



CHAPTER clxxxix.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary Districts of Abergavenny, Bolton, Kingston-upon-Hull, Wolverhampton, and Worthing. [24th August 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. 15) Act, 1893. Short title.

A.D. 1893.

SCHEDULE.

*Abergavenny
Order.*

IMPROVEMENT ACT DISTRICT OF ABERGAVENNY.

*Provisional Order for altering certain Local Acts and
a Confirming Act.*

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

And to all others whom it may concern.

17 Vict. c. xlix. WHEREAS by the Abergavenny Improvement Act, 1854 (herein-after referred to as "the Act of 1854"), certain Commissioners and their successors were incorporated by the name of "the Abergavenny Improvement Commissioners" (herein-after referred to as "the Commissioners") for putting the Act of 1854 into execution within the Town of Abergavenny ;

And whereas by Section 5 of the Act of 1854 it was enacted that in that Act the expression "the town" meant all places within the limits of the Act of 1854 ;

And whereas by Section 27 of the Act of 1854 the Commissioners were empowered (inter alia) to maintain, uphold, add to, and improve the market and other buildings in that section mentioned ;

And whereas by Section 28 of the Act of 1854 the Commissioners were empowered from time to time to construct, form, and erect a market within the town for the sale of horses, cattle, sheep, pigs, and other live animals, and likewise slaughter-houses for the slaughtering of cattle and other animals ;

23 & 24 Vict.
c. cxxxvii.

And whereas by Section 3 of the Abergavenny Improvement Act, 1860 (herein-after referred to as "the Act of 1860"), it was enacted that that Act should apply to and be in force within the area comprised within the limits of the Act of 1854 (herein-after referred to as "the District") ;

And whereas by Section 29 of the Act of 1860 the Commissioners were empowered to purchase, by agreement, for the purposes of that Act and the Acts incorporated therewith, any buildings and lands not exceeding in quantity five acres ;

And whereas by Section 35 of the Act of 1860 the Commissioners were empowered (inter alia) to purchase, by agreement, any works then established or which might thereafter be established for the manufacture of gas or other means for lighting, and any apparatus and buildings belonging to such works and any approaches thereto, and after such purchase to supply gas or provide other

[56 & 57 VICT.] *Local Government Board's* [Ch. clxxxix.]
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means for lighting the District, or any part or parts thereof, and any places adjacent thereto, and to enter into any contracts with respect thereto respectively, and do all such other acts as they should think necessary for manufacturing and supplying gas ; but it was provided that nothing in the Act of 1860 contained should enable the Commissioners to erect any works and buildings for the manufacture of gas ;

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And whereas by Section 66 of the Abergavenny Improvement Act, 1871 (herein-after referred to as "the Act of 1871"), the Commissioners, for the purpose of completing the works authorised by the Act of 1854 and the Act of 1860, and of carrying the purposes of the Act of 1871 into effect, were empowered to borrow all such sums as they might from time to time think necessary, not exceeding in the whole the sum of fifty thousand pounds, in which sum was included the sum of thirty thousand pounds, which under the Act of 1854 and the Act of 1860 the Commissioners were authorised to borrow ;

34 & 35 Vict.
c. xcii.

And whereas the Act of 1854, the Act of 1860, and the Act of 1871 are herein-after together referred to as "the Local Acts" ;

And whereas by a Provisional Order of the Local Government Board dated the Eighteenth day of May, One thousand eight hundred and eighty, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Abergavenny, &c.) Act, 1880 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), the Act of 1854 as altered by the Act of 1860 and the Act of 1871 was altered so that the District should include the portion of the Rural Sanitary District of the Abergavenny Union therein described ; and it was ordered that all the provisions of the Local Acts should extend to the area thereby added to the District ; and that Section 5 of the Act of 1854 should be altered in such a manner as to provide that whenever the words "the town" were used in the Local Acts they should mean the District as thereby extended ;

43 & 44 Vict.
c. lviii.

And whereas the Commissioners have purchased the gasworks known as the Abergavenny Gasworks situate on the land first described in the Schedule hereto, and have, in pursuance of Section 29 of the Act of 1860, agreed to purchase the land secondly described in that Schedule, and it is expedient that they should be empowered to extend those gasworks and to construct additional works and buildings for the manufacture and storage of gas on the said lands :

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 Acts and the Confirming Act, so far as it relates to the Order, shall be altered so as to provide as follows ; viz,—

38 & 39 Vict.
c. 55.

Art. I. The proviso to Section 35 of the Act of 1860 shall be repealed.

Art. II. The Commissioners may, upon the land first described in the Schedule hereto and upon the land secondly described in the said Schedule, if and when the same shall be acquired, maintain, repair, renew, and continue, and from time to time construct, alter, enlarge, or, when necessary, remove buildings, apparatus, and works for the manufacture and storage of gas, and of coke, asphaltum,

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pitch, coal-tar, ammoniacal liquor, and other refuse or residual products arising from the manufacture of gas and any matters producible therefrom, and dwellings for any persons employed in the said works, and may convert or manufacture coke, asphaltum, pitch, coal-tar, ammoniacal liquor, and all refuse or residual products arising from the manufacture of gas by them and any matters producible therefrom, and may sell and dispose of the same at the gasworks and elsewhere.

Art. III. The Commissioners shall not manufacture gas, or any residual products arising in the manufacture of gas, on any lands other than those specified in the Schedule hereto, nor shall they store gas on any lands not specified in that Schedule, and which shall be situated within three hundred yards of any dwelling-house existing prior to the date on which such storage shall commence, without the previous consent in writing of the owner, lessee, and occupier of such dwelling-house.

Art. IV. The Commissioners may, with the sanction of the Local Government Board, and subject to the provisions of this Order, borrow the sums following, in addition to the sums which they are by the Local Acts authorised to borrow, viz. :—

- (1.) On the security of the market tolls and other revenue arising from their market undertaking, and of the improvement rates by the Local Acts authorised, or upon either of such securities, such sums, not exceeding in the whole the sum of one thousand pounds, as may from time to time be necessary for the purposes of the market undertaking.
- (2.) On the security of the revenue arising from their gas undertaking, and the improvement rates by the Local Acts authorised, or upon either of such securities, such sums, not exceeding in the whole the sum of eight thousand pounds, as may from time to time be necessary for the purposes of their gas undertaking.

Art. V. For the purpose of raising money by virtue of this Order the provisions of the Local Loans Act, 1875, shall be available to the Commissioners, 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. VI. 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 Commissioners, with the sanction of the Local Government Board, shall determine; and the period so determined and sanctioned is herein-after referred to as "the prescribed period," and shall be the prescribed period for the purpose of the Local Loans Act, 1875.

Art. VII.—(1.) The Commissioners 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 VIII. of this Order, if the Commissioners 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

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(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 Commissioners, the Commissioners 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 Commissioners towards the equal annual payments to the fund.

(5.) The Commissioners 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 Commissioners 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 funds are based, any deficiency shall be made good by the Commissioners.

(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 funds 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 Commissioners, in addition to the payments provided for by this Order.

Art. VIII.—(1.) If it appears to the Commissioners 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

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Order. sinking fund is formed, it shall be the duty of the Commissioners 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 Commissioners shall increase the payments to such extent as the Board may direct.

(2.) If the Commissioners 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 probable 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 Commissioners 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 Commissioners may, with the consent of that Board, discontinue the equal annual payments to such sinking fund until the 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 Commissioners, with the consent of the Local Government Board, may determine.

Art. IX. The Commissioners shall, except as herein-after provided, have power to re-borrow for the purpose of paying off 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 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 the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Art. X.—(1.) The clerk to the Commissioners 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, the clerk to the Commissioners 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.

