deemed to have been repealed on the passing of the Public Health Act, 1875, and the last-mentioned Act, and the Acts amending the same, shall be deemed to have been in force in the Borough as from the passing of those Acts respectively.

Art. II. Sub-section (6) of Section 37 of the Act of 1883 shall be altered—

- (a) by the insertion of the words “a flagged footway not less than three feet wide shall be laid” in lieu of the words “the footway” ;
 (b) by the omission of the words “shall be well and properly flagged.”

Given under the Seal of Office of the Local Government Board, this
 Nineteenth day of April, One thousand eight hundred and ninety-
 three.

(L.S.)

HENRY H. FOWLER, President.
 HUGH OWEN, Secretary.

IMPROVEMENT ACT DISTRICT OF LLANDUDNO.

*Llandudno
Order.*

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

To the Llandudno Improvement Commissioners, being the Sanitary Authority for the Urban Sanitary District of Llandudno, in the County of Carnarvon ;—

And to all others whom it may concern.

WHEREAS the Improvement Act District of Llandudno, in the County of Carnarvon (herein-after referred to as “the District”), is an Urban Sanitary District, of which the Llandudno Improvement Commissioners (herein-after referred to as “the Commissioners”) are the Urban Sanitary Authority ;

And whereas the unrepealed provisions of the Llandudno Improvement Act, 1854, the Llandudno Improvement Act, 1876, and the Llandudno Improvement Act, 1879 (which Acts are herein-after together referred to as “the Local Acts,” and each separately as the Act of the year in which it was passed), as

17 & 18 Vict.
c. cii.
39 & 40 Vict.
c. cexli.
42 Vict. c. xviii.

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A.D. 1893. altered by certain Provisional Orders of the Local Government Board duly
Llandudno confirmed by Parliament, but which do not affect the subject-matter of this
Order. Order, are in force in the District ;

10 & 11 Vict.
c. 16.

And whereas by Section 4 of the Act of 1854 Sections 90 to 95 (both inclusive) of the Commissioners Clauses Act, 1847 were incorporated with the Act of 1854 ;

And whereas by Section 6 of the Act of 1876 it was enacted that the Act of 1854 (as amended by the Act of 1876) and the Act of 1876 should be construed together as one Act ;

And whereas by Section 7 of the Act of 1876 it was enacted that on or before the Thirty-first day of December, One thousand eight hundred and seventy-six, the Commissioners should purchase from the Llandudno Water and Gas Company, Limited (herein-after referred to as "the Company"), and the Company should sell and transfer to the Commissioners the water and gas undertaking of the Company, for the consideration, upon the terms, and subject to the conditions, in that Act contained ;

And whereas by Section 12 of the Act of 1876 the Commissioners were required to pay and discharge the mortgage debt of the Company existing at the time of transfer, amounting to four thousand two hundred and fifty pounds and the interest thereon, as and when the same should respectively become due ;

And whereas by Section 13 of the Act of 1876 the Commissioners were required to grant to the holders of all shares in the capital of the Company perpetual annuities (herein-after referred to as "the annuities") as therein mentioned ;

And whereas by Section 24 of the Act of 1876 the Commissioners were empowered to redeem the annuity payable to any annuitant at the price therein mentioned, and it was provided that any annuity so redeemed should be extinguished ;

And whereas by Section 27 of the Act of 1876 provision was made for (inter alia) the establishment of a sinking fund for extinguishing the annuities within sixty years from the passing of that Act ;

And whereas by Section 81 of the Act of 1876 the Commissioners were empowered to borrow money for the purposes of that Act ;

And whereas by Section 2 of the Act of 1879 it was enacted that the Act of 1876 (as amended by the Act of 1879) and the Act of 1879 should be construed together as one Act, and that the provisions of the Acts incorporated with the Act of 1876 should be deemed to be incorporated with the Act of 1879 ;

