



CHAPTER lxxxvi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Briton Ferry Clifton Dartmouth Hardness Horsforth and Teignmouth. A.D. 1905.
[11th July 1905.]

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 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. 13) Act 1905. Short title.



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A.D. 1905.

SCHEDULE.

URBAN DISTRICT OF BRITON FERRY.

*Briton Ferry
Order.*

*Provisional Order for altering the Briton Ferry Local Board
Act 1873.*

To the Urban District Council of Briton Ferry; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Briton Ferry (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 Briton Ferry (herein-after referred to as "the district");

36 & 37 Vict.
c. cxxii.

39 Vict. c. xvi.

43 & 44 Vict.
c. xxxvi.

And whereas there are in force in the district the unrepealed provisions of the Briton Ferry Local Board Act 1873 (herein-after referred to as "the Local Act") as altered by a Provisional Order of the Local Government Board dated the Nineteenth day of April One thousand eight hundred and seventy-six and confirmed by the Local Government Board's Provisional Orders Confirmation (Briton Ferry &c.) Act 1876 and a Provisional Order of the Local Government Board dated the Twenty-seventh day of April One thousand eight hundred and eighty and confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880 (each of which Orders is herein-after referred to as the Order of the year in which it was made);

And whereas by virtue of the Local Act the Local Board for the district of Briton Ferry (who were the predecessors of the Council and are herein-after referred to as "the Local Board") purchased from the Briton Ferry Gas and Coke Company (herein-after referred to as "the Company") and from the person in the Local Act referred to as the Lessee the works and undertaking of the Company including the leasehold interest in the lands described in Schedule A. to this Order and the Council now carry on that undertaking as the successors of the Local Board;

And whereas by virtue of Section 20 of the Local Act all the statutory and other rights powers privileges and authorities by or under any Act conferred on given to or vested in the Company so far as the same could be

A.D. 1905.

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And whereas by virtue of Section 20 of the Local Act all the statutory and other rights powers privileges and authorities by or under any Act conferred on given to or vested in the Company so far as the same could be

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

applicable to a local board and subject to all the statutory and other obligations restrictions and duties by or under any Act imposed or incumbent on the Company so far as the same could be applicable to a local board and were not inconsistent with the Local Act apply to and are vested in the Council ;

A.D. 1905.
—
Briton Ferry
Order.

And whereas by Section 27 of the Local Act provision was made with regard to the application of all gas rates rents and all other receipts and revenues arising from the gas undertaking of the Council ;

And whereas by virtue of Section 36 of the Briton Ferry Gas Act 1866 (herein-after referred to as "the Act of 1866") as applied to the Council by virtue of Section 20 of the Local Act the Council are empowered for the purposes of their gas undertaking to purchase take and hold (by agreement but not otherwise) any lands and hereditaments which they may require for those purposes provided that the Council do not hold more at any one time than three acres but the Council are prohibited from using any lands for the purpose of manufacturing gas excepting the lands which are described in Schedule A. to this Order and which at the date of the Act of 1866 were occupied by the Company for that purpose and excepting upon those lands the Council are prohibited from constructing any works for the storage of gas within three hundred yards of any dwelling-house ;

29 Vict. c. xl.

And whereas by Section 36 of the Local Act as altered by the Order of 1876 the Local Board were empowered to borrow with the sanction of the Local Government Board in addition to any moneys they might have borrowed or were authorised to borrow under any other Act such sums as they might think requisite for all or any of the purposes of the Local Act not exceeding in the whole the sum of twenty thousand pounds and by the Order of 1880 provision was made as to the repayment of the moneys so borrowed ;

And whereas the Local Board or the Council have under the Local Act and the Order of 1876 borrowed with the sanction of the Local Government Board and for the purposes of their gas undertaking the sums of one thousand seven hundred and eighty-six pounds one thousand nine hundred and two pounds and two thousand two hundred and seventy-seven pounds which sums are being repaid by the Council within twenty-five years sixteen years and thirteen years respectively from the respective dates of borrowing ;

And whereas it is expedient that further powers should be conferred upon the Council with respect to the acquisition and use of lands for the purpose of their gas undertaking that the Council should be empowered to borrow further moneys for those purposes and that other provisions should be made as herein-after mentioned :

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order (herein-after referred

38 & 39 Vict.
c. 55.

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
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A.D. 1905.
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A.D. 1905. to as "the commencement of this Order") the Local Act shall be altered so that the following provisions shall take effect that is to say:—

Briton Ferry Order.

Council may lease lands for purposes of gas undertaking.

Art. I.—(1) Notwithstanding anything in the Local Act or in Section 36 of the Act of 1866 as applied by the Local Act—

(a) The Council may for all the residue unexpired at the commencement of this Order of the term granted by their existing lease surrender the lands comprised in that lease and described in the Schedule A. to this Order and may take a new lease of the said lands for an extended term and may hold and use the lands comprised in the new lease for all or any of the purposes of their gas undertaking including the manufacture and storage of gas and residual products:

(b) The Council may take a lease of the lands described in Schedules B. and C. to this Order and after the grant of the lease and for the term thereby granted may hold and use the said lands for all or any of the purposes of their gas undertaking including the manufacture and storage of gas and residual products:

(c) Section 36 of the Act of 1866 shall be altered and shall have effect so as to authorise the taking on lease by the Council of such additional lands as they may require for the purposes of their gas undertaking subject to the limitation by the said section of the lands which the Council may hold at any one time.