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(2.) If it appears to the Local Government Board by that return, or otherwise, that the Commissioners 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. XI. All moneys from time to time borrowed by virtue of this Order shall be applied by the Commissioners 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 Commissioners, with the approval of the Local Government Board, determine.

Art. XII. 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 service of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Commissioners, 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 Commissioners shall be a debt due to the Crown from the Commissioners.

Art. XIII.—(1.) The mortgagees of the Commissioners in respect of any moneys borrowed 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.

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A.D. 1893. The amount of arrears to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

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(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.

The SCHEDULE above referred to.

(1.) All that piece of land situate in the Improvement Act District of Abergavenny and containing by admeasurement one acre, one rood, and nine perches or thereabouts, and on which stand the existing gasworks, known as the Abergavenny Gasworks; which piece of land is bounded on the north by the engine sheds and lands belonging or reputed to belong to the London and North-western Railway Company, on the east by the railway, and on the west and south by lands belonging or reputed to belong to the Marquess of Abergavenny.

(2.) All that piece of land containing by admeasurement six hundred square yards or thereabouts, and situate adjoining the land above described, agreed to be purchased from the said Marquess of Abergavenny.

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

(L.S.)

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

*Bolton
Order.*

BOROUGH OF BOLTON.

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

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

And to all others whom it may concern.

WHEREAS the Borough of Bolton (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 Bolton Improvement Act, 1854, the Bolton Corporation Act, 1872, the Bolton Improvement Act, 1877, and the Bolton Improvement Act, 1882 (all which Acts are herein-after together referred to as "the Local Acts," and each of which Acts is herein-after referred to as the Act of the year in which it was passed), as altered by the Provisional Order herein-after recited and 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;

17 & 18 Vict.
c. clix.
35 & 36 Vict.
c. lxxviii.
40 & 41 Vict.
c. clxxxviii.
45 & 46 Vict.
c. cexliv.

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And whereas by Section 123 of the Act of 1854 it is enacted that whenever the owner or occupier of any house to whom notice in accordance with that Act is given requiring him to provide a sufficient watercloset, or privy, or ashpit fails in any respect to comply with the requirement of such notice, every person so failing shall for every such default be liable to the penalties as therein mentioned ;

And whereas by Section 97 of the Act of 1872 provision is made for the consumption or burning of smoke arising from certain steam engines and furnaces ;

And whereas by Section 80 of the Act of 1877 it is enacted that the Corporation may from time to time order any privy or ashpit of any house, the rateable value of which shall not exceed fifteen pounds per annum, to be altered according to such system as they may approve ; but it is provided that, if in any case such alteration shall be required in respect of a privy or ashpit previously approved of by the Corporation or by the Halliwell Local Board of Health (part of whose District was by that Act included in the Borough), and the cost of such alteration exceed the cost that would necessarily be incurred in putting such privy or ashpit in a proper state of repair, then if such privy or ashpit shall have been constructed with proper workmanship and materials, the Corporation shall bear the whole of that extra cost, but that if such privy or ashpit shall not have been so constructed, then the Corporation shall bear one half only of such extra cost ;

And whereas by Section 96 of the Act of 1877 the Corporation were empowered to borrow, on the security of the district funds and rates by that Act respectively constituted and authorised (inter alia), seven thousand pounds for sanitary purposes ;

And whereas by Section 83 of the Act of 1882 the Corporation were empowered to borrow money for the purposes in that section mentioned ;

And whereas by Section 88 of the Act of 1882 the securities in or upon which the Corporation may invest any sinking fund are prescribed ;

And whereas by sub-section (3) of Section 94 of the Act of 1882 the term statutory security for the purposes of Part XI. of that Act includes any mortgage, bond, debenture, debenture stock, corporation stock, annuity, rentcharge, rent, or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation, including the Corporation ;

And whereas by Section 95 of the Act of 1882 the Corporation were empowered from time to time, by resolution of the Council, to exercise any statutory borrowing power by creation of stock, either redeemable or irredeemable, to be from time to time issued in accordance with the provisions of that Act, but it was provided that all redeemable stock at any time, and from time to time, created should be created on and subject to such terms and conditions as that the same should be of one and the same class of stock ;

And whereas by Section 98 of the Act of 1882 provision is made for the establishment of the Bolton Corporation Consolidated Loans Fund for the payment of dividends on all Corporation Stock, and for redemption and extinction, or purchase and extinction, of all Corporation Stock ;

And whereas by Article I. of a Provisional Order of the Local Government Board dated the Second day of March, One thousand eight hundred and

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Provisional Orders Confirmation (No. 15) Act, 1893.

A.D. 1893. ninety-two, and duly confirmed by the Local Government Board's Provisional Orders Confirmation Act, 1892, so much of the Act of 1882, or of any Act or Provisional Order amending that Act, as conferred upon the Corporation the power to create and issue irredeemable stock was repealed :

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55 & 56 Vict.
c. lxxviii.

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 take effect ; that is to say,—

Art. I. The provisions of Section 123 of the Act of 1854 shall apply to any watercloset, slop-closet, earth closet, privy, or ashpit, or any similar sanitary convenience in respect of which notice under the provisions of the Act of 1854 shall have been given.

Art. II. Section 97 of the Act of 1872 shall be repealed, and in lieu thereof the following provisions shall have effect ; viz.,—

(1.)—(a.) If any fireplace or furnace for the time being employed within the Borough in the working of engines by steam (not being a locomotive engine used on the railway of any company incorporated by Act of Parliament), or used for the purposes of trade or manufacture, or baths or wash-houses (although a steam engine is not used or employed therein), is not so constructed as to consume or burn the smoke arising from such fireplace or furnace, the owner or occupier of the building or land in or on which such fireplace or furnace is situate shall be liable to a penalty not exceeding ten pounds.

(b.) If any such owner or occupier uses any such fireplace or furnace not so constructed as aforesaid, or if any such owner or occupier, or any engineer, fireman, stoker, foreman, or other person employed by such owner or occupier, negligently uses any fireplace or furnace so constructed as aforesaid in such manner that the smoke arising therefrom is not effectually consumed or burnt, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during any part of which such fireplace or furnace is so continued to be used after one month's notice, in writing, given by the Corporation to the owner or occupier to remedy or discontinue the same.

(c.) If any such owner or occupier refuses to allow such building or land to be inspected by a person authorised by the Corporation, then any person so authorised may, by warrant under the hand of a justice (which warrant any justice is hereby authorised to grant), enter into and upon such building or land and examine any such fireplace or furnace.

Provided that these provisions shall not be held in all cases to mean that it shall be necessary to consume or burn all the smoke, but the court hearing an information or complaint against a person shall dismiss the information or complaint if of opinion that such person has so constructed his fireplace or furnace, or fireplaces or furnaces, as to consume or burn as far as practicable all the smoke arising from such fireplace or furnace, or fireplaces or furnaces, and has carefully attended to the same, and consumed or burned as far

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as possible the smoke arising from such fireplace or furnace, or fireplaces or furnaces. A.D. 1893.

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(2.)—(a.) If from any chimney, not being the chimney of a private dwelling-house, black smoke is emitted either in such quantity as to be a nuisance, or where the best practicable means for preventing such emission are not in use, the Corporation may, and, on complaint by any person aggrieved or by two inhabitant householders of the Borough, shall cause notice to be given to the owner or occupier of the land on which such chimney is situate, or to the owner or occupier of the furnace or fireplace in connexion with which such chimney is used, to discontinue such emission, and if after such notice the emission is repeated, such owner or occupier shall for each such offence be liable to a penalty not exceeding five pounds, and on each subsequent conviction to a penalty not exceeding twenty pounds.

