

[6 EDW. 7.]

*Local Government Board's  
Provisional Orders Confirmation (No. 2) Act, 1906.*

[Ch. ci.]



**CHAPTER ci.**

An Act to confirm certain Provisional Orders of the Local Government Board relating to Ashton-in-Makerfield Cardigan Darlington Hoylake and West Kirby Plymouth Salford Sutton in Ashfield Totnes and Tyldesley with Shakerley. A.D. 1906.

[20th July 1906.]

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

1. The Orders set out in the schedule hereto 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. 2) Act 1906. Short title.

A.D. 1906.

SCHEDULE.

URBAN DISTRICT OF ASHTON-IN-MAKERFIELD.

*Ashton-in-Makerfield Order.*

*Provisional Order for altering the Ashton-in-Makerfield Local Board Act 1875.*

To the Urban District Council of Ashton-in-Makerfield ; —  
And to all others whom it may concern.

WHEREAS the Urban District Council of Ashton-in-Makerfield (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Ashton-in-Makerfield (herein-after referred to as "the District") and are the successors of the Ashton-in-Makerfield Local Board ;

38 Vict.  
c. xxxviii.

And whereas the unrepealed provisions of the Ashton-in-Makerfield Local Board Act 1875 (herein-after referred to as "the Local Act") as altered by the Ashton-in-Makerfield Orders 1880 to 1905 are in force in the district ;

56 & 57 Vict.  
c. cxvii.

And whereas by virtue of Section 17 of the Local Act and Section 5 of the Gasworks Clauses Act 1871 and Article 7 of the Ashton-in-Makerfield Order 1893 (herein-after referred to as "the Order of 1893") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1893 the Council are prohibited from manufacturing gas or any residual products on any lands other than the lands described in the Schedule to that Order and from storing gas on any lands other than those so described without the previous consent in writing of the owner lessee and occupier of every dwelling-house situate within three hundred yards of the limits of those lands ;

And whereas the Council have entered into an agreement to acquire the lands described in the schedule hereto and it is expedient that they should be empowered to use those lands for any purposes of their gas undertaking in addition to the lands described in the Schedule to the Order of 1893 :

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

Additional gas lands.

Art. I. Notwithstanding anything in the Local Act as altered as aforesaid the Council may use the lands described in the schedule hereto

[6 EDW. 7.] *Local Government Board's* [Ch. ci.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

if and when those lands are acquired by them for any purpose of their gas undertaking including the manufacture and storage of gas and residual products. A.D. 1906.  
*Ashton-in-Makerfield Order.*

Art. II. This Order may be cited as the Ashton-in-Makerfield Order 1906 and the Ashton-in-Makerfield Orders 1880 to 1905 and this Order may be cited together as the Ashton-in-Makerfield Orders 1880 to 1906. Short titles.

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The SCHEDULE above referred to.

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All those two pieces of land containing an area of one thousand and seventy-four square yards or thereabouts situate near to and abutting upon certain streets known as Princess Road and York Road in the Township and Urban District of Ashton-in-Makerfield in the County of Lancaster and delineated and coloured pink on each of two plans which are marked "Additional Gas Lands 1906" and are sealed with the Official Seal of the Local Government Board and of which one is deposited in their office and the other shall be deposited in the office of the Council within fourteen days from the date of this Order.

Given under the Seal of Office of the Local Government Board this  
Sixteenth day of March One thousand nine hundred and six.

(L.S.)

JOHN BURNS President.  
S. B. PROVIS Secretary.

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BOROUGH OF CARDIGAN.

*Provisional Order for altering the Cardigan Markets and  
Improvement Act 1857 and a Confirming Act.*

*Cardigan  
Order.*

To the Mayor Aldermen and Burgesses of the Borough of Cardigan ; —  
And to all others whom it may concern.

WHEREAS the Borough of Cardigan (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban District Council and the local authority within the meaning of the Public Health Act 1875 ;

And whereas the unrepealed provisions of the Cardigan Markets and Improvement Act 1857 (herein-after referred to as "the Local Act") as altered by a Provisional Order of the Local Government Board dated the 20 & 21 Vict. c. xxxviii.

[Ch. ci.] *Local Government Board's* [6 EDW. 7.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

A.D. 1906.

*Cordigan*  
*Order.*

43 & 44 Vict.  
c. xxxvi.