And whereas by Section 21 of the Act of 1879 the Commissioners were empowered to borrow such further moneys as they might from time to time think requisite for the purposes of their water undertaking and gas undertaking under the Act of 1876 and that Act to an amount not exceeding in the aggregate eleven thousand pounds ; but it was provided that in case further moneys were required for any of the aforesaid purposes, the Local Government Board might, at the request of the Commissioners, authorise them to borrow such further sums as the Local Government Board might from time to time think fit :

[56 & 57 VICT.] *Local Government Board's* [Ch. cxvii.]
Provisional Orders Confirmation (No. 9) Act, 1893.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the Local Acts shall be altered so as to provide as follows; viz,—

A.D. 1893.
Llandudno
Order.
58 & 39 Vict.
c. 55.

Art. I. Sections 90 to 95 (both inclusive) of the Commissioners Clauses Act, 1847, shall cease to be incorporated with the Local Acts, and Sections 245, 247, (except so much thereof as has been repealed by the District Auditors Act, 1879,) 249, and 250 of the Public Health Act, 1875, relating to accounts and their audit, and the provisions of the District Auditors Act, 1879, so far as the same are applicable, shall apply to the accounts of the Commissioners and of their officers under the Local Acts, as altered by the above-mentioned Provisional Orders and this Order, and to the audit of such accounts.

Art. II. Section 27 of the Act of 1876 and so much of the Local Acts as relates to the re-borrowing of moneys by the Commissioners shall be repealed, except so far as the same may have been acted upon.

Art. III. The Commissioners may, subject to the provisions of this Order, borrow on the security of the revenue arising from their gas undertaking and their water undertaking, and of the general improvement rate, or upon any of such securities, either together or separately, such sums as they may require—

- (1.) For the payment off of the mortgage debt of the Company; and
- (2.) For the redemption or purchase of such of the annuities as the Commissioners may from time to time agree with the annuitants to redeem or purchase.

Art. IV. Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all money raised and borrowed under this Order.

Art. V. The Commissioners, in order to provide for the extinction of the annuities, for the payment off of the mortgage debt of the Company, and for the repayment of any moneys to be borrowed under this Order, shall, out of the revenue arising from their gas and water undertakings, or out of the general improvement rate, (notwithstanding the provisions of Section 88 of the Act of 1876,) annually pay into a sinking fund (herein-after referred to as "the sinking fund") such a sum or sums as will, together with the sum or sums referred to in Article VI. of this Order, and with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to extinguish the annuities, to pay off the said mortgage debt, and to repay the moneys borrowed under this Order within the period of forty-four years from the Fifteenth day of August, One thousand eight hundred and ninety-two.

Art. VI. The Commissioners shall forthwith transfer to the sinking fund any sum or sums standing at the commencement of this Order to the credit of any sinking fund established for the extinction of the annuities or the paying off of the said mortgage debt.

Art. VII. The Commissioners shall invest the sinking fund and the income thereof in the purchase of Exchequer bills or other Government securities, or in any securities in which trustees are by law for the time being

[Ch. cxvii.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 9) Act, 1893.

A.D. 1893. authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority as defined by Section 34 of the Local Loans Act, 1875, other than the Commissioners, the Commissioners being at liberty from time to time to vary and transpose such investments.

Llandudno
Order.

Art. VIII. The Commissioners may at any time apply the whole or any part of the sinking fund in extinction of any of the annuities, or in paying off any part of the said mortgage debt, or in or towards the discharge of moneys borrowed under this Order: Provided that until provision has been made for the extinction of the whole of the annuities, and the mortgage debt has been paid off, and the whole of the money borrowed is discharged, the Commissioners pay into the fund each year, and accumulate a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Art. IX. The amounts to be annually paid to the sinking fund shall be such as the Local Government Board, having regard to the provisions of this Order, shall from time to time approve, and the first annual payment into the sinking fund shall be made on or before the Fifteenth day of August, One thousand eight hundred and ninety-three.