(2) For the purposes of this Article the expression "residual products" includes coke culm asphaltum pitch tar oil ammoniacal liquor or any other refuse or residual matter or thing produced in or resulting from the manufacture of gas.

Periods for repayment of moneys borrowed under Local Act and Order of 1876 for gas undertaking.

Art. II. The periods of twenty-five years sixteen years and thirteen years from the respective dates of borrowing shall be and shall be deemed always to have been the periods within which the Council are and have been required to pay the said sums of one thousand seven hundred and eighty-six pounds one thousand nine hundred and two pounds and two thousand two hundred and seventy-seven pounds and the Order of 1880 shall have and be deemed always to have had effect accordingly.

Application of unexpended balance of loans.

Art. III. The Council may apply the balance of any loan raised by them under the Local Act as amended by the Order of 1876 if the said balance is not required for the purpose for which the said loan was authorised to be borrowed to such other purpose of their gas undertaking as the Council may with the approval of the Local Government Board determine.

Additional borrowing powers.

Art. IV. The Council may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the security of the revenue arising from their gas undertaking and of the district fund and general district rate of the district or upon either of those securities sums not

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- (b) The Council may take a lease of the lands described in Schedules B. and C. to this Order and after the grant of the lease and for the term thereby granted may hold and use the said lands for all or any of the purposes of their gas undertaking including the manufacture and storage of gas and residual products:
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exceeding in the whole the sum of twenty thousand pounds for the purposes of their gas undertaking.

A.D. 1905.

Briton Ferry Order.

Art. V. 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.

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

Art. VI. The moneys borrowed under this Order shall be repaid within such period not exceeding thirty 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 shall with reference to the moneys to be repaid be the prescribed period for the purposes of the Local Loans Act 1875 and of this Order.

Period for repayment of borrowed moneys.

Art. VII.—(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 repayment.

(2) Subject to the provisions of Article VIII. 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.

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Period for repayment of borrowed moneys.

Art. VII.—(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.

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(2) Subject to the provisions of Article VIII. 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—

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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
reduction or
discontinuance
of payments to
sinking fund.

Art. VIII.—(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

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

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be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

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Briton Ferry Order.

(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.

(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. IX. 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. X. 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. XI.—(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

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be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

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(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.

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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. X. 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. XI.—(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

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905. more mortgagees to those applicants collectively be not less than five hundred
Briton Ferry pounds in the whole.
Order.

Return as to
provision for
repayment of
debt.

Art. XII.—(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. XIII. 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 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 or officer of the Board engaged in the inquiry) shall be paid by the Council and the Board may certify the amount of the

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905. more mortgagees to those applicants collectively be not less than five hundred
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Order.

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provision for
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(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. XIII. 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 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 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.

Art. XIV. Section 27 of the Local Act shall have effect as if for the paragraphs beginning "Secondly" and "Thirdly" the following paragraphs were substituted:—

"Secondly—In payment of the interest on the moneys borrowed or
" re-borrowed for the purposes of the gas undertaking of the
" Council;

" Thirdly—In providing the requisite instalments or sinking funds or
" otherwise making provision for the repayment of moneys borrowed
" or re-borrowed for the purposes of that undertaking";

and as if from the paragraph beginning "Fifthly" all the words after the words "leviable by the Board" were omitted.

Art. XV. This Order may be cited as the Briton Ferry Order 1905 the Order of 1876 may be cited as the Briton Ferry Order 1876 the Order of 1880 may be cited as the Briton Ferry Order 1880 and all those Orders may be cited together as the Briton Ferry Orders 1876 to 1905.

A.D. 1905.

*Briton Ferry
Order.*

*Alteration of
provisions as
to application
of gas revenue.*

Short titles.

The SCHEDULES above referred to.

SCHEDULE A.

All that piece or parcel of land situate in Regent Street in the Parish of Briton Ferry in the County of Glamorgan containing by admeasurement one rood and twenty-seven perches or thereabouts comprising the gasworks of the Council and coloured green on a plan which is sealed with the official seal of the Local Government Board and is deposited in their Office and a duplicate whereof sealed in like manner shall be deposited in the offices of the Briton Ferry Urban District Council within fourteen days from the date of this Order.

SCHEDULE B.

All that piece or parcel of land with the buildings thereon containing by admeasurement one rood and twenty-two perches or thereabouts forming part of Morfa Back fields in the Parish of Briton Ferry aforesaid abutting towards the north on lands belonging or reputed to belong to the Right Honourable the Earl of Jersey towards the east on a proposed new street and lands leased to Jacob Davies towards the south on Regent Street West and a reserved ten-foot roadway and towards the west on the lands described in the Schedule A. to this Order and coloured blue on the said plan and duplicate.