Tenth day of May One thousand eight hundred and eighty which was confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act") are in force in the Borough;

And whereas by virtue of Section 77 of the Local Act as altered by Article III. of the Order all moneys received by the Corporation from their market and fair tolls stallages and rents slaughter-house tolls and water rates are now applied in the case of one moiety to the credit of the district fund and in the case of the remaining moiety to the credit of the borough fund of the Borough;

And whereas by Section 83 of the Local Act the Corporation are empowered to appropriate any lands belonging to them to any of the purposes of that Act and to apply any part of the corporate funds of the Borough and to mortgage sell or dispose of any part or parts of the corporate estates and property and to apply and dispose of the proceeds thereof as in that section mentioned but by Section 84 it is provided that nothing in the Local Act shall enable the Corporation to mortgage alienate or dispose of for the said purposes without the approbation of the Commissioners or of certain Commissioners of His Majesty's Treasury any lands tenements or hereditaments which they could not have mortgaged sold or disposed of without the said approbation before the commencement of the Local Act;

And whereas it is expedient that the Local Act and the Confirming Act so far as it relates to the Order be amended in the manner herein-after set forth:

38 & 39 Vict.  
c. 55.

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

Altering Local  
Act and Con-  
firming Act as  
to application  
of market and  
slaughterhouse  
&c. tolls and  
water rates.

Art. I. Section 77 of the Local Act and the Confirming Act so far as it relates to the Order shall have effect as if the following proviso were added to Article III. of the Order namely:—

" Provided that if in any year the moiety which is required  
" to be carried to the credit of the borough fund and any other  
" moneys standing or properly payable to the credit of the borough  
" fund will together be in excess of the expenditure properly charge-  
" able to the borough fund in that year the Corporation may if  
" they think fit increase the amount to be carried to the credit of  
" the district fund by the amount of that excess or by so much  
" thereof as the Corporation determine."

[6 EDW. 7.]

*Local Government Board's*

[Ch. ci.]

*Provisional Orders Confirmation (No. 2) Act, 1906.*

A.D. 1906.

Art. II.—(1) The Local Act shall have effect as if with respect to all transactions commenced after the date of this Order so much of Part V. of the Municipal Corporations Act 1882 as relates to corporate property were with the adaptation made by Section 72 of the Local Government Act 1888 and in substitution for Section 84 of the Local Act made applicable to every mortgage alienation or disposal of lands tenements or hereditaments of the Corporation for the purposes of the Local Act.

*Cardigan Order.*  
Consent of Local Government Board to disposal &c. of lands in certain cases substituted for approval of Treasury.

(2) Section 85 of the Local Act shall be repealed.

Repeal of Section 85 of Local Act.

Art. III. The Order may be cited as the Cardigan Order 1880 this Order may be cited as the Cardigan Order 1906 and the said Orders may be cited together as the Cardigan Orders 1880 and 1906.

Short titles.

Given under the Seal of Office of the Local Government Board this Nineteenth day of February One thousand nine hundred and six.

(L.S.)

JOHN BURNS President.  
S. B. PROVIS Secretary.

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BOROUGH OF DARLINGTON.

*Provisional Order for altering the Darlington Extension and Improvement Act 1872.*

*Darlington Order.*

To the Mayor Aldermen and Burgesses of the Borough of Darlington ;—  
And to all others whom it may concern.

WHEREAS the Borough of Darlington (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the council (herein-after referred to as "the Corporation") are the Urban District Council and the local authority within the meaning of the Public Health Act 1875;

And whereas the unrepealed provisions of the Darlington Extension and Improvement Act 1872 (herein-after referred to as "the Local Act") as altered by the Darlington Orders 1883 to 1903 are in force in the Borough;

35 & 36 Vict. c. cxii.