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

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

Art. XI.—(1.) The clerk to the Commissioners shall, within twenty-one days after the Twenty-fifth day of March in each year in which any sum is required to be set apart for the sinking fund, and at any other time when the Local Government Board may require such a return to be made, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, or for such other period as the Local Government Board may prescribe, the amounts which have been invested or applied for the purpose of such sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and, in the event

of his failing to make such return, such clerk shall for each offence be liable to a penalty not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court; and, notwithstanding the recovery of such penalty, the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1893.
Ilandudno
Order.

(2.) If it appears to the Local Government Board by that return, or otherwise, that the Commissioners have failed to set apart any sum required for the sinking fund, or have applied any portion of the moneys set apart for the sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, the Local Government Board may, by order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be set apart and invested or applied as part of the sinking fund; and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Art. XII. Notwithstanding anything in the Local Acts to the contrary, all moneys to be borrowed under those Acts with the authority of the Local Government Board shall be repaid within such period, not exceeding sixty years from the date of borrowing, as the Commissioners, with the sanction of the Local Government Board, shall determine.

Given under the Seal of Office of the Local Government Board, this
Twenty-first day of April, One thousand eight hundred and
ninety-three.

(I.S.)

HENRY H. FOWLER, President.
HUGH OWEN, Secretary.

IMPROVEMENT ACT DISTRICT OF NEWTON-IN-
MACKERFIELD.

Newton-in-
Mackerfield
Order.

Provisional Order for altering the Newton District Improvement
Act, 1855, and a Confirming Act.

To the Newton-in-Mackerfield Improvement Commissioners, being the
Sanitary Authority for the Urban Sanitary District of Newton-in-
Mackerfield, in the County of Lancaster; —

And to all others whom it may concern.

WHEREAS under the provisions of the Newton District Improvement Act, 1855 (herein-after referred to as "the Local Act"), the Newton-in-Mackerfield Improvement Commissioners (herein-after referred to as "the Commissioners") and their successors were incorporated to execute the Local Act in the Parish of Newton-in-Mackerfield, in the County of Lancaster;

18 & 19 Vict.
cap. c.

And whereas by Section 1 of the Local Act the Commissioners Clauses Act, 1847 (except Section 54 thereof), was incorporated with the Local Act;

10 Vict.
c. 16.

And whereas by Section 53 of the Commissioners Clauses Act, 1847, the Commissioners were empowered to provide and maintain fit and convenient public

[Ch. cxvii.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 9) Act, 1893.

A.D. 1893. offices for holding the meetings and transacting the business of the Commissioners
 and for the use of their officers, and for the holding of such public meetings and
 transacting such public business relating to their District as the Commissioners
 should direct or allow ;

Newton-in-Mackerfield Order.

And whereas by Section 12 of the Local Act provision was made for the nomination of persons for election as Commissioners ;

And whereas by Section 50 of the Local Act provision was made as to the application of all moneys which should come to the hands of the Commissioners from the gas rate, from rents or payments for the supply of gas and from the gasworks, and sales of the residuum arising therefrom ;

And whereas by Section 53 of the Local Act, as altered by a Provisional Order of the Local Government Board dated the Second day of May, One thousand eight hundred and seventy-six (herein-after referred to as "the Order of 1876"), and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Bristol, &c.) Act, 1876, the Commissioners were empowered to borrow certain sums for the purposes in that section mentioned ;

39 & 40 Vict.
c. xcvi.

And whereas by Article II. of another Provisional Order of the Local Government Board dated the Twenty-fourth day of May, One thousand eight hundred and eighty-nine, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act, 1889 (which Order and Act are herein-after respectively referred to as "the Order of 1889" and "the Confirming Act of 1889"), the Local Act was altered so as to enable the Commissioners to erect, furnish, and maintain a public hall for the District ;

52 & 53 Vict.
c. cxiii.