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.

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A.D. 1905.

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A.D. 1905.

*Briton Ferry
Order.*

SCHEDULE C.

All that piece or parcel of land containing by admeasurement one acre and twelve perches or thereabouts forming part of Morfa Back fields aforesaid abutting towards the north and west on lands belonging or reputed to belong to the said Earl of Jersey towards the east on the street known as Victoria Street and towards the south in part on lands belonging or reputed to belong to the said Earl of Jersey and in part on the lands described in the Schedules A. and B. to this Order and coloured pink on the said plan and duplicate.

Given under the Seal of Office of the Local Government Board this
Thirteenth day of May One thousand nine hundred and five.

(L.S.)

G. W. BALFOUR President.
S. B. PROVIS Secretary.

BOROUGH OF CLIFTON DARTMOUTH HARDNESS.

*Dartmouth
Order.*

*Provisional Order for partially repealing and altering a Local Act
of the 55th year of King George III. Chapter XXVIII.*

To the Mayor Aldermen and Burgesses of the Borough of Clifton
Dartmouth Hardness;—

And to all others whom it may concern.

WHEREAS the Borough of Clifton Dartmouth Hardness (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;

55 Geo. III.
c. xxviii.

And whereas the unrepealed provisions of a Local Act (herein-after referred to as "the Local Act") passed in the fifty-fifth year of the reign of His late Majesty King George the Third and intituled "An Act for building a Market House in the Borough of Clifton Dartmouth Hardness in the County of Devon and for better paving lighting widening and improving the streets and other Public Places within the said Borough" as altered by a Provisional Order (herein-after referred to as "the Order") which was confirmed by the Local Government Supplemental Act 1860 (No. 2) but which does not affect the subject-matter of this Order are in force in the Borough;

23 & 24 Vict.
c. 118.

And whereas by the Local Act provision was made with respect to the market (herein-after referred to as "the existing market") then proposed to be constructed by the Corporation the appointment of officers a weighing-house the levying of tolls the making of byelaws and other matters relating to the existing market;

A.D. 1905.

Briton Ferry
Order.

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[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

And whereas certain buildings used for market purposes have been erected upon the land described in the schedule to this Order and herein-after referred to as "the market site" and the Corporation propose to pull down the said buildings and to erect upon the market site a new market house and municipal and other buildings and it is expedient that such provision as is herein-after mentioned should be made with respect to the said proposals :

A.D. 1905.

—
Dartmouth
Order.

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 partially repealed and altered so that the following provisions shall take effect that is to say :—

38 & 39 Vict.
c. 55.

Art. I. Subject to the provisions of this Order—

Authorising
provision of
market house
town hall &c.

- (1) The market site shall be appropriated by the Corporation for the purposes of the Local Act as altered by this Order :
- (2) The Corporation may demolish any existing building upon the market site and may upon that site erect provide and furnish a new market house a town hall and any other building necessary or proper for any purpose of the borough and may provide and maintain in connexion therewith all suitable conveniences and accessories for market purposes and for purposes connected with the business of the Borough the Corporation and their officers and for other public or local purposes including meetings and assemblies and may maintain alter and improve any building so erected or provided and the said conveniences and accessories may include a refrigerator or cold-air store for the storage and preservation of marketable articles ice-making apparatus and such other apparatus as is necessary for the proper working of the said refrigerator cold-air store or ice-making apparatus :
- (3) The provisions of the Public Health Act 1875 with respect to markets and slaughter-houses and the enactments incorporated therewith and thereby rendered applicable to markets established or regulated in pursuance of that Act and herein-after referred to as the "incorporated enactments" shall with the necessary modifications apply and have effect in relation to any market belonging to the Corporation and to the new market house conveniences and accessories erected or provided in pursuance of this Article as if the said provisions of the Public Health Act 1875 and the incorporated enactments were herein re-enacted and in terms made applicable to the said market market house conveniences and accessories and as if in relation to the said market market house conveniences and accessories the Corporation had been empowered to do the things or any of the things mentioned in Section 166 of that Act.

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
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[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.

*Dartmouth
Order.*

Arrangements
pending com-
pletion of new
market.

Art. II.—(1) From and after the date at which in pursuance of the incorporated enactments the completion of the new market house is attested by the certificate of two justices Sections 5 to 14 of the Local Act shall subject to the provisions of this Order be repealed.

(2) The said sections and all other provisions of the Local Act with respect to the existing market shall apply and have effect with respect to that market so long as the market site is available for the purposes of the existing market and from and after the date at which the market site ceases to be available for the purposes of the existing market and until the completion of the new market house has been attested as aforesaid the said sections and provisions shall apply and have effect with respect to a temporary market held in some other suitable place within the Borough.

(3) A certificate under the hand of any two justices shall be conclusive evidence that the market site has ceased to be available for the purposes of the existing market and that another place is suitable for the holding of a temporary market and any such justices at the request of the Corporation shall sign the said certificate on proof of the facts to be attested by the certificate.