And whereas by Section 22 of the Local Act the Corporation were empowered to purchase by agreement and hold the lands described in the second part of the Third Schedule to that Act for the purposes of their gas undertaking;

And whereas by Section 23 of the Local Act the Corporation were empowered to maintain enlarge extend and improve their then existing gasworks mains pipes and gas undertaking to construct and maintain such gasworks and apparatus and such buildings and approaches thereto upon any lands for the time being belonging to or vested in them and to do all such other acts as they should think necessary for supplying gas within the

[Ch. ci.] *Local Government Board's* [6 EDW. 7.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

A.D. 1906. gas limits as defined by the Local Act but were prohibited from manu-  
*Darlington* facturing gas or any residual products on any land other than the lands  
*Order.* described in the first and second parts of the Third Schedule to that Act ;

48 & 49 Vict. And whereas by the Darlington Order 1885 (herein-after referred to as  
c. lxii. "the Order of 1885") which was confirmed by the Local Government Board's  
Provisional Orders Confirmation (No. 5) Act 1885 the Local Act was altered  
so as to empower the Corporation on the said lands to convert or manufacture  
coke coal-tar pitch asphaltum ammoniacal liquor sulphate of ammonia oil and  
all other refuse or residual products arising remaining produced by or  
obtained from the manufacture of gas or the materials used therein and  
to sell and dispose of the same and for any of the purposes aforesaid to erect  
construct and maintain buildings works and apparatus on any of the said  
lands ;

53 & 60 Vict. And whereas by the Darlington Order 1896 (herein-after referred to as  
c. cx. "the Order of 1896") which was confirmed by the Local Government Board's  
Provisional Orders Confirmation (No. 18) Act 1896 the Corporation were  
empowered to purchase the land described in the schedule to that Order and  
notwithstanding anything in the Local Act to use that land when purchased  
for all or any of the purposes of their gas undertaking ;

And whereas the Corporation have provisionally agreed to purchase the  
land described in the schedule to this Order for the purposes of their gas  
undertaking and it is expedient that they should be empowered to purchase  
that land and to use it when purchased for all or any of the purposes of their  
gas undertaking :

38 & 39 Vict. Now therefore We the Local Government Board in pursuance of the  
c. 55. powers given to Us by Section 303 of the Public Health Act 1875 and by  
any other Statutes in that behalf do hereby order that from and after the  
date of the Act of Parliament confirming this Order the Local Act as altered  
as aforesaid shall be further altered so that the following provisions shall  
have effect that is to say :—

Additional gas lands. Art. I. The Corporation may purchase by agreement but not otherwise  
the land described in the schedule to this Order and notwithstanding any-  
thing in the Local Act the Corporation may use the said land or any part  
thereof when purchased for any purposes of their gas undertaking and for  
any purposes of the Local Act of the Order of 1885 or of the Order of 1896  
in relation to that undertaking as if the said land had been described in  
Part II. of the Third Schedule to the Local Act.

Short titles. Art. II. This Order may be cited as the Darlington Order 1906 and the  
Darlington Orders 1883 to 1903 and this Order may be cited together as the  
Darlington Orders 1883 to 1906.

[6 EDW. 7.]

*Local Government Board's* [Ch. ci.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

The SCHEDULE above referred to.

A.D. 1906.

*Darlington*  
*Order.*

All that piece or parcel of land containing in the whole by admeasurement 2,752 square yards or thereabouts situate in the Borough adjacent to other land belonging to the Corporation and used for the purposes of their gas undertaking and more particularly delineated and coloured pink on each of two plans which are marked "Additional Gas Lands 1906" and sealed with the official seal of the Local Government Board and of which one is deposited in their office and the other shall be deposited in the office of the Town Clerk within fourteen days from the date of this Order.

Given under the Seal of Office of the Local Government Board this  
Fifteenth day of February One thousand nine hundred and six.

(L.S.)

JOHN BURNS President.

S. B. PROVIS Secretary.

URBAN DISTRICT OF HOYLAKES AND WEST KIRBY.

*Provisional Order for altering the Hoyle Lake and West Kirby*  
*Improvement Acts 1897 and 1900.*

*Hoyle Lake and*  
*West Kirby*  
*Order.*

To the Urban District Council of Hoyle Lake and West Kirby;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Hoyle Lake and West Kirby (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Hoyle Lake and West Kirby (herein-after referred to as "the District");

And whereas the unrepealed provisions of the Hoyle Lake and West Kirby Improvement Acts 1897 and 1900 (each of which Acts is herein-after separately referred to as the Act of the year in which it was passed and both of which Acts are herein-after together referred to as "the Local Acts") are in force in the District;

60 & 61 Vict.  
c. ci.  
63 & 64 Vict.  
c. lxxix.