And whereas by subdivision (1) of Article III. of the Order of 1889 Section 53 of the Local Act was further altered so as to enable the Commissioners, with the sanction of the Local Government Board, and subject to the provisions of that Order, to borrow upon the security of the general improvement rate authorised by the Local Act such sum or sums, not exceeding in the whole the sum of five thousand pounds, as might be necessary for the purposes of Article II. of the Order of 1889, in addition to any sums which they were authorised to borrow under the Local Act as altered by the Order of 1876 ;

And whereas the Parish of Newton-in-Mackerfield (herein-after referred to as "the District") is an Urban Sanitary District, of which the Commissioners are the Urban Sanitary Authority :

38 & 39 Vict.
c. 55.

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Sections 297 and 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect : viz.,—

Art. I. Section 12 of the Local Act shall be altered so as to provide that if the number of duly qualified persons nominated for the District, or for any Ward in the District, who shall not have withdrawn, is the same as or less than the number of Commissioners to be elected for the District or Ward, as the case may be, there shall be no poll for the District or Ward, as the case may be, but the persons so nominated shall be deemed to be elected, and shall be so certified by the returning officer under his hand on the day of election,

[56 & 57 VICT.] *Local Government Board's* [Ch. cxvii.]
Provisional Orders Confirmation (No. 9) Act, 1893.

Art. II. Section 50 of the Local Act shall be altered by the insertion in lieu of the paragraphs commencing "fifthly" and "lastly" of the words "The Commissioners may apply in aid of the general improvement rate so much of any such moneys remaining in any year as may, in the opinion of the Commissioners, not be required for carrying on their gas undertaking and for paying the current expenses connected therewith; but no part of any such moneys shall be applied in aid of the general improvement rate when the price of gas to private consumers exceeds two shillings and fourpence per one thousand cubic feet."

A.D. 1893.
Newton-in-Mackerfield Order.

Art. III. The Confirming Act of 1889 shall be altered by the insertion in subdivision (1) of Article III. of the Order of 1889 of the words "ten thousand pounds" in lieu of the words "five thousand pounds," and of the words "section 53 of the Commissioners Clauses Act, 1847, and of" before the words "Article II. of this Order."

Art. IV. Section 1 of the Local Act shall be altered so that Section 80 of the Commissioners Clauses Act, 1847, shall cease to be incorporated with the Local Act, and so much of the Confirming Act of 1889 as relates to subdivision (6) of Article III. of the Order of 1889 shall be repealed.

Art. V. The Local Act shall be further altered so as to provide that the Commissioners shall, except as herein-after provided, have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed by virtue of the Local Act, or the Order of 1876, the Order of 1889, or this Order, which have not been repaid and are intended to be forthwith repaid, or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Commissioners within twelve months before the re-borrowing, and which at the time of the repayment it was intended to re-borrow :

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

Given under the Seal of Office of the Local Government Board, this
Twenty-second day of April, One thousand eight hundred and
ninety-three.

(I.S.)

HENRY H. FOWLER, President.
HUGH OWEN, Secretary.

[Ch. cxvii.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 9) Act, 1893.

A.D. 1893.

IMPROVEMENT ACT DISTRICT OF RHYL.

Rhyl Order.

Provisional Order for altering the Rhyl Gas Act, 1891.

To the Rhyl Improvement Commissioners, being the Sanitary Authority for the Urban Sanitary District of Rhyl, in the Administrative County of Flint;—

And to all others whom it may concern.

WHEREAS the Improvement Act District of Rhyl, in the Administrative County of Flint (herein-after referred to as "the District"), is an Urban Sanitary District, of which the Rhyl Improvement Commissioners (herein-after referred to as "the Commissioners") are the Urban Sanitary Authority;

54 & 55 Vict.
c. cii.