Restriction on
making and
sale of ice.

Art. III. The Corporation shall not cause or suffer to be produced at any one time by the ice-making apparatus a greater quantity of ice than will satisfy the actual requirements of every refrigerator or cold-air store which is at the time in use or which is likely to be used within the next twenty-four hours but where by reason of an unforeseen cause the quantity of ice produced by the ice-making apparatus is in excess of the said requirements and the Corporation cannot otherwise dispose of the surplus ice for market purposes they may sell the said surplus.

Tolls and
charges.

Art. IV.—(1) The tolls including the charges for weighing and measuring which in pursuance of the Local Act the Corporation are empowered to demand and take may be demanded and taken in respect of any market market house convenience or accessory to which this Order applies until the said tolls are changed in pursuance of this Order.

(2) For the purpose of enabling the Corporation to change the said tolls the provisions applied by this Order and the incorporated enactments shall apply and have effect as if those tolls were subject to change in pursuance of the said provisions and the incorporated enactments and as if the tolls to be demanded and taken in substitution were not subject to any limitation of amount by reason of the Local Act.

(3) The Corporation may demand and take in respect of the use of any refrigerator or cold-air store such charges as the Corporation determine.

Application of
corporate
moneys for
purposes of
this Order.

Art. V. Any purpose of this Order shall be deemed to be a purpose in respect of which the Corporation may in accordance with the provisions of the Municipal Corporations Act 1882 and the Acts amending or extending the same and as if the purpose were a purpose of those Acts defray out of the

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.

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(2) The said sections and all other provisions of the Local Act with respect to the existing market shall apply and have effect with respect to that market so long as the market site is available for the purposes of the existing market and from and after the date at which the market site ceases to be available for the purposes of the existing market and until the completion of the new market house has been attested as aforesaid the said sections and provisions shall apply and have effect with respect to a temporary market held in some other suitable place within the Borough.

(3) A certificate under the hand of any two justices shall be conclusive evidence that the market site has ceased to be available for the purposes of the existing market and that another place is suitable for the holding of a temporary market and any such justices at the request of the Corporation shall sign the said certificate on proof of the facts to be attested by the certificate.

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Art. III. The Corporation shall not cause or suffer to be produced at any one time by the ice-making apparatus a greater quantity of ice than will satisfy the actual requirements of every refrigerator or cold-air store which is at the time in use or which is likely to be used within the next twenty-four hours but where by reason of an unforeseen cause the quantity of ice produced by the ice-making apparatus is in excess of the said requirements and the Corporation cannot otherwise dispose of the surplus ice for market purposes they may sell the said surplus.

Tolls and
charges.

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(2) For the purpose of enabling the Corporation to change the said tolls the provisions applied by this Order and the incorporated enactments shall apply and have effect as if those tolls were subject to change in pursuance of the said provisions and the incorporated enactments and as if the tolls to be demanded and taken in substitution were not subject to any limitation of amount by reason of the Local Act.

(3) The Corporation may demand and take in respect of the use of any refrigerator or cold-air store such charges as the Corporation determine.

Application of
corporate
moneys for
purposes of
this Order.

Art. V. Any purpose of this Order shall be deemed to be a purpose in respect of which the Corporation may in accordance with the provisions of the Municipal Corporations Act 1882 and the Acts amending or extending the same and as if the purpose were a purpose of those Acts defray out of the

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

borough fund and borough rate any expenses which cannot be defrayed out of the tolls or other charges mentioned in this Order and appropriate capital moneys belonging to them and arising from the sale or exchange of corporate land or from the sale of securities in which investments of the proceeds of the sale or exchange of corporate land have been made by the Corporation in the matter of the said Acts.

A.D. 1905.

*Dartmouth
Order.*

Art. VI. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow on the security of the borough fund and borough rate sums not exceeding in the whole the sum of ten thousand pounds for the purposes of this Order.

Borrowing powers for purposes of this Order.

Art. VII. 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 Corporation 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.

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

Art. VIII. The moneys borrowed under this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation 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 borrowed moneys.

Art. IX.—(1) The Corporation 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 repayment.

(2) Subject to the provisions of Article X. of this Order if the Corporation 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.

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

borough fund and borough rate any expenses which cannot be defrayed out of the tolls or other charges mentioned in this Order and appropriate capital moneys belonging to them and arising from the sale or exchange of corporate land or from the sale of securities in which investments of the proceeds of the sale or exchange of corporate land have been made by the Corporation in the matter of the said Acts.

A.D. 1905.

*Dartmouth
Order.*

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Mode of repayment.

(2) Subject to the provisions of Article X. of this Order if the Corporation 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.

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.
—
Dartmouth
Order.

(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 Corporation the Corporation being at liberty from time to time to vary and transpose the investments.

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

(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 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 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 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 Corporation in addition to the payments provided for by this Order.

Increase
reduction or
discontinuance
of payments to
sinking fund.

Art. X. — (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 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

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.
—
Dartmouth
Order.

(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 Corporation the Corporation being at liberty from time to time to vary and transpose the investments.