And whereas by Section 14 of the Act of 1897 the Council were empowered to make and maintain among other works an improvement of the Hoyle Lake (in the Act of 1897 and herein-after referred to as "the Hoyle Lake Improvement") to be formed in the manner indicated in the said section and by Section 18 of the Act of 1897 the period for the completion of the Hoyle Lake Improvement was limited to seven years from the passing of the Act of 1897;

[Ch. ci.] *Local Government Board's* [6 EDW. 7.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

A.D. 1906.

*Hoylelake and  
West Kirby  
Order.*

And whereas by subsection (2) of Section 16 of the Act of 1900 the period for the completion of the Hoyle Lake Improvement was extended to the expiration of three years from the fifteenth day of July One thousand nine hundred and four ;

And whereas it is expedient that the period for the completion of the Hoyle Lake Improvement should be further extended :

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 Local Acts shall be altered as is herein-after provided that is to say :—

*Extension of  
period for  
completion of  
Hoyle Lake  
Improvement.*

Art. I. The Local Acts shall have effect as if in subsection (2) of Section 16 of the Act of 1900 the words " eight years from the fifteenth day of July One thousand nine hundred and four " were substituted for the words " three years from the fifteenth day of July One thousand nine hundred and four ."

Short title.

Art. II. This Order may be cited as the Hoylelake and West Kirby Order 1906.

Given under the Seal of Office of the Local Government Board this  
Eighth day of March One thousand nine hundred and six.

(L.S.)

JOHN BURNS President.  
S. B. PROVIS Secretary.

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BOROUGH OF PLYMOUTH.

*Plymouth  
Order.*

*Provisional Order for altering the Plymouth Corporation  
Act 1898 and a Confirming Act.*

To the Mayor Aldermen and Burgesses of the Borough of Plymouth ;—

And to all others whom it may concern.

WHEREAS the Borough of Plymouth (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 ;

61 & 62 Vict.  
c. cxxxix.

5 Edw. 7,  
c. lxxi.

And whereas the unrepealed provisions of the Plymouth Corporation Act 1898 (herein-after referred to as " the Act of 1898 ") as altered by the Plymouth Order 1905 (herein-after referred to as " the Order ") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905 (herein-after referred to as " the Confirming Act ") are in force in the Borough ;



[6 EDW. 7.]

*Local Government Board's* [Ch. ci.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

A.D. 1906.

—  
*Plymouth*  
*Order.*

And whereas by Section 54 of the Act of 1898 the Corporation were empowered subject to the provisions of that Act to construct and maintain a wharf wall and embankment and by Section 57 of that Act the period for the making and completion of the said wharf wall and embankment was limited to seven years from the passing of that Act;

And whereas by Article II. of the Order it was provided that Section 57 of the Act of 1898 should have effect as if in regard to the making and completion of so much of the work authorised by Section 54 of that Act as extends for a length of two hundred yards measured in a south-west direction from the southern termination of Messieurs Martin's wharf at Prince Rock the period of eight years from the passing of the Act of 1898 were substituted in that section for the period of seven years from the passing of that Act;

And whereas it is expedient that the period for the completion of the work should be further extended :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Sections 303 and 297 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 Act of 1898 and the Confirming Act shall be altered as follows that is to say :—

38 & 39 Vict.  
c. 55.

Art. I. The Act of 1898 as altered by the Order and the Confirming Act so far as it relates to the Order shall have effect as if in Article II. of the Order the words " period of nine years from the passing of the Act of 1898 " were substituted for the words " period of eight years from the passing of the Act of 1898."

Extension of  
period of time  
fixed for com-  
pletion of  
wharf wall &c.

Art. II. This Order [may be cited as the Plymouth Order 1906 and the Order and this Order may be cited together as the Plymouth Orders 1905 and 1906.

Short titles.

Given under the Seal of Office of the Local Government Board  
this Nineteenth day of February One thousand nine hundred  
and six.

(L.S.)

JOHN BURNS President.  
S. B. PROVIS Secretary.

A.D. 1906.

BOROUGH OF SALFORD.

*Salford Order. Provisional Order for altering the Salford Improvement Act 1862 the Salford Tramways and Improvement Act 1875 the Salford Corporation Act 1902 and a Confirming Act.*

To the Mayor Aldermen and Burgesses of the Borough of Salford;—

And to all others whom it may concern.

25 & 26 Vict.  
c. ccv.  
38 & 39 Vict.  
c. ci.  
2 Edw. 7.  
c. cxlviii.