(b.) Where more fireplaces or furnaces than one communicate with a single chimney, or a chimney is used in connexion with more fireplaces or furnaces than one, the names of the several owners or occupiers of the buildings or land on which such fireplaces, or furnaces, or chimney are situate may be included in one summons, and the justice or justices before whom the case is brought may, in his or their discretion, apportion the penalty between the several owners or occupiers, as the case may be, or impose a penalty on one or more of such owners or occupiers to the exclusion of the others.

Art. III. Section 80 of the Act of 1877 shall be repealed, and, in lieu thereof, the following provisions shall be inserted :—

The Corporation may from time to time require any privy or privy and ashpit of any house, the rateable value of which shall not exceed twenty-five pounds per annum, or any privy or privy and ashpit used in common by the inmates of two or more houses, to be altered so as to be converted into a watercloset or slop-closet of such construction as the Corporation may approve with a separate receptacle for ashes and house-refuse, and if the owner or owners of any such house or houses fail in any respect to comply with an order of the Corporation made under this section, the Corporation may, at the expiration of a time to be specified in the Order, not being less than fourteen days after the service of the Order, do the work specified in such Order, and may recover in a summary manner from the owner or owners the expenses incurred by the Corporation in so doing :

Provided that if in any case such alteration, whether made by the owner or on his default by the Corporation, shall be required in respect of a privy or ashpit previously approved of by the Corporation, or by the Halliwell Local Board of Health, and the cost of such alteration exceed the cost that would necessarily be incurred in putting such privy or ashpit in a proper state of repair then if such privy or ashpit shall have been constructed with proper workmanship and materials, the Corporation shall bear the whole of that extra cost, but if such privy or ashpit shall not have been so constructed, then the Corporation shall bear one-half only of such extra cost :

Provided also, that the Corporation may contribute such sum of money as they think fit towards the expenses incurred in making any alteration of a privy or

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Ordre. ashpit in pursuance of any Order under this section, in any case in which the Corporation are not required to bear any part of such cost, and any moneys so contributed or otherwise expended by the Corporation under the provision of this section shall be deemed to be sanitary expenses as defined by this Act.

Art. IV. The Act of 1877 shall be further altered so as to enable the Corporation, with the sanction of the Local Government Board, and subject to the provisions of this Order, to borrow on the security of the district funds and district rates, or upon either of such securities, such sums, not exceeding in the whole the sum of twelve thousand pounds, as may from time to time be necessary for the purpose of defraying any expenditure of the Corporation in pursuance of Article III. of this Order.

Art. V. For the purpose of raising money by virtue of Article IV. of this Order, the provisions of the Local Loans Act, 1875 (including the power of creating and issuing debenture stock), shall be available to the Corporation, and Sections 236 to 238, both inclusive, of the Public Health Act, 1875, shall apply to all moneys raised and borrowed on mortgage by virtue of that Article.

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

Art. VII.—(1.) The Corporation shall repay the moneys borrowed by virtue of Article IV. of this Order 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 the others of them.

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

(a.) By payment to the fund annually during the prescribed period of a sum equal to the amount of principal which would be required to be annually paid to the lender if the loan were repayable by equal annual instalments of principal. A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

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

(3.) Every sum paid to a sinking fund, and, in the case of an accumulating sinking fund, the interest on the investments of the sinking fund, shall, unless applied in repayment of the loan in respect of which the sinking fund is formed, be immediately invested in statutory securities as defined by Section 94 of the Act of 1882 as hereby altered, the Corporation being at liberty from time to time to vary and transpose such investments.

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(4.) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund. A.D. 1893.
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(5.) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed: Provided that, in the case of an accumulating sinking fund, the Corporation shall pay into the fund each year, and accumulate during the residue of the prescribed period, a sum equal to the interest which would have been produced by such sinking fund so applied, if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

Art. VIII.—(1.) If it appears to the Corporation at any time that the amount in the sinking fund, with the future payments thereto, in accordance with the provisions of Article VII. of this Order, together with the accumulations thereon (in the case of an accumulating sinking fund), will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed, it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose: Provided that if it appears to the Local Government Board that any such increase is necessary, the Corporation shall increase the payments to such extent as the Board may direct.

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

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

(4.) If the amount in any sinking fund at any time, together with the probable accumulations thereon (in the case of an accumulating sinking fund), will, in the

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A.D. 1893. opinion of the Local Government Board, be sufficient to repay the loan in respect of which it is formed within the prescribed period, the Corporation may, with the consent of that Board, discontinue the equal annual payments to such sinking fund until the Board shall otherwise direct.

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

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

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

Art. X.—(1.) The town clerk 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 Articles VII. and VIII. of this Order, or in respect of any money raised under Article IV. of 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 the town clerk, showing, for the year next preceding the making of such return, or for such other period as the Board may prescribe, the amounts which have been paid as instalments or annual payments, and the amounts which have been appropriated, and the amounts which have been paid to or invested or applied for the purpose of the sinking fund, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund or investment, or of the sums accumulated by way of compound interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year ; and, in the event of his failing to make such return, the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court ; and, notwithstanding the recovery of such penalty, the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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

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

Art. XII. Section 88 of the Act of 1882 shall be altered so as to provide that the Corporation shall not invest any sinking fund under any of the Local Acts in force in the Borough in any security of the Corporation, and sub-section (3) of Section 94 of the Act of 1882 shall be altered by the insertion of the words "other than the Corporation" in lieu of the words "including the Corporation."

Art. XIII. The Act of 1882 shall be further altered so as to provide as follows; viz.,—

(1.) The Corporation may from time to time by resolution determine that any sum or sums which the Bolton School Board may be by law authorised to borrow or re-borrow upon the security of any rates or funds, and which the borrowing authority may be desirous of borrowing from the Corporation, shall be lent by the Corporation accordingly.

(2.) Any sum or sums which the Corporation shall resolve to lend as aforesaid may be raised either by the issue of Bolton Corporation Redeemable Stock according to the provisions of the Act of 1882 as hereby altered, or by borrowing or re-borrowing the same on mortgage of the borough fund and borough rate; and the provisions of Sections 236 to 238, both inclusive, of the Public Health Act, 1875, shall apply to all money raised by borrowing on mortgage under this Article.

38 & 39 Vict.
c. 55.

(3.) The following provisions shall apply to moneys raised or borrowed for the purpose of loans to the borrowing authority:—

(a.) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or re-borrow the same, and with a provision for repayment by equal annual instalments of principal or of principal and interest combined.

(b.) If any sum payable to the Corporation for principal in respect of any sum lent to the borrowing authority shall not be received within six

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months of the time appointed for the payment thereof, a like sum shall be set apart out of the borough fund; and if after the application or investment of the sum so set apart, or the payment thereof into the loans fund, as herein-after provided, the whole or any part thereof shall be received by the Corporation, the sum so received shall be carried to the credit of the borough fund.

(4.) The following provisions shall apply to moneys borrowed for the purpose of loans to the borrowing authority and not raised by the issue of stock:—

(a.) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority.

(b.) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed, the balance (if any) being carried to the credit of the borough fund.

(c.) All sums received from the borrowing authority for principal, and all sums set apart out of the borough fund under paragraph (b) of subdivision (3) of this Article, shall be applied towards the repayment of the principal payable in respect of moneys so borrowed, and until so applied shall be invested in statutory securities, the Corporation being at liberty from time to time to vary and transpose such investments. The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise, and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

(5.) The following provisions shall apply to moneys raised by the issue of stock for the purpose of loans to the borrowing authority:—

(a.) All sums received from the borrowing authority for interest shall be paid into the loans fund established in respect of the stock so issued, and shall be applied in paying the dividends on such stock.