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

(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 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 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 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 Corporation in addition to the payments provided for by this Order.

Increase
reduction or
discontinuance
of payments to
sinking fund.

Art. X. — (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 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

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

A.D. 1905.

*Dartmouth
Order.*

(2) If the Corporation 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 Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

(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 Corporation may with the consent of the Board discontinue the equal annual payments to the sinking fund until the Board 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 Corporation with the consent of the Local Government Board may determine.

Surplus of
sinking fund.

Art. XI. The Corporation 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 Corporation 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 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 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. XII. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Corporation 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 Corporation with the approval of the Local Government Board determine.

Application of
borrowed
moneys.

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

A.D. 1905.

*Dartmouth
Order.*

(2) If the Corporation 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 Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

(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 Corporation may with the consent of the Board discontinue the equal annual payments to the sinking fund until the Board 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 Corporation with the consent of the Local Government Board may determine.

Surplus of
sinking fund.

Art. XI. The Corporation 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 Corporation 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 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 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. XII. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Corporation 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 Corporation with the approval of the Local Government Board determine.

Application of
borrowed
moneys.

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.
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Dartmouth
Order.
Receiver.

Art. XIII.—(1) Subject to the provisions of this Article any mortgagee of the Corporation 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.

(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 more mortgagees to such applicants collectively be not less than five hundred pounds in the whole.

Return as to
provision for
repayment
of debt.

Art. XIV.—(1) The town clerk of the Borough 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 under this Order 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 town 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 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 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 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 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

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.
—
Dartmouth
Order.
Receiver.

Art. XIII.—(1) Subject to the provisions of this Article any mortgagee of the Corporation 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.

(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 more mortgagees to such applicants collectively be not less than five hundred pounds in the whole.

Return as to
provision for
repayment
of debt.

Art. XIV.—(1) The town clerk of the Borough 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 under this Order 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 town 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 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 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 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 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. A.D. 1905.
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Dartmouth
Order.

Art. XV. 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 the Board in relation to the inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in the inquiry) shall be paid by the Corporation 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 Corporation shall be a debt due to the Crown from the Corporation. Inquiries and
expenses.

Art. XVI. Except in any case to which Article XIV. of this Order relates offences against the provisions of the Local Act as altered by this Order or against any provisions applied by this Order or against the incorporated enactments and penalties expenses and charges imposed payable or recoverable under the said provisions or incorporated enactments or under any byelaw duly made and confirmed in pursuance thereof may be prosecuted and recovered in a summary manner and any person deeming himself aggrieved by any conviction or order made by a court of summary jurisdiction under the provisions of this Order may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts. Recovery of
penalties
forfeitures &c.
Appeal.

Art. XVII. This Order may be cited as the Dartmouth Order 1905. Short title.

The SCHEDULE above referred to.

All that piece or parcel of land situate at Victoria Road in the Borough of Clifton Dartmouth Hardness and belonging to the Corporation of the said Borough bounded on the north by the Market Square on the south by Victoria Road aforesaid on the east by Market Street and on the west by Charles Street and which said piece or parcel of land with the buildings erected thereon has now for many years been used as a market.

Given under the Seal of Office of the Local Government Board this
Sixth day of May One thousand nine hundred and five.

(L.S.)

G. W. BALFOUR President.
S. B. PROVIS Secretary.

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. A.D. 1905.
Dartmouth Order.

Art. XV. 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 the Board in relation to the inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in the inquiry) shall be paid by the Corporation 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 Corporation shall be a debt due to the Crown from the Corporation. *Inquiries and expenses.*

Art. XVI. Except in any case to which Article XIV. of this Order relates offences against the provisions of the Local Act as altered by this Order or against any provisions applied by this Order or against the incorporated enactments and penalties expenses and charges imposed payable or recoverable under the said provisions or incorporated enactments or under any byelaw duly made and confirmed in pursuance thereof may be prosecuted and recovered in a summary manner and any person deeming himself aggrieved by any conviction or order made by a court of summary jurisdiction under the provisions of this Order may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts. *Recovery of penalties forfeitures &c. Appeal.*

Art. XVII. This Order may be cited as the Dartmouth Order 1905. *Short title.*

The SCHEDULE above referred to.

All that piece or parcel of land situate at Victoria Road in the Borough of Clifton Dartmouth Hardness and belonging to the Corporation of the said Borough bounded on the north by the Market Square on the south by Victoria Road aforesaid on the east by Market Street and on the west by Charles Street and which said piece or parcel of land with the buildings erected thereon has now for many years been used as a market.

Given under the Seal of Office of the Local Government Board this
Sixth day of May One thousand nine hundred and five.

(L.S.)

G. W. BALFOUR President.
S. B. PROVIS Secretary.

A.D. 1905.

URBAN DISTRICT OF HORSFORTH.