WHEREAS the Borough of Salford (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 Salford Improvement Act 1862 the Salford Tramways and Improvement Act 1875 and the Salford Corporation Act 1902 (each of which Acts is herein-after separately referred to as the Act of the year in which it was passed and all of which Acts are herein-after collectively referred to as "the Local Acts") are in force in the Borough;

45 & 46 Vict.  
c. xcvi.

And whereas by the Local Acts and by a Provisional Order of the Local Government Board dated the sixteenth day of May one thousand eight hundred and eighty-two and confirmed by the Local Government Board's Provisional Order Confirmation (No. 8) Act 1882 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act") the Corporation were empowered to make certain new streets to widen enlarge and render more commodious existing streets to construct certain bridges and to agree with the owners of lands for the construction of new streets;

And whereas by Section 28 of the Act of 1902 the Corporation were empowered to borrow for defraying capital expenditure charged by any of the Acts mentioned in the First Schedule to that Act (which included the Local Acts and the Order) on the borough fund and borough rate such sums (not exceeding in the aggregate two hundred and fifty thousand pounds) as the Local Government Board might sanction on the security of that fund and rate;

And whereas it is expedient that a bridge which was constructed in part by the Corporation and in part by the Lancashire and Yorkshire Railway Company (herein-after referred to as "the Company") and which carries the highway now known as Frederick Road and formerly known as Strawberry Road within the Borough over the Manchester and Bolton railway line of the Company and also another bridge which carries the said highway over the Manchester Bolton and Bury Canal belonging to the Company should be reconstructed and that the Corporation should be authorised to borrow money for the purpose;

[6 EDW. 7.] *Local Government Board's* [Ch. ci.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

And whereas in pursuance of Section 40 of the Lancashire and Yorkshire Railway (Various Powers) Act 1901 the plans and specifications of the works proposed to be executed by the Corporation for the widening of the bridge last above-mentioned have been duly approved :

A.D. 1906.  
*Salford Order.*  
 1 Edw. 7.  
 c. cvii.

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 that the following provisions shall take effect :—

38 & 39 Vict.  
 c. 55.

Art. I.—(1) The Corporation may by agreement with the Company alter widen or reconstruct the bridges which carry the highway now known as Frederick Road within the Borough over the Manchester and Bolton railway line of the Company and over the Manchester Bolton and Bury Canal.

Powers of Corporation with respect to bridges.

(2) After the alteration widening or reconstruction of the said bridges or either of them the Corporation may make such payments for the purpose of defraying their share of the costs and expenses of maintenance and repair of the said bridges or either of them as may be agreed upon by the Corporation and the Company.

Contribution by Corporation toward maintenance of bridges.

(3) Any expenses incurred by the Corporation in and in connexion with the alteration widening reconstruction maintenance or repair of the said bridges shall be charged upon and paid out of the borough fund and borough rate of the Borough.

Mode of charging expenses.

(4) Any expenses incurred for the purposes of sub-division (1) of this Article may be defrayed as capital expenditure charged by the Acts referred to in Section 28 of the Act of 1902 on the borough fund and borough rate of the Borough and the borrowing powers conferred by that section upon the Corporation shall accordingly be applicable subject to the provisions of the Act of 1902 and of the enactments thereby applied.

Borrowing powers.

Art. II. This Order may be cited as the Salford Order 1906.

Short title.

Given under the Seal of Office of the Local Government Board  
 this Twenty-ninth day of March One thousand nine hundred  
 and six.

(L.S.)

JOHN BURNS President.  
 S. B. PROVIS Secretary.

A.D. 1906.

URBAN DISTRICT OF SUTTON IN ASHFIELD.

*Sutton in  
Ashfield Order.*

*Provisional Order for the alteration of the Sutton in Ashfield  
Local Board Gas Act 1878.*

To the Urban District Council of Sutton in Ashfield ; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Sutton in Ashfield (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Sutton in Ashfield (herein-after referred to as "the District");

41 & 42 Vict.  
c. clxxii.

And whereas the unrepealed provisions of the Sutton in Ashfield Local Board Gas Act 1878 (herein-after referred to as "the Local Act") as altered by a Provisional Order of the Local Government Board (herein-after referred to as "the Order") dated the Sixth day of June One thousand eight hundred and eighty-four which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1884 are in force in the District;

47 & 48 Vict.  
c. ccxv.