And whereas by Section 72 of the Rhyl Gas Act, 1891 (herein-after referred to as "the Local Act"), the agreement between the Rhyl Gaslight and Coke Company, Limited (the predecessors of the Rhyl Gas Company by that Act incorporated, and herein-after referred to as "the Company"), and the Commissioners, as set forth in the Second Schedule to that Act, with respect to the sale of the Company's undertaking to the Commissioners was thereby confirmed and made binding on the Company and the Commissioners, and the Company were thereby empowered to sell, and the Commissioners to purchase, the said undertaking on the terms and conditions set forth in such agreement;

And whereas by Section 75 of the Local Act it was enacted that, for the purpose of providing the sums payable under the said agreement to the Company in the event of the purchase of their undertaking by the Commissioners, and for the redemption and discharge of the debenture debt of the Company, and for extensions and other purposes of the undertaking and of that Act to which capital is properly applicable, the Commissioners might from time to time, with the sanction of the Local Government Board, borrow such sums as they might find necessary;

And whereas by Section 78 of the Local Act provision is made with respect to the re-borrowing of money by the Commissioners, and by Section 79 of the Local Act it is provided that the Commissioners shall discharge moneys borrowed for the purpose or purposes of the gas undertaking out of the revenue of the undertaking and out of the district fund and general district rate, and it is expedient to define the security upon which moneys borrowed by the Commissioners under the Local Act are to be charged:

38 & 39 Vict.
c. 55.

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

Art. I. Section 75 of the Local Act shall be altered by the insertion after the word "borrow" of the words "on the security of the revenue arising from " their gas undertaking, and of the district fund and general district rate of the " district of the Commissioners, as defined by the Rhyl Improvement Act, 1872, " or upon any of such securities, either together or separately."

[56 & 57 VICT.] *Local Government Board's* [Ch. cxvii.]
Provisional Orders Confirmation (No. 9) Act, 1893.

Art. II. Section 78 of the Local Act shall be repealed.

A.D. 1893.

Art. III. The Local Act shall be further altered so as to provide that the Commissioners shall, except as herein-after provided, have power to re-borrow, on the like security as aforesaid, for the purpose of paying off any moneys borrowed or re-borrowed by virtue of the Local Act, which have not been repaid and are intended to be forthwith repaid, or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Commissioners within twelve months before the re-borrowing, and which at the time of the repayment it was intended to re-borrow : *Rhyl Order.*

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

Given under the Seal of Office of the Local Government Board, this
Twenty-sixth day of April, One thousand eight hundred and
ninety-three.

(I.S.)

HENRY H. FOWLER, President.
HUGH OWEN, Secretary.

LOCAL GOVERNMENT DISTRICT OF SMETHWICK.

*Smethwick
Order.*

*Provisional Order for altering the Smethwick Local Board (Gas)
Act, 1876, and a Confirming Act.*

To the Smethwick Local Board of Health, being the Sanitary Authority
for the Urban Sanitary District of Smethwick, in the County of
Stafford ; —

And to all others whom it may concern.

WHEREAS the Local Government District of Smethwick, in the County
of Stafford, is an Urban Sanitary District, of which the Smethwick Local
Board of Health (herein-after referred to as "the Local Board") are the Urban
Sanitary Authority, and the Smethwick Local Board (Gas) Act, 1876
(herein-after referred to as "the Local Act"), as altered by the Provisional
Order herein-after recited, is in force in the said District ;

39 & 40 Vict.
c. clxxi.

And whereas by Section 20 of the Local Act the Local Board were
empowered to borrow such moneys as they might require for the purchase of
the portion of the gas undertaking of the Corporation of the City of Birmingham

[Ch. cxvii.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 9) Act, 1893.

A.D. 1893.
—
Smethwick
Order.

which the Local Board were authorised to purchase under the provisions of that Act, and, in addition thereto, such further moneys, not exceeding fifty thousand pounds, as they might from time to time require for the other purposes of the Local Act ;

And whereas by Section 30 of the Local Act provision was made with respect to the purposes to which moneys borrowed under that Act should be applied ;

45 & 46 Vict.
c. lxi.