(b.) All sums received from the borrowing authority for principal, and all sums set apart out of the borough fund in pursuance of paragraph (b) of subdivision (3) of this Article, shall be paid into the loans fund established in respect of the stock so issued, and shall be applied in the redemption or purchase and extinction of such stock, and until so applied shall be invested in statutory securities, the Corporation being at liberty from time to time to vary and transpose such investments. The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise.

(c.) If the sum received as interest from the borrowing authority, or derived from such investments as aforesaid, is more than is required for the purpose to which the same is to be applied as above mentioned, the surplus may be applied in reduction of any contributions payable out of Corporation revenues in respect of dividends on stock.

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(6.) If any doubt shall arise as to how much of any sum received by the Corporation from the borrowing authority is to be regarded as principal or interest, the question shall be determined by the Local Government Board.

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(7.) The town clerk of the Borough shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March, if during the twelve months next preceding the said Twenty-fifth day of March any sum is payable to the Corporation in respect of moneys lent by them to the borrowing authority, and raised otherwise than by the issue of stock, or 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, the amounts which have been received from the borrowing authority for principal, the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this Article, and the amounts which have been invested, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the investment has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and, in the event of his failing to make such return, such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court, and, notwithstanding the recovery of such penalty, the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(8.) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to apply or invest, as required by paragraph (c) of subdivision (4) of this Article, any sum by that paragraph required to be applied or invested, or have misapplied any of the investments or the produce of the sale thereof, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which such default or misapplication has occurred, shall be applied directly towards repayment of principal, or be invested, 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. XIV. The Act of 1882 shall be further altered so as to provide as follows:—

(1.) Notwithstanding anything contained in Section 95, the Corporation may from time to time exercise any statutory borrowing power by the creation and issue of a new class of redeemable stock, at such price, not being lower than ninety-five pounds per centum, and bearing such dividend, not exceeding three pounds and ten shillings per centum per annum, as the Corporation may, by the resolution for such issue, determine: Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock, bearing one and the same rate of dividend, and shall

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become redeemable as herein-after provided at the expiration of the same period from the first creation of the stock.

- (2.) After the expiration of such a period from the creation of the stock as the Corporation shall by the resolution creating such stock declare, the stock shall be redeemable at par at the option of the Corporation, and within such a period (not exceeding sixty years) from the first creation of the stock, as the Corporation shall by such resolution declare, the whole of the stock shall be redeemed or purchased and extinguished.
- (3.) All stock created and issued by virtue of this Article shall be charged in the same manner as, and rank *pari passu* with, stock issued under the Act of 1882, and shall otherwise be subject to the provisions of that Act, except so far as the same are expressly altered by this Order.
- (4.) A separate loans fund, to be called the Bolton Corporation Consolidated Loans Fund (No. 2), shall be established and formed in respect of any stock which may be created and issued by the Corporation under this Article, and all the provisions of the Act of 1882 as altered by this Order in regard to the loans fund established under Section 98 of the Act of 1882 shall, *mutatis mutandis*, apply to the separate loans fund so to be established and formed: Provided that the Corporation shall not be empowered to apply any part of the Bolton Corporation Consolidated Loans Fund in purchasing or redeeming any stock created by virtue of this Article, or any part of the Bolton Corporation Consolidated Loans Fund (No. 2) in purchasing or redeeming any stock not created by virtue of this Article.
- (5.) So long as any moneys are required to be paid to the Bolton Corporation Consolidated Loans Fund under the provisions of sub-section (1) of Section 102 of the Act of 1882, no moneys shall be required to be paid to the Bolton Corporation Consolidated Loans Fund (No. 2) under that sub-section:
Provided that if any money to which that sub-section applies shall arise from any sale, lease, or other disposition of land or other property which shall have been purchased or otherwise acquired by means of moneys raised by stock created by virtue of this Article, or by means of moneys which shall have been converted into stock so created, then the money so arising shall be paid into the Bolton Corporation Consolidated Loans Fund (No. 2).

Art. XV. The Local Acts shall be altered so as to provide as follows:—

- (1.) The mortgagees of the Corporation in respect of any moneys borrowed by virtue of this Order may enforce the payment of arrears of interest or 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.
- (3.) 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

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exceeding three guineas a day, as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Corporation, and the Local Government Board may certify the amount of the costs so incurred, and any sum so certified and directed by that Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

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

(L.S.)

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

BOROUGH OF KINGSTON-UPON-HULL.

*Kingston-
upon-Hull
Order.*

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

To the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, being the Urban Sanitary Authority for that Borough ;—

And to all others whom it may concern.

WHEREAS the Borough of Kingston-upon-Hull 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 Kingston-upon-Hull Improvement Act, 1854 (herein-after referred to as "the Local Act"), as altered by the Provisional Orders herein-after recited, and by certain other Provisional Orders and Local Acts which do not affect the subject-matter of this Order, are in force in the Borough ;

17 & 18 Vict.
c. ci.

And whereas by Section 99 of the Local Act it was enacted that every house to be thereafter rebuilt and every house to be thereafter built at the corner of any street or place should have a back yard or back area thereto if the Local Board of Health for the Borough (herein-after referred to as "the Local Board") should in such case deem it right that any such back yard or back area should be made ; and that in that case that such back yard or back area should be of such dimensions as the Local Board should determine ;

And whereas by Section 101 of the Local Act it was enacted that, in addition to the particulars required to be stated for the approval of the Local Board by the fifty-third section of the Public Health Act, 1848, there should be furnished to such Board, by the person intending to build or rebuild any house or construct any building, a correct plan or plans of the proposed building, drawn to a scale of not less than one inch to every eight feet of the work, showing the particulars required by the said Act and the Local Act, and that such plan should not be carried into execution nor the building commenced until the same plan should have been approved by the Local Board ;

11 & 12 Vict.
c. 63.

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40 & 41 Vict.
c. cxxxii.

And whereas by Article I. of a Provisional Order of the Local Government Board dated the Twenty-ninth day of May, One thousand eight hundred and seventy-seven, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Act, 1877 (which Order and Act are herein-after respectively referred to as "the Order of 1877" and "the Confirming Act of 1877"), all the powers, rights, duties, capacities, liabilities, and obligations exerciseable by or attaching to the Local Board under and by virtue of the Local Act or the Provisional Orders therein referred to, or either of them, and not then transferred or attaching to the Corporation as the Urban Sanitary Authority by force of the Public Health Act, 1872, or the Public Health Act, 1875, were transferred to the Corporation as the Urban Sanitary Authority;

And whereas by Article III. of the Order of 1877 it was ordered that every court, alley, square, and inclosure for houses to be thereafter built or constructed on vacant ground (not being the site of any court or square theretofore formed or built immediately previously to such construction) should be properly drained and paved prior to the houses fronting thereto being occupied as dwelling-houses, and that no such court, alley, square, or inclosure should at any time be used as a carriageway except with the consent in writing of the Urban Sanitary Authority first had and obtained;

50 Vict. c. xvi.

And whereas by another Provisional Order of the Local Government Board dated the Eighth day of June, One thousand eight hundred and eighty-six, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 10) Act, 1886 (which Order and Act are herein-after respectively referred to as "the Order of 1886" and "the Confirming Act of 1886"), it was ordered that (inter alia) Article III. of the Order of 1877 and so much of the Confirming Act of 1877 as related thereto (which had been inadvertently repealed by the Hull Extension and Improvement Act, 1882,) should be deemed to have remained in force as from the passing of the last-mentioned Act, and to be in force in the Borough;

45 & 46 Vict.
c. cxv.