*Horsforth
Order.*

*Provisional Order for altering the Horsforth Urban District
Council Waterworks Act 1899.*

To the Urban District Council of Horsforth ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Horsforth (herein-after referred to as "the Council") are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of Horsforth (herein-after referred to as "the district") and the provisions of the Horsforth Urban District Council Waterworks Act 1899 (herein-after referred to as "the Local Act") are in force in the district which includes the area of the Township of Horsforth ;

62 Vict. c. xix.
28 & 29 Vict.
c. lxxv.

And whereas by the Horsforth Waterworks Act 1865 the Horsforth Waterworks Company (herein-after referred to as "the Company") were incorporated and authorised to construct waterworks and supply water within the said Township and by the Horsforth Waterworks Act 1885 the Company were authorised to construct additional works ;

48 & 49 Vict.
c. clix.

And whereas by the Local Act the Council were empowered amongst other things to acquire the water undertaking of the Company and the said undertaking having been acquired by the Council all the powers rights privileges and authorities of the Company have under the provisions of the Local Act been transferred to and vested in the Council ;

And whereas the Council propose to construct additional works in connection with their water undertaking and to borrow money for those purposes and for defraying certain costs incidental to the acquisition of that undertaking by them and it is expedient that such provision in relation to those matters as well as for the purpose of enabling the Council to adopt precautions against the pollution or contamination of or other deterioration of the quality of the water supplied by them should be made as is herein-after mentioned :

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 enactments 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 :—

Application of
Public Health
Act 1875 to
water under-
taking.

Art. I.—(1) Subject to this Order the Local Act shall have effect as if such of the provisions of the Public Health Act 1875 and such of the enactments thereby applied or therein referred to as relate to water supply contracts purchase of lands and arbitration and as include Sections 285 and 308 and any other sections of the Public Health Act 1875 which are connected with incidental to or consequent upon the provisions herein-before

A.D. 1905.

URBAN DISTRICT OF HORSFORTH.

*Horsforth
Order.*

*Provisional Order for altering the Horsforth Urban District
Council Waterworks Act 1899.*

To the Urban District Council of Horsforth ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Horsforth (herein-after referred to as "the Council") are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of Horsforth (herein-after referred to as "the district") and the provisions of the Horsforth Urban District Council Waterworks Act 1899 (herein-after referred to as "the Local Act") are in force in the district which includes the area of the Township of Horsforth ;

62 Vict. c. xix.
28 & 29 Vict.
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And whereas by the Horsforth Waterworks Act 1865 the Horsforth Waterworks Company (herein-after referred to as "the Company") were incorporated and authorised to construct waterworks and supply water within the said Township and by the Horsforth Waterworks Act 1885 the Company were authorised to construct additional works ;

48 & 49 Vict.
c. clix.

And whereas by the Local Act the Council were empowered amongst other things to acquire the water undertaking of the Company and the said undertaking having been acquired by the Council all the powers rights privileges and authorities of the Company have under the provisions of the Local Act been transferred to and vested in the Council ;

And whereas the Council propose to construct additional works in connection with their water undertaking and to borrow money for those purposes and for defraying certain costs incidental to the acquisition of that undertaking by them and it is expedient that such provision in relation to those matters as well as for the purpose of enabling the Council to adopt precautions against the pollution or contamination of or other deterioration of the quality of the water supplied by them should be made as is herein-after mentioned :

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 enactments 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 :—

Application of
Public Health
Act 1875 to
water under-
taking.

Art. I.—(1) Subject to this Order the Local Act shall have effect as if such of the provisions of the Public Health Act 1875 and such of the enactments thereby applied or therein referred to as relate to water supply contracts purchase of lands and arbitration and as include Sections 285 and 308 and any other sections of the Public Health Act 1875 which are connected with incidental to or consequent upon the provisions herein-before

mentioned were with the necessary modifications re-enacted in the Local Act and in terms made applicable to the water undertaking as defined by the Local Act for the purpose of empowering the Council to acquire by agreement any lands or premises to construct maintain and improve works to make and carry into effect agreements with any persons for preventing the pollution or contamination of the water supply or of the sources of the water supply of the Council or otherwise to take such steps or to do such things as are necessary or expedient for protecting the works or the water supply or the sources of the water supply of the Council from nuisance or injury or for safeguarding the wholesomeness and obviating any deterioration of the quality of the said water supply and its sources.

A.D. 1905.

*Horsforth
Order.*

(2) All works executed all lands premises property rights and privileges acquired by vested in enjoyed by or attaching to the Council and all things done by the Council in pursuance of subdivision (1) of this Article and of the provisions and enactments which by virtue of that subdivision are made applicable to the water undertaking as defined by the Local Act shall notwithstanding anything in the said provisions enactments and subdivision be deemed where the circumstances so require to be included in the water undertaking as so defined and the Local Act shall apply and have effect accordingly.

Works lands
property &c.
to be deemed
part of water
undertaking.

Art. II. The Council may with the sanction of the Local Government Board for the purpose of paying the costs of the opposition by the Council to the Horsforth Waterworks Bill 1899 and the costs charges and expenses incidental to the acquisition of the water undertaking of the Company and to the transfer of that undertaking to the Council and for the purposes of their water undertaking borrow money upon the security of the revenue of their water undertaking and upon the security of the district fund and general district rate of the district or upon either of those securities.