And whereas in pursuance of the Local Act the undertaking of the Sutton in Ashfield Gaslight and Coke Company became vested in the Local Board of Health for the District of Sutton in Ashfield (who were the predecessors of the Council) and the said Local Board of Health were empowered to manufacture and supply gas within the limits (herein-after referred to as "the gas limits") defined by Section 4 of the Local Act;

4 Edw. 7.  
c. xlix.

And whereas the Urban District Council of Kirkby in Ashfield whose district is situated within the gas limits have acquired under and in accordance with the provisions of Section 41 of the Local Act and in the exercise of the powers conferred upon them by Section 5 of the Kirkby in Ashfield Urban District Council (Gas) Act 1904 that portion of the gas undertaking of the Council which is situate within the Urban District of Kirkby in Ashfield and have paid the sum of thirteen thousand two hundred and thirty-four pounds (herein-after referred to as "the sale moneys") to the Council as the price or consideration for the purchase;

And whereas by Sections 32 and 41 of the Local Act the proceeds of any sale by the Council of a portion of their gas undertaking are required to be applied in and for the effectual execution of the purposes of the Act and the extension and improvement of the gas undertaking in respect of objects to which capital money is properly applicable and for no other purpose;

And whereas it is expedient that such further provision as is herein-after mentioned should be made with regard to the application of the sale moneys:

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

A.D. 1906.

—  
*Sutton in  
Ashfield Order.*

Art. I. Nothing in the Local Act shall have effect so as to prevent the application of the sale moneys by the Council either—

Application of  
proceeds of  
sale to Kirkby  
in Ashfield  
Urban District  
Council of  
part of gas  
undertaking of  
Council.

(a) towards defraying the expenses incurred in connexion with those purposes of the gas undertaking on which capital may properly be expended and in respect of which the proposed application has been sanctioned by the Local Government Board; or

(b) towards the repayment of such part of the moneys borrowed by the Council or their predecessors for the purposes of the gas undertaking and in such manner and subject to such conditions as may be determined by the Local Government Board.

Art. II. The Order may be cited as the Sutton in Ashfield Order 1884 this Order may be cited as the Sutton in Ashfield Order 1906 and the Order and this Order may be cited together as the Sutton in Ashfield Orders 1884 and 1906.

Short titles.

Given under the Seal of Office of the Local Government Board  
this Twenty-fourth day of March One thousand nine hundred  
and six.

(l.s.)

JOHN BURNS President.  
S. B. PROVIS Secretary.

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## BOROUGH OF TOTNES.

*Provisional Order for altering a Local Act of the 8th and 9th  
years of Queen Victoria Chapter CXXXIV.*

*Totnes Order.*

To the Mayor Aldermen and Burgesses of the Borough of Totnes;—

And to all others whom it may concern.

WHEREAS the Borough of Totnes (herein-after referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (herein-after referred to as "the Corporation") are the Urban District Council and the local authority within the meaning of the Public Health Act 1875;

And whereas the unrepealed provisions of a Local Act (herein-after referred to as "the Local Act") passed in the eighth and ninth years of the reign of Her late Majesty Queen Victoria and intituled "An Act for  
" improving the Markets in the Borough and Town of Totnes in the County  
" of Devon and for better supplying the Borough with Water " as altered by the Borough of Totnes (Extension) Order 1897 which was duly confirmed

8 & 9 Vict.  
c. cxxxiv.

[Ch. ci.] *Local Government Board's* [6 EDW. 7.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

A.D. 1906. by Parliament but which does not affect the subject-matter of this Order  
*Totnes Order.* are in force in the Borough;

And whereas by the Local Act the Corporation were empowered to erect a new market house to enlarge their cattle market to provide weighing houses or places for weighing or measuring provisions or other articles or for weighing waggons carts or carriages and to demand and take the stallages rents and tolls specified in the Schedules (E) (F) (G) and (H) annexed to the Local Act;

And whereas by Section 52 of the Local Act it is provided that no person shall sell or expose to sale in any place within the Borough except in the cattle market or upon or within his own premises any cattle or other marketable commodity mentioned in the said Schedule (F) in which schedule are specified the tolls which the Corporation are empowered by Section 57 of the Local Act to demand and take in the cattle market and plains appertaining thereto;

And whereas for many years past sales of cattle and other live stock have been held upon land beyond the limits of the cattle market and of the plains appertaining thereto and it is expedient that the Local Act be altered so as to enable the Corporation to alter the rents and stallages and (with the approval of the Local Government Board) the tolls to be demanded and taken in respect of the markets of the Corporation to authorise the sale or exposure to sale of cattle or other live stock elsewhere than in the cattle market or in the plains appertaining thereto upon payment of charges in the nature of tolls and to enable the Corporation to make and recover the said charges:

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

Change of  
stallages rents  
and tolls.