And whereas it is expedient that certain provisions of the Local Act and of the Order of 1877 and the Order of 1886 relating to new streets and buildings which restrict, or are inconsistent, or in any manner interfere with, the due making and enforcing by the Corporation of byelaws as to such matters under the Public Health Act, 1875, and any Act amending or extending that Act, should be repealed:

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, 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 following provisions shall take effect; viz.,—

Art. I. Notwithstanding the following provisions of the Local Act, of the Confirming Act of 1877, and of the Confirming Act of 1886; that is to say,—

Of the Local Act:—

Section 79;

Section 88, so far as relates to drains to new buildings; and

Section 98 as amended by Article III. of the Provisional Order of 1877, so far as it requires that every court, alley, square, or inclosure for houses to

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be thereafter rebuilt shall have an open area, or be of such width as the Corporation may determine in each case, and that every court, alley, square or inclosure for houses to be thereafter built or constructed on vacant ground (not being the site of any court or square theretofore formed or built immediately previously to such construction) shall have an open area, or be of the width of twenty feet at the least, measuring from front to front of the houses therein, and that the same area and width shall extend from the street throughout such court, alley, square, or inclosure, and be open from the ground upwards ;

The following words of Section 99, viz., "and every house to be hereafter constructed on vacant ground (not being situate at the corner of a street or place, or not being the site of any other house erected thereon immediately prior to such construction) shall have a back yard, or other vacant ground and area, open from the ground upwards, of not less than eight feet, extending from the main building for the whole length of such building, provided that within that space or area the pantry, coalhouse, and privy, not exceeding nine feet in height, and not covering more than forty-eight superficial feet of the above area, may be there constructed";

The Confirming Acts of 1877 and 1886, so far as they confirm the following words of Article III. of the Order of 1877, viz., "in every case where the average height of the houses in any court, alley, square, or inclosure for houses to be hereafter built or constructed on vacant ground (not being the site of any court or square theretofore formed or built immediately previously to such construction) exceeds twenty feet, such court, alley, square, or inclosure shall have an open area, or be of a width, measuring from front to front, of not less than the average height of such houses, unless such height is more than thirty feet, in which case the width of the open area shall be at least thirty feet, and that" the Corporation may forthwith, under and in accordance with the provisions of the Public Health Act, 1875, and any Act amending or extending that Act, make byelaws in regard to any of the matters to which those provisions relate.

Art. II. On the expiration of one year from the commencement of this Order, or of such longer period, not exceeding two years from the commencement of this Order, as the Local Government Board may determine, the sections and parts of sections of the Local Act mentioned in Article I. of this Order, and the Confirming Acts of 1877 and 1886, so far as they relate to the part of Article III. of the Order of 1877, mentioned in Article I. of this Order, shall, to the extent referred to in Article I. of this Order, be repealed, except so far as the same may have been acted upon; but if before the expiration of such period as aforesaid any byelaw made by the Corporation under Article I. of this Order with regard to the subject-matter of any of the said sections or parts of sections, or the said part of Article III. of the Order of 1877, shall come into operation, the section or part of a section of the Local Act or the Confirming Acts of 1877 and 1886, so far as they confirm the said part of Article III. of the Order of 1877 relating to the same subject-matter, shall thereupon be repealed, without waiting for the expiration of the said period. Wherever in the unrepealed provisions of the Local Act, or of any

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Act or Provisional Order amending that Act, reference is made to such repealed provisions, the same shall be deemed to refer to the byelaws relating to matters similar to those mentioned in such repealed provisions: Provided that such repeal shall not affect any right, title, obligation, or liability acquired or accrued under such repealed provisions.

Art. III. The Local Act shall be amended by the addition thereto of the following provisions:—

- (1.) Every dwelling-house to be hereafter built in any street, otherwise than on the site of any other house, shall, where necessary, be provided with a secondary means of access for the purpose of removing therefrom the contents of the receptacle of any privy, or of any ashpit, or of any cesspool, without carrying such contents through any dwelling-house.
- (2.) The Corporation may, from time to time, make byelaws with respect to the level, width, and construction of such secondary means of access, whether the same are streets within the meaning of the Public Health Acts or not.
- (3.) The provisions contained in the Public Health Act, 1875, with respect to byelaws, and the penalties which may be imposed thereby, and the recovery and application of penalties shall apply to all byelaws made under this Article and under subdivision (5) of Article IV. of this Order, and to all penalties imposed thereby.

Art. IV. Section 101 of the Local Act shall be amended by the addition thereto of the following provisions:—

- (1.) It shall not be necessary to furnish to the Corporation any plan of a building which is exempt from the provisions of the Acts or of the byelaws for the time being in force in the Borough.
- (2.) In the case of any building erected after the commencement of this Order, and exempt at the time of its erection from the provisions of the Local Acts or of any byelaws for the time being in force in the Borough, with respect to new buildings, by reason of its being intended to be used for any particular purpose, no person shall use such building, or cause or suffer the same to be used, for any purpose not within the exemption, unless and until the same shall conform to such of the requirements of those Acts and byelaws as are applicable to a building used for the intended purpose.
- (3.) Where any person shall have erected any building which is exempt from the operation of any byelaw by reason of such building not being within a prescribed distance from any other building, he shall not, without the consent in writing of the Corporation, erect any other building within such distance from the first-mentioned building.
- (4.) The approval by the Corporation of any plan or section for a new street or new building, or the rebuilding or alteration of a building, shall be null and void if the execution of the work shown on such plan be not commenced within the following periods; (that is to say,)—

As to plans approved after the commencement of this Order, within three years from the date of such approval; and

As to plans approved before the commencement of this Order, within three years from the commencement of this Order;

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and after the expiration of those respective periods fresh notice and deposit of plans and sections shall, unless the Corporation otherwise determine, be requisite.

(5.) The Corporation may, from time to time, make byelaws to provide for the retention by them of any plan, or plan and section, furnished to them in pursuance of any Act or byelaw for the time being in force in the Borough.

Art. V. Section 101 of the Local Act shall be further amended so as to include a provision that nothing in the said section contained, or in this Order, shall be deemed to restrict or in any manner interfere with the powers of the Corporation to make byelaws under any other Act with respect to the deposit of plans of buildings.

Art. VI. Any person who deems himself aggrieved by any requirement or order of the Corporation under subdivision (1) of Article III. of this Order, or any refusal of the Corporation to give consent under subdivision (3) of Article IV. of this Order, may appeal in manner provided by the Summary Jurisdiction Acts to the next practicable Borough Court of Quarter Sessions.

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

(l.s.)

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

A.D. 1893.
 —
*Kingston-
 upon-Hull
 Order.*

BOROUGH OF WOLVERHAMPTON.

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

*Wolver-
 hampton
 Order.*

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

And to all others whom it may concern.

WHEREAS the Borough of Wolverhampton (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 Wolverhampton Improvement Act, 1869, the Wolverhampton Corporation Loans Act, 1882, the Wolverhampton Corporation Act, 1887, and the Wolverhampton Corporation Act, 1891 (all which Acts are herein-after together referred to as "the Local Acts," and each of which Acts is herein-after referred to as the Act of the year in which it was passed), as altered by the Provisional Order herein-after recited, are in force in the Borough ;

32 & 33 Vict.
 c. cxxxii.
 45 & 46 Vict.
 c. ccxl.
 50 & 51 Vict.
 c. clxxiv.
 54 & 55 Vict.
 c. cxcv.

And whereas by Section 158 of the Act of 1869 provision is made as to the mode of recovering water rents ;

And whereas by Section 330 of the Act of 1869 it is (inter alia) enacted that, if at the time of making any improvement rate, any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the

[Ch. clxxxix.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 15) Act, 1893.