Additional bor-
rowing powers
for water un-
dertaking and
other purposes.

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.

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 hereinafter 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 re-
payment of bor-
rowed money.

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

Mode of
repayment.

mentioned were with the necessary modifications re-enacted in the Local Act and in terms made applicable to the water undertaking as defined by the Local Act for the purpose of empowering the Council to acquire by agreement any lands or premises to construct maintain and improve works to make and carry into effect agreements with any persons for preventing the pollution or contamination of the water supply or of the sources of the water supply of the Council or otherwise to take such steps or to do such things as are necessary or expedient for protecting the works or the water supply or the sources of the water supply of the Council from nuisance or injury or for safeguarding the wholesomeness and obviating any deterioration of the quality of the said water supply and its sources.

A.D. 1905.

*Horsforth
Order.*

(2) All works executed all lands premises property rights and privileges acquired by vested in enjoyed by or attaching to the Council and all things done by the Council in pursuance of subdivision (1) of this Article and of the provisions and enactments which by virtue of that subdivision are made applicable to the water undertaking as defined by the Local Act shall notwithstanding anything in the said provisions enactments and subdivision be deemed where the circumstances so require to be included in the water undertaking as so defined and the Local Act shall apply and have effect accordingly.

Works lands
property &c.
to be deemed
part of water
undertaking.

Art. II. The Council may with the sanction of the Local Government Board for the purpose of paying the costs of the opposition by the Council to the Horsforth Waterworks Bill 1899 and the costs charges and expenses incidental to the acquisition of the water undertaking of the Company and to the transfer of that undertaking to the Council and for the purposes of their water undertaking borrow money upon the security of the revenue of their water undertaking and upon the security of the district fund and general district rate of the district or upon either of those securities.

Additional bor-
rowing powers
for water un-
dertaking and
other purposes.

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.

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 hereinafter 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 re-
payment of bor-
rowed money.

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

Mode of
repayment.

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905. fund or partly by one of those methods and partly by another or the others of them.

Horsforth
Order.

Formation
maintenance
and applica-
tion of sinking
fund.

(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—

(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.

(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

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

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Horsforth
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(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

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

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.

A.D. 1905.

Horsforth
Order.

(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.

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.

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

(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 to the sinking fund either temporarily or permanently to such an extent as the Board approve.

(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.

(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.

Power to re-
borrow.

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

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.

A.D. 1905.

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[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905. before the re-borrowing and which at the time of the repayment it was intended to re-borrow :

Horsforth
Order.

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.

Applications of
borrowed
moneys.

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.

Receiver.

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.

(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 more mortgagees to such applicants collectively be not less than five hundred pounds in the whole.

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 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

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
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Horsforth
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{5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

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 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.

A.D. 1905.

*Horsforth's
Order.*

(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.

Art. XI. 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 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 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.

*Inquiries and
expenses.*

Art. XII. This Order may be cited as the Horsforth Order 1905.

Short title.

Given under the Seal of Office of the Local Government Board this
Twelfth day of May One thousand nine hundred and five.

(L.S.)

G. W. BALFOUR President.
S. B. PROVIS Secretary.

{5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

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A.D. 1905.

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[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.

URBAN DISTRICT OF TEIGNMOUTH.

*Teignmouth
Order.*

Provisional Order for partially repealing and altering a Local Act of the sixth year of King William the Fourth Chapter lix. and a Confirming Act.

To the Urban District Council of Teignmouth ;—

And to all others whom it may concern.

WHEREAS the Urban District Council of Teignmouth (herein-after referred to as "the Council") are the Urban Authority within the meaning of the Public Health Act 1875 for the Urban District of Teignmouth (herein-after referred to as "the district");

6 Will. 4. c. lix.
22 & 23 Vict.
c. 11.
44 & 45 Vict.
c. xcix.
54 Vict. c. xxv.
63 & 64 Vict.
c. clxxvi.

And whereas the unrepealed provisions of a Local Act (herein-after referred to as "the Local Act") passed in the sixth year of the reign of His late Majesty King William the Fourth intituled "An Act for better paving " lighting watching and improving the Town of Teignmouth in the County " of Devon and for supplying the inhabitants thereof with water " as altered by a Provisional Order dated the Nineteenth day of July One thousand eight hundred and fifty-nine which was confirmed by the Local Government Supplemental Act 1859 (No. 2) Sections 2 and 3 of the Local Government Board's Provisional Orders Confirmation (Horfield &c.) Act 1881 a Provisional Order of the Local Government Board dated the Eleventh day of March One thousand eight hundred and ninety-one and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1891 and by the Teignmouth Order 1900 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1900 (which last-mentioned Order and Act are herein-after respectively referred to as "the Order of 1900 " and "the Confirming Act of 1900 ") are in force in the district and the Council or their predecessors were thereby empowered amongst other things to establish and carry on gas and water undertakings and to borrow money for those purposes ;

21 & 22 Vict.
c. 98.