Art. I.—(1) For the purpose of enabling the Corporation to change any stallage rent or toll specified in any of the Schedules (E) (F) (G) and (H) annexed to the Local Act or substituted in pursuance of this Order for a stallage rent or toll so specified those provisions of the Public Health Act 1875 and of the enactments incorporated with that Act which in relation to a market established or regulated in pursuance of the said Act enable an urban authority to change the stallages rents and tolls to be taken in respect of the market or for weighing and measuring shall apply and have effect as if with the necessary modifications the said provisions were herein re-enacted and in terms made applicable to the purpose aforesaid and as if no stallage rent or toll were subject to any limitation of amount by reason of the Local Act.

[6 EDW. 7.] *Local Government Board's* [Ch. ci.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

(2) Subject to the provisions of this Order the Local Act shall apply and have effect with respect to any stallage rent or toll substituted in pursuance of the said Order for a stallage rent or toll specified in any of the Schedules (E) (F) (G) and (H) annexed to the Local Act as it now applies and has effect with respect to the stallage rent or toll so specified. A.D. 1906.  
Totnes Order.

Art. II. Nothing in the Local Act shall prevent a person from selling or exposing to sale elsewhere than upon or within his own premises or elsewhere than within the limits of the cattle market and plains appertaining thereto any cattle or other marketable commodity mentioned in the Schedule (F.) annexed to the Local Act : Sales elsewhere  
than in cattle  
market or  
plains.

Provided that a person who elsewhere than upon or within his own premises or elsewhere than within the limits of the cattle market and plains appertaining thereto sells or exposes to sale any such cattle or marketable commodity on any day and at any hour appointed by the Corporation in pursuance of the Local Act for the holding of a market for the sale of any such cattle or marketable commodity shall be liable to pay on demand to the Corporation or to any person authorised by them to receive the tolls a sum equal in amount to the toll which in pursuance of the Local Act or of this Order or of anything done under this Order would be legally leviable or payable if the cattle or marketable commodity were sold or exposed to sale in the cattle market or plains appertaining thereto and the provisions of the Local Act with respect to the levy of tolls and with respect to disputes concerning tolls shall apply and have effect accordingly.

Art. III. The Local Act may be cited as the Totnes Improvement Act 1845 and this Order may be cited as the Totnes Order 1906. Short titles.

Given under the Seal of Office of the Local Government Board  
this Twenty-ninth day of March One thousand nine hundred  
and six.

(L.S.)

JOHN BURNS President.  
S. B. PROVIS Secretary.

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URBAN DISTRICT OF TYLDESLEY WITH SHAKERLEY.

*Provisional Order for altering the Tyldesley with Shakerley  
Local Board (Gas) Act 1865.*

*Tyldesley with  
Shakerley  
Order.*

To the Urban District Council of Tyldesley with Shakerley ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Tyldesley with Shakerley (herein-after referred to as "the Council") are the local authority within the meaning of the Public Health Act 1875 for the Urban District of Tyldesley with Shakerley (herein-after referred to as "the District");

[Ch. ci.] *Local Government Board's* [6 EDW. 7.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

A.D. 1906.

*Tyldesley with  
Shakerley  
Order.*

23 & 29 Vict.  
c. xxxv.

41 & 42 Vict.  
c. clxii.

50 Vict. c. xi.

And whereas there are in force in the District the unrepealed provisions of the Tyldesley with Shakerley Local Board (Gas) Act 1865 (herein-after referred to as "the Local Act") as altered by a Provisional Order of the Local Government Board dated the Seventh day of May One thousand eight hundred and seventy-eight and confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth &c.) Act 1878 and by a Provisional Order of the Local Government Board dated the Fifth day of June One thousand eight hundred and eighty-six and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1886 (each of which Provisional Orders is herein-after referred to as the Order of the year in which it was made);

And whereas by Section 30 of the Local Act it was provided that all gas supplied by the Council should be of such illuminating power as to produce from the burner therein described a light equal in intensity to the light produced by sixteen sperm candles of six to the pound burning one hundred and twenty grains an hour;

And whereas by the Local Act as altered by the Order of 1878 and the Order of 1886 the predecessors of the Council were empowered to borrow for the purposes of their gas undertaking moneys to the amount of sixty-two thousand pounds;

And whereas it is expedient that a Provisional Order should be issued for the alteration of the Local Act in the manner herein-after appearing and that the Council should be empowered to borrow further moneys for the purposes of their gas undertaking:

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

38 & 39 Vict.  
c. 55.