And whereas by a Provisional Order of the Local Government Board dated the Fourth day of May, One thousand eight hundred and eighty-two, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act, 1882 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), Section 20 of the Local Act was altered and amended so as to enable the Local Board, subject to the sanction of the Local Government Board, to borrow, under the provisions thereof, a sum not exceeding seventy-five thousand pounds, in addition to the sum of fifty thousand pounds therein mentioned ;

And whereas the Local Board, in pursuance of Section 20 of the Local Act, borrowed the sum of fifty-six thousand and ninety pounds two shillings for the purchase of the said portion of the gas undertaking of the Corporation of the City of Birmingham, and also the further sum of fifty thousand pounds in that section mentioned, making together the sum of one hundred and six thousand and ninety pounds two shillings ;

And whereas the Local Board have, with the sanction of the Local Government Board, borrowed under the Local Act, as altered by the Order, further sums amounting together to the sum of sixty thousand six hundred and seventy-two pounds, leaving an unexhausted borrowing power under the Local Act, as altered by the Order, amounting to the sum of fourteen thousand three hundred and twenty-eight pounds ;

And whereas it is expedient that amended provision should be made with respect to the borrowing, re-borrowing, and repayment of moneys raised under the Local Act and the Order, and that additional borrowing powers should be conferred upon the Local Board :

38 & 39 Vict.
c. 55.

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

Art. I.—(1.) Sections 22, 23, 24, 25, and 27 of the Local Act, and so much of the Confirming Act as relates to the Order, shall be wholly repealed, except so far as the same may have been acted upon.

(2.) Section 26 of the Local Act shall be altered by the omission therefrom of the words "or entitled."

(3.) Section 34 of the Local Act shall be altered so as to provide that the moneys from time to time received by the Local Board by way of revenue under that Act shall be applied, fourthly, in providing for the discharge of any moneys borrowed for the purposes of the Local Act as altered by the Order and this Order, and that the balance (if any) shall be carried to the credit of the

[56 & 57 VICT.] *Local Government Board's* [Ch. cxvii.]
Provisional Orders Confirmation (No. 9) Act, 1893.

district fund, or applied to such purposes, for the benefit of the District, as the Local Board shall from time to time by resolution prescribe. A.D. 1893.

—
Smethwick
Order.

Art. II. The Local Board may, with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow on the security of the revenue arising from their gas undertaking, and of the district fund and general district rate of the District, or upon either of such securities, the following sums ; viz.,—

- (1.) For the purpose of providing working capital for their gas undertaking, the sum of six thousand pounds.
- (2.) For other purposes of their gas undertaking, the sum of fourteen thousand three hundred and twenty-eight pounds.

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

Art. IV.—(1.) The said sum of one hundred and six thousand and ninety pounds two shillings and the sum of fifty-four thousand three hundred and eighty pounds (part of the said sum of sixty thousand six hundred and seventy-two pounds) shall be repaid within sixty years from the respective dates of borrowing.

(2.) The sum of six thousand two hundred and ninety-two pounds, the balance of the said sum of sixty thousand six hundred and seventy-two pounds, shall be repaid as follows ; viz.,—

- (a.) As regards the sum of four thousand eight hundred and thirteen pounds, within thirty years from the date of borrowing ;
- (b.) As regards the sum of nine hundred and thirty-one pounds, within twenty years from the date of borrowing ;
- (c.) As regards the sum of five hundred and forty-eight pounds, within ten years from the date of borrowing.

(3.) The moneys borrowed by virtue of subdivision (1) of Article II. of this Order shall be repaid within such period, not exceeding ten years from the date of borrowing, as the Local Board, with the consent of the Local Government Board, shall determine.

(4.) The moneys borrowed by virtue of subdivision (2) of Article II. of this Order shall be repaid within such period, not exceeding thirty years from the date of borrowing, as the Local Board, with the sanction of the Local Government Board, shall determine.

The period by this Article prescribed or to be so determined and sanctioned as aforesaid is, in each case, herein-after referred to as "the prescribed period," and shall be the prescribed period for the purpose of the Local Loans Act, 1875.

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

[Ch. cxvii.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 9) Act, 1893.

A.D. 1893.
—
Smethwick
Order.