A.D. 1893. rate, but the rate shall not be charged on any person in respect of the same whilst they continue to be unoccupied ;

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And whereas by Sections 339 and 341 of the Act of 1869 provision is made as to the mode in which the Corporation may recover the amount due from any person in respect of any rate ;

And whereas by Section 390 of the Act of 1869 the Corporation are empowered, if they think fit, to pay to each of the elective auditors of the Borough, out of the borough fund, such reasonable remuneration, not being less than two guineas for each day in which he is employed in the audit of the municipal accounts, as the Corporation from time to time appoint ;

And whereas by sub-section (3) of Section 2 of the Act of 1882 the term statutory security for the purposes of that Act includes (inter alia) any mortgage, bond, debenture, debenture stock, corporation stock, annuity, rentcharge, rent, or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation, including the Corporation ;

And whereas by Section 4 of the Act of 1882 the Corporation were empowered from time to time, by resolution of the Council, to exercise any statutory borrowing power by the creation of stock, either redeemable or irredeemable, to be from time to time issued in accordance with the provisions of that Act, but it was provided that all redeemable stock at any time and from time to time so created should be created on and subject to such terms and conditions as that the same should form one and the same class of stock ;

And whereas by Section 7 of the Act of 1882 provision is made for the establishment of the Wolverhampton Corporation Consolidated Loans Fund (herein-after referred to as "the loans fund") for the payment of dividends on all Corporation Stock and for redemption and extinction, or purchase and extinction, of all Corporation Stock ;

And whereas by sub-section (1) of Section 11 of the Act of 1882 the Corporation are required to pay into the loans fund and to carry to the proper separate account forming part of the general account of the loans fund all such money, being capital, or in the nature of capital, and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract, as shall from time to time arise from any sale, lease, or other disposition of land or other property of the Corporation on the revenues whereof any Corporation Stock is charged ;

And whereas by sub-section (3) of Section 18 of the Act of 1882 it is enacted that in every case of payment off or redemption of any statutory security with money raised by Corporation Stock, or of the issue of Corporation Stock in substitution for any statutory security, the Corporation shall pay and transfer into the loans fund the whole or a proportionate part (as the case may require) of any money and securities forming part of any sinking fund applicable to the discharge of the statutory security ;

And whereas by Section 16 of the Act of 1891 it is enacted that, from and after the passing of that Act, the Corporation shall not create or issue any Wolverhampton Corporation Irredeemable Stock, and that the Corporation shall not after the passing of that Act invest any portion of the loans fund in any statutory security of the Corporation ;

[56 & 57 VICT.] *Local Government Board's* [Ch. clxxxix.]
Provisional Orders Confirmation (No. 15) Act, 1893.

And whereas by Article XVII. of a Provisional Order of the Local Government Board dated the Seventh day of June, One thousand eight hundred and eighty-eight, and duly confirmed by the Local Government Board's Provisional Order Confirmation (No. 13) Act, 1888 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), Section 330 of the Act of 1869 was altered :

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51 & 52 Vict.
c. clxvii.

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.,—

38 & 39 Vict.
c. 55.

Art. I. The Act of 1869 shall be altered so as to enable the Corporation at their discretion to recover summarily as a civil debt the amount due to them in respect of any water rent, or improvement rate, or any other rate to which that Act applies.

Art. II. So much of the Confirming Act as relates to Article XVII. of the Order shall be repealed, and in lieu thereof Section 330 of the Act of 1869 shall be altered by the insertion therein of the words "except in the case of premises in respect of which the owner is liable to pay rates whether such premises are occupied or unoccupied" after the words "whilst they continue to be unoccupied," and of the words "subject to the exception aforesaid" after the words "when the rate was made ; and".

Art. III. Section 390 of the Act of 1869 shall be altered by the insertion of the words "not exceeding two guineas" in lieu of the words "not being less than two guineas," and so as to provide that the "municipal accounts" referred to in that section shall include the accounts of the Corporation under the Municipal Corporation Acts, the Local Acts, and any Provisional Order duly confirmed by Parliament altering any of the Local Acts.

Art. IV. Sub-section (1) of Section 11 of the Act of 1882 shall be altered by the addition thereto of the following :—

"Any sums paid into the loans fund in pursuance of this sub-section shall (unless the same be forthwith applied in the redemption or purchase and extinction of stock) be invested in statutory securities, and accumulated as the sums paid into the loans fund in respect of contributions under Section 9 of this Act are required to be invested and accumulated."

Art. V. The Act of 1882 shall be further altered so as to provide that on the payment into the loans fund of any moneys under sub-section (1) of Section 11, or the payment or transfer into the loans fund of any part of a sinking fund under sub-section (3) of Section 18 of that Act, the Corporation shall be empowered to reduce the contributions to be made to the loans fund in pursuance of Section 9 of the Act of 1882, either temporarily or permanently, to such an amount as may from time to time be approved by the Local Government Board.

Art. VI. The Act of 1882 shall be further altered so as to provide as follows ; viz.,—

(1.) The Corporation may from time to time by resolution determine that any sum or sums which the Wolverhampton School Board, or the Guardians

[Ch. clxxxix.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 15) Act, 1893.

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38 & 39 Vict.
c. 55.

of the Poor of the Wolverhampton Union may be by law authorised to borrow or re-borrow upon the security of any rates or funds, and which the borrowing authority may be desirous of borrowing from the Corporation, shall be lent by the Corporation accordingly.

(2.) Any sum or sums which the Corporation shall resolve to lend, as aforesaid may be raised either by the issue of Wolverhampton Corporation Redeemable Stock according to the provisions of the Act of 1882, or of that Act as hereby altered, or by borrowing or re-borrowing the same on mortgage of the borough fund and borough rate; and the provisions of Sections 236 to 239, both inclusive, of the Public Health Act, 1875, shall apply to all moneys raised by borrowing on mortgage under this Article.

(3.) The following provisions shall apply to moneys raised or borrowed for the purposes of loans to any borrowing authority:—

(a.) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or re-borrow the same, and with a provision for repayment by equal annual instalments of principal or of principal and interest combined.

(b.) If any sum payable to the Corporation for principal in respect of any sum lent to any borrowing authority shall not be received within six months of the time appointed for the payment thereof, a like sum shall be set apart out of the borough fund; and if after the application or investment of the sum so set apart, or the payment thereof into the loans fund, as herein-after provided by this Article, the whole or any part thereof shall be received by the Corporation, the sum so received shall be carried to the credit of the borough fund.

(4.) The following provisions shall apply to moneys borrowed for the purpose of loans to any borrowing authority and not raised by the issue of stock:—

(a.) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority.

(b.) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed, the balance (if any) being carried to the credit of the borough fund.

(c.) All sums received from the borrowing authority for principal, and all sums set apart out of the borough fund under paragraph (b) of subdivision (3) of this Article, shall be applied towards the repayment of the principal payable in respect of moneys so borrowed, and until so applied shall be invested in statutory securities other than securities of the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments. The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise, and if not required for that purpose shall be applied as if the same had been received for interest from a borrowing authority.

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(5.) The following provisions shall apply to moneys raised by the issue of stock for the purpose of loans to the borrowing authority :—

(a.) All sums received from the borrowing authority for interest shall be paid into the loans fund established in respect of the stock so issued, and shall be applied in paying the dividends on such stock.

(b.) All sums received from any borrowing authority for principal, and all sums set apart out of the borough fund in pursuance of paragraph (b) of subdivision (3) of this Article, shall be paid into the loans fund established in respect of the stock so issued, and shall be applied in the redemption or purchase and extinction of such stock, and until so applied shall be invested in statutory securities other than securities of the Corporation, the Corporation being at liberty from time to time to vary and transpose such investments. The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise.