*Alteration of  
Section 30 of  
Local Act.*

Art. I. Section 30 of the Local Act shall have effect as if in that section fourteen sperm candles were substituted for sixteen sperm candles in the description of the quality and illuminating power of the gas to be supplied by the Council.

*Increase of  
borrowing  
powers for pur-  
poses of gas  
undertaking.*

Art. II. In addition to the money authorised to be borrowed by the Local Act the Order of 1878 and the Order of 1886 the Council may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the revenue of their gas undertaking and of the district fund and general district rate of the District such sums not exceeding in the whole the sum of twenty thousand pounds as may be required for the purposes of the said undertaking.



Art. III. For the purpose of raising money in the exercise of the powers of borrowing or re-borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Council and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed or re-borrowed on mortgage under this Order.

*Tyldesley with  
Shakerley  
Order.*

Local Loans  
Act and certain  
provisions of  
Public Health  
Act made  
applicable.

Art. IV. The moneys borrowed under this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Council with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Period for  
repayment  
of money  
borrowed.

Art. V.—(1) The Council shall repay the moneys borrowed under 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 those methods and partly by another or the others of them.

Mode of repay-  
ment.

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

Formation  
maintenance  
and application  
of sinking fund.

(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 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 the sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

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

[Ch. ci.] *Local Government Board's* [6 EDW. 7.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

A.D. 1906.

*Tyldesley with  
Sakerley  
Order.*

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

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

(6)—(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 Council :

(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 those equal annual payments.

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

Increase re-  
duction or dis-  
continuance of  
payments to  
sinking fund.

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

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

(3) If in the opinion of the Local Government Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made

[6 EDW. 7.] *Local Government Board's* [Ch. ci.]  
*Provisional Orders Confirmation (No. 2) Act, 1906.*

to the sinking fund either temporarily or permanently to such an extent as the Board approve. A.D. 1906.

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

*Tyldesley with  
Shakerley  
Order.*

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

Art. VII. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under 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 Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow : Power to  
re-borrow.

Provided that the Council 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 the 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 moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

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

Art. IX.—(1) Subject to the provisions of this Article any mortgagee of the Council in respect of a mortgage under this Order may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. Receiver.

(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 :

Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or

A.D. 1906. more mortgagees to those applicants collectively be not less than five hundred pounds in the whole.

*Tyldesley with  
Shakerley  
Order.*

Return as to  
provision for  
repayment of  
debt.

Art. X.—(1) The clerk to the Council shall within twenty-one days after the Thirty-first day of March in each year if during the twelve months next preceding the said Thirty-first 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 Board a return in such form as may from time to time be prescribed by the Board and if required by the Board verified by statutory declaration of the said clerk showing for the year next preceding the making of the 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 the return the said 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 that penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court.

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

Inquiries and  
expenses.

Art. XI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Act the Order of 1878 the Order of 1886 or this Order the costs incurred by the Board in relation to that inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector

[6 EDW. 7.]

*Local Government Board's*

[Ch. ci.]

*Provisional Orders Confirmation (No. 2) Act, 1906.*

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

A.D. 1906.

*Tyldesley with  
Shakerley  
Order.*

Art. XII. The Order of 1878 may be cited as the Tyldesley with Shakerley Order 1878 the Order of 1886 may be cited as the Tyldesley with Shakerley Order 1886 and this Order may be cited as the Tyldesley with Shakerley Order 1906 and the Order of 1878 the Order of 1886 and this Order may be cited together as the Tyldesley with Shakerley Orders 1878 to 1906.

Short titles.

Given under the Seal of Office of the Local Government Board this  
First day of March One thousand nine hundred and six.

(L.S.)

JOHN BURNS President.

S. B. PROVIS Secretary.

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