(2.) Subject to the provisions of Article VI. of this Order, any sinking fund established for the repayment of moneys borrowed by virtue of the Local Act, the Order, or this Order shall be formed and maintained either—

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

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

(3.) Every sum paid to a sinking fund, and, in the case of an accumulating sinking fund, the interest on the investments of the sinking fund, shall, unless applied in repayment of the loan in respect of which the sinking fund is formed, be immediately invested in securities in which trustees are by law for the time being authorised to invest, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being annuity certificates or securities payable to bearer) duly issued by any Local Authority as defined by Section 34 of the Local Loans Act, 1875, other than the Local Board, the Local Board being at liberty from time to time to vary and transpose such investments.

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

(5.) Any sum or sums which at the commencement of this Order is, are, or should be standing to the credit of any sinking fund in respect of any loan under the Local Act or the Order shall be forthwith carried to the credit of the sinking fund to be established under this Order in respect of such loan.

(6.) The Local Board 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 Local Board shall pay into the fund each year, and accumulate during the residue of the prescribed period, a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

(8.) Any expenses connected with the formation, maintenance, investment, application, management, or otherwise of any sinking fund under this Order

shall be paid by the Local Board, in addition to the payments provided for by this Order.

A.D. 1893.

*Smethwick
Order.*

Art. VI.—(1.) If it appears to the Local Board 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 Local Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose: Provided that if it appears to the Local Government Board that any such increase is necessary, the Local Board shall increase the payments to such extent as the Local Government Board may direct.

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

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

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

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

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

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

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Provisional Orders Confirmation (No. 9) Act, 1893.

A.D. 1893.
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Smethwick
Order.

Art. VIII.—(1.) The clerk to the Local Board shall, within twenty-one days after the Twenty-fifth day of March in each year, if during the twelve months next preceding the said Twenty-fifth day of March any sum is required to be paid as an instalment or annual payment, or to be appropriated, or to be paid to a sinking fund, in pursuance of the provisions of this Order, or in respect of any money raised under the Local Act or the Order or this Order, and at any other time when the Local Government Board may require such a return to be made, transmit to the Local Government Board a return, in such form as may from time to time be prescribed by that Board, and, if required by that Board, verified by statutory declaration of such clerk, showing for the year next preceding the making of such return, or for such other period as the Board may prescribe, the amounts which have been paid as instalments or annual payments, and the amounts which have been appropriated, and the amounts which have been paid to or invested or applied for the purpose of the sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of compound interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and, in the event of his failing to make such return, such clerk shall for each offence be liable to a penalty not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court; and, notwithstanding the recovery of such penalty, the making of the return shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

(2.) If it appears to the Local Government Board by that return, or otherwise, that the Local Board have failed to pay any instalment or annual payment required to be paid, or to appropriate any sum required to be appropriated, or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Local Government Board in virtue of this Order to be paid, appropriated, or set apart), or have applied any portion of any sinking fund to any purpose other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid or applied as in such Order mentioned; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the High Court.

Art. IX. Section 30 of the Local Act shall be altered by the omission therefrom of the paragraph commencing with the word "Thirdly"; and all moneys from time to time borrowed by virtue of this Order shall be applied by the Local Board only for the purposes for which the same are respectively authorised to be borrowed, excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Local Board, with the approval of the Local Government Board, determine.

Art. X. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order, the costs incurred by that Board in relation to such inquiry (including such reasonable sum, not exceeding three guineas a day, as that Board may determine, for the services of

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any inspector or officer of the Board engaged in such inquiry) shall be paid by the Local Board, and the Local Government Board may certify the amount of the costs so incurred, and any sum so certified and directed by the Local Government Board to be paid by the Local Board shall be a debt due to the Crown from the Local Board.

A.D. 1893.

—
Smethwick
Order.

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

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

Given under the Seal of Office of the Local Government Board, this
Twenty-fourth day of April, One thousand eight hundred and
ninety-three.

(L.S.)

HENRY H. FOWLER, President.
HUGH OWEN, Secretary.

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