(c.) If the sum received as interest from any borrowing authority, or derived from such investments as aforesaid, is more than is required for the purpose to which the same is to be applied as above mentioned, the surplus may be applied in reduction of any contributions payable out of Corporation revenues in respect of dividends on stock.

(6.) If any doubt shall arise as to how much of any sum received by the Corporation from the borrowing authority is to be regarded as principal or interest, the question shall be determined by the Local Government Board.

(7.) The town clerk of the Borough 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 payable to the Corporation in respect of moneys lent by them to any borrowing authority, and raised otherwise than by the issue of stock, 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, the amounts which have been received from any borrowing authority for principal, the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised by virtue of this Order, and the amounts which have been invested, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the investment has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and, in the event of his failing to make such return, such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court, and, notwithstanding the recovery of such penalty, the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

[Ch. clxxxix.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 15) Act, 1893.

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(8.) If it appears to the Local Government Board by that return, or otherwise, that the Corporation have failed to apply or invest, as required by paragraph (c) of subdivision (4) of this Article, any sum by that paragraph required to be applied or invested, or have misapplied any of the investments or the produce of the sale thereof, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which such default or misapplication has occurred, shall be applied directly towards repayment of principal, or be invested, 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. VII. The Act of 1882 shall be further altered so as to provide as follows:—

(1.) Notwithstanding anything contained in Section 4, the Corporation may from time to time exercise any statutory borrowing power by the creation and issue of a new class of redeemable stock, at such price, not being lower than ninety-five pounds per centum, and bearing such dividend, not exceeding three pounds and ten shillings per centum per annum, as the Corporation may, by the resolution for such issue, determine: Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock bearing one and the same rate of dividend, and shall become redeemable as herein-after provided at the expiration of the same period from the first creation of the stock.

(2.) After the expiration of such a period from the creation of the stock as the Corporation shall, by the resolution creating such stock, declare, the stock shall be redeemable at par at the option of the Corporation, and within such a period (not exceeding sixty years) from the first creation of the stock, as the Corporation shall by such resolution declare, the whole of the stock shall be redeemed or purchased and extinguished.

(3.) All stock created and issued under this Article shall be charged in the same manner as, and rank *pari passu* with, stock issued under the Act of 1882, and shall otherwise be subject to the provisions of that Act, as altered by the Act of 1891, except so far as the same are expressly altered by this Order.

(4.) A separate loans fund, to be called the *Wolverhampton Corporation Consolidated Loans Fund (No. 2)*, shall be established and formed in respect of any stock which may be created and issued by the Corporation by virtue of this Article, and all the provisions of the Act of 1882 as altered by the Act of 1891 and this Order in regard to the loans fund shall, *mutatis mutandis*, apply to the separate loans fund so to be established and formed: Provided that the Corporation shall not be empowered to apply any part of the loans fund in purchasing or redeeming any stock created by virtue of this Article or any part of the *Wolverhampton Corporation Consolidated Loans Fund (No. 2)* in purchasing or redeeming any stock not created by virtue of this Article.

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hampton
Order.

(5.) So long as any moneys are required to be paid to the loans fund under the provisions of sub-section (1) of Section 11 of the Act of 1882, no moneys shall be required to be paid to the Wolverhampton Corporation Consolidated Loans Fund (No. 2) under that sub-section :

Provided that if any money to which that sub-section applies shall arise from any sale, lease, or other disposition of land or other property which shall have been purchased or otherwise acquired by means of moneys raised by stock created by virtue of this Article, or by means of moneys which shall have been converted into stock so created, then the money so arising shall be paid into the Wolverhampton Corporation Consolidated Loans Fund (No. 2).

Art. VIII. The Act of 1882 shall be further altered so as to provide that where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of that Act or this Order, the costs incurred by that Board in relation to such inquiry (including such reasonable sum, not exceeding three guineas a day, as that Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Corporation, and the Local Government Board may certify the amount of the costs so incurred, and any sum so certified and directed by that Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

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

(L.S.)

HENRY H. FOWLER, President.

HUGH OWEN, Secretary.

BOROUGH OF WORTHING.

Worthing
Order.

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

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

And to all others whom it may concern.

WHEREAS by a Local Act of Parliament passed in the first and second years of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal two Acts made in the forty-third and forty-ninth years of His late Majesty, for paving the Town of Worthing, in the County of Sussex, and establishing a market therein, and for making other provisions in lieu thereof ; for erecting groynes, for laying a duty on coals imported into the said Town, and for other purposes relating to the improvement of the said Town" (hereinafter referred to as "the Act of 1821"), certain Commissioners were appointed for putting the Act of 1821 into execution in the Town of Worthing ;

1 & 2 Geo. IV.
c. lix.

[Ch. clxxxix.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 15) Act, 1893.

A.D. 1893.

*Worthing
Order.*

15 & 16 Vict.
c. 42.

And whereas by a Provisional Order of the General Board of Health dated the Seventeenth day of January, One thousand eight hundred and fifty-two, and confirmed by the First Public Health Supplemental Act, 1852, certain parts of the Act of 1821 were repealed and altered, and such of the powers, authorities, and duties as were granted or imposed by so much of the Act of 1821 as was not thereby repealed, and so far as the same were not repugnant to, or inconsistent with, the Public Health Act, 1848, or that Order, or any byelaw which should be lawfully made under the said Public Health Act, 1848, were transferred to the Worthing Local Board of Health (herein-after referred to as "the Local Board"), to be exercised in the same manner, as nearly as might be, as if such powers, authorities, privileges, and duties had been granted or imposed by the said Public Health Act, 1848 ;

31 & 32 Vict.
c. cliii.

And whereas by a Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Eighth day of June, One thousand eight hundred and sixty-eight, and duly confirmed by the Local Government Act, 1868 (No. 6) (which Order and Act are herein-after respectively referred to as "the Order of 1868" and "the Confirming Act of 1868"), the Act of 1821 was further partially repealed and altered :

32 & 33 Vict.
c. xxiv.

And whereas by Article VIII. of a Provisional Order of one of Her Majesty's Principal Secretaries of State dated the Eighth day of April, One thousand eight hundred and sixty-nine, and duly confirmed by the Local Government Supplemental Act, 1869 (which Order and Act are herein-after respectively referred to as "the Order of 1869" and "the Confirming Act of 1869"), the Local Board were (inter alia) empowered to make byelaws with respect to certain matters affecting the seashore within their District ;

38 & 39 Vict.
c. clxxv.

And whereas by a Provisional Order of the Local Government Board dated the Twenty-seventh day of May, One thousand eight hundred and seventy-five, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) Act, 1875, the District of the Local Board was extended (such District as so extended being herein-after referred to as "the Local Government District") ;

45 & 46 Vict.
c. lxii.

And whereas by Articles II. to VI. of another Provisional Order of the Local Government Board dated the Tenth day of May, One thousand eight hundred and eighty-two, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act, 1882 (which Order and Act are herein-after respectively referred to as "the Order of 1882" and "the Confirming Act of 1882"), certain provisions were made with respect to hackney coaches or carriages, omnibuses, waggonettes, and other carriages plying for passengers to be carried for hire at separate fares, and bath and other chairs drawn or propelled by hand or otherwise ;

28 Vict.
c. xxvii.

And whereas under the provisions of the West Worthing Improvement Act, 1865 (herein-after referred to as "the Act of 1865"), certain Commissioners and their successors were incorporated under the name of the West Worthing Improvement Commissioners (herein-after called "the Commissioners") to carry the Act of 1865 into execution in the District defined by Section 8 of that Act (such District being herein-after referred to as "the Improvement Act District") ;

And whereas by another Provisional Order of the Local Government Board dated the Twenty-seventh day of May, One thousand eight hundred and eighty-four, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act, 1884 (which Order and Act are herein-after respectively referred to as "the Order of 1884" and "the Confirming Act of 1884"), the Act of 1865 was partially repealed and altered ;

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*Worthing
Order.*

47 & 48 Vict.
c. ccxii.

And whereas the Act of 1821 and the Act of 1865 are herein-after together referred to as "the Local Acts," the Confirming Acts of 1868, 1869, 1882, and 1884 are herein-after together referred to as "the Confirming Acts," and the Orders of 1868, 1869, 1882, and 1884 are herein-after together referred to as "the Orders" ;

And whereas by Royal Charter dated the Twenty-fifth day of August, One thousand eight hundred and ninety, the District comprising the Local Government District, the Improvement Act District, and so much of the Parish of Heene as was not comprised in the Improvement Act District, was created a Municipal Borough by the name of the "Borough of Worthing" (herein-after referred to as "the Borough") ; and the inhabitants of the District aforesaid and their successors were thereby declared to be one body politic and corporate, by the name of "the Mayor, Aldermen, and Burgesses of the Borough of Worthing," with perpetual succession and a common seal, and the said Corporation, acting by the Council (herein-after referred to as the "Corporation"), are now the Urban Sanitary Authority for the Borough ;

And whereas by Article 7 of the Borough of Worthing Scheme, 1890 (being a scheme made by a Committee of Her Majesty's Most Honourable Privy Council pursuant to the provisions of Part XI. of the Municipal Corporations Act, 1882), it was ordered that all the powers, rights, duties, capacities, liabilities, and obligations, and all the property, real and personal, corporeal and incorporeal, immediately before the commencement of that scheme exerciseable by, attaching to, imposed upon, or vested in, the Local Board and the Improvement Commissioners respectively under or by virtue of or in pursuance of (inter alia) the Local Acts and the Confirming Acts and Orders, whether or not included under Section 310 of the Public Health Act, 1875, should, subject to all restrictions, savings, and conditions affecting the same, and not being inconsistent with that scheme, and subject to the provisions of that scheme, pass and be transferred to the Corporation, and be exerciseable, enjoyed, and borne (as the case may be) by them, and as though the Corporation were mentioned or referred to therein instead of the Local Board or the Improvement Commissioners, as the case may be ; but it was provided that the Corporation should not exercise or be subject to any powers, rights, or duties under such of the provisions of the Local Acts and the Orders as were mentioned in the first schedule to that scheme ; and it was further ordered that the Local Acts and the Orders and the Confirming Acts should (subject as above provided) be carried into execution by the Corporation as and being the Urban Sanitary Authority for the Borough ;

And whereas the Local Acts have been partially repealed and altered by certain other Provisional Orders duly confirmed by Parliament, but which do not affect the subject-matter of this Order ;

[Ch. clxxxix.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 15) Act, 1893.

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Worthing
Order.
38 & 39 Vict.
c. 55.

And whereas it is expedient that certain of the provisions of the Local Acts and Confirming Acts, so far as they relate to the Orders, should be extended so as to apply to the Borough, and that other alterations should be made in the Local Acts and Confirming Acts as herein-after provided :

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 (herein-after referred to as "the commencement of this Order"), the Local Acts and the Confirming Acts, so far as they respectively relate to the Orders, shall be partially repealed and altered, so that the following provisions shall take effect ; viz.,—

Art. I. The following provisions of the Local Acts, and of the Confirming Acts so far as they respectively relate to the Orders, shall be extended so as to be in force within and apply to the Borough ; viz.,—

Of the Act of 1821 : Section 123.

Of the Act of 1865 : Section 35 ; so much of Section 40 as relates to the supply of sea water, and to byelaws for preventing obstructions on the sea-beach, sands, and seashore ; and so much of Section 44 as relates to the esplanade, sea-beach, and seashore.

The Confirming Act of 1868 so far as it relates to so much of Article III. of the Order of 1868 as enables the Local Board to protect the public walks and esplanade from the sea, and to so much of that Article as relates to byelaws.

The Confirming Act of 1869 so far as it relates to so much of Article VIII. of the Order of 1869 as determines the rates out of which the charges and expenses incurred in erecting, repairing, or maintaining any groynes, embankments, and other sea defences are to be defrayed ; and to so much of that Article as relates to byelaws, and the fines to be inflicted for the infringement thereof.

The Confirming Act of 1884 so far as it relates to Articles V., VI., and VIII. of the Order of 1884.

Art. II. The following provisions of the Local Acts shall be repealed, except so far as the same may have been acted upon ; viz.,—

Of the Act of 1821 : The unrepealed provisions of Section 154.

Of the Act of 1865 : The unrepealed provisions, except those specified in Article I. of this Order, and except Sections 36, 39, and 69.

Art. III. The Corporation may from time to time make byelaws for all or any of the following purposes ; (that is to say),—

(1.) For prohibiting the casting upon the beach or foreshore within the Borough of glass or other things which would be injurious to persons frequenting the beach or foreshore for the purpose of bathing or recreation.

(2.) For appointing and limiting the places on the beach or foreshore within the Borough which persons of each sex may use for the purpose of bathing

[56 & 57 VICT.] *Local Government Board's* [Ch. clxxxix.]
Provisional Orders Confirmation (No. 15) Act, 1893.

therefrom without a bathing machine, and for prohibiting the use therefor of any other places on such beach or foreshore ; for fixing the hours during which the places so appointed may be used for such purpose, and for prohibiting the use thereof except during the hours so fixed ; and for otherwise regulating the use of such places for bathing and the bathing therefrom.

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—
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Order.

(3.) For fixing and regulating the situation of pleasure boats and vessels that may be placed upon the beach and foreshore within the Borough.

(4.) For prescribing the precautions to be taken for securing the safety of persons hiring any bathing machine or any pleasure boat or vessel.

Art. IV. The provisions contained in the Public Health Act, 1875, with respect to byelaws and the penalties which may be imposed thereby, and the recovery and application of penalties, shall apply to all byelaws made under the provisions of this Order, and to all penalties imposed thereby :

Provided that such byelaws, so far as they affect or apply to the beach or foreshore within the Borough, shall not be valid or come into force without the previous consent in writing of the Board of Trade and of the Commissioners of Woods.

Art. V. The Confirming Act of 1882 shall be altered so as to provide that the provisions of Articles II. to VI. (both inclusive) of the Order of 1882 shall be in force within and apply to the Borough, and that any reference in those Articles to the Local Government District shall be construed to refer to the Borough.

Art. VI. Nothing herein contained shall authorise the Corporation to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade or the Commissioners of Woods, without the previous consent in writing of the Board of Trade or the Commissioners of Woods, as the case may be, on behalf of Her Majesty (which consent the Board of Trade or the Commissioners of Woods, as the case may be, may give) ; neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in, or enjoyed, or exerciseable by the Queen's Majesty, Her heirs or successors.

Art. VII. The Corporation shall not construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work without the previous consent of the Board of Trade, to be signified in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade, and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of, such approval being signified as last aforesaid ; and where any such work may have been constructed, the Corporation shall not at any time alter or extend the same without obtaining, previously to making any such alteration or extension, the like consent or approval. If any such work be commenced or completed contrary to the provisions of this Order,

[Ch. clxxxix.] *Local Government Board's* [56 & 57 VICT.]
Provisional Orders Confirmation (No. 15) Act, 1893.

A.D. 1893. the Board of Trade may abate and remove the same, and restore the site thereof
Worthing to its former condition at the cost and charge of the Corporation, and the amount
Order. of such costs and charges shall be a debt due from the Corporation to the Crown,
and shall be recoverable accordingly with costs.

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

(L.S.)

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

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