And whereas the Local Government Act 1858 having been adopted by the Town of Teignmouth it was enacted by Section 5 of the Local Government Supplemental Act 1860 that the unrepealed parts of the Local Act should be incorporated with that Act as adopted in the said town ;

And whereas by virtue of Section 313 of the Public Health Act 1875 the Local Act is to be read as if those provisions of the Public Health Act 1875 which are applicable to purposes the same as or similar to those of the Local Government Act 1858 were substituted for the provisions of the latter Act ;

And whereas the Council and their predecessors have established and carry on a gas undertaking and a water undertaking and it is expedient that

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.

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And whereas the Council and their predecessors have established and carry on a gas undertaking and a water undertaking and it is expedient that

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

such provision as is herein-after set forth be made in relation to those undertakings to the Local Act as altered as aforesaid and to the Confirming Act of 1900 :

A.D. 1905.
 —
Teignmouth
Order.

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 enactments 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 by the Acts and Provisional Orders herein-before referred to and the Confirming Act of 1900 shall be partially repealed and altered so that the following provisions shall take effect that is to say :—

38 & 39 Vict.
 c. 55.

Art. I. In this Order unless the contrary intention appears—

Interpretation.

- (1) The expression "residual products" includes coke culm asphaltum pitch tar oil ammoniacal liquor or any other refuse or residual matter or thing produced in or resulting from the manufacture of gas :
- (2) The expression "gasworks" includes any building structure machinery apparatus or work constructed or provided for use in or for the purposes of any process or operation connected with the manufacture or storage of gas or the manufacture conversion preparation or storage of any residual products or otherwise for any purpose of the gas undertaking or of any powers or duties of the Council under this Order or under any enactment incorporated with and applied by this Order :
- (3) The expression "gas fittings" includes any meter engine oven stove range pipe or burner or any other apparatus appliance article or thing used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating and coking or for any other purpose for which gas can or may be used.

Art. II.—

Sections 32 33 35 40 46 47 48 50 to 55 57 58 63 65 to 76 107 108 109 and 199 of the Local Act and so much of the Confirming Act of 1900 as relates to the Teignmouth Order 1900 shall be repealed :

Repeal of part
 of Local Act
 and Confirm-
 ing Act of
 1900.

Section 36 of the Local Act except so far as that section relates to works in under across and along the beach of the sea or the River Teign shall also be repealed.

Art. III. Notwithstanding anything in the Public Health Act 1875 as applied to the purposes of the Local Act—

- (1) Any gasworks acquired by or vested in the Council and any expenditure incurred or money borrowed by them for the purposes of their gas undertaking shall be deemed to have been so acquired or to be so vested or to have been so incurred or borrowed under and by virtue of the Local Act :

Gas under-
 taking to be
 deemed to be
 under Local
 Act.

[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

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A.D. 1905.
 Teignmouth
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- (3) The expression "gas fittings" includes any meter engine oven stove range pipe or burner or any other apparatus appliance article or thing used or intended or adapted to be used in or in connexion with the supply or consumption of gas for the purposes of lighting motive power heating and coking or for any other purpose for which gas can or may be used.

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Gas under-
 taking to be
 deemed to be
 under Local
 Act.

[Ch. lxxxvi.] *Local Government Board's* [5 Edw. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.

*Teignmouth
Order.*

(2) The Council may not purchase otherwise than by agreement any lands for the purposes of their gas undertaking and the lands which in addition to those described in the schedule to this Order the Council may purchase by agreement for the said purposes shall not exceed three acres in area.

*Incorporation
of Acts.*

Art. IV. The provisions of the Gasworks Clauses Act 1847 (except Sections 30 to 38 43 and 45 to 47) and of the Gasworks Clauses Act 1871 (except Sections 8 24 to 27 Sections 29 and 35 and Schedule B thereof) shall for the purposes of this Order be incorporated with the Local Act and the said provisions of the Gasworks Clauses Acts as so incorporated shall have effect subject to the provisions of this Order and shall apply to any gasworks acquired by or vested in the Council under or by virtue of the Local Act or of this Order and to any gasworks constructed or provided under the authority of this Order.

*Construction
of works &c.*

Art. V.—(1) The Council may maintain repair renew and continue and from time to time construct extend enlarge and alter any gasworks upon the lands described in the schedule to this Order or subject to the provisions of this Order upon lands purchased in pursuance of this Order.

(2) Subject to the provisions of this Order the Council may manufacture supply and sell gas within the district for public and private purposes and may manufacture convert or prepare and sell any residual products.

*Council not to
manufacture
gas or residual
products ex-
cept on certain
lands.*

Art. VI.—(1) The Council shall not manufacture gas nor manufacture convert or prepare any residual products on any lands other than the lands described in the schedule to this Order.

(2) The Council shall not store gas or any residual products on any lands (other than the lands described as aforesaid) which shall be situated within three hundred yards of any dwelling-house without the previous consent in writing of the owner lessee and occupier of that dwelling-house.

*Supply of
fittings.*

Art. VII. The Council may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture any gas fittings and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting supply fixing setting up altering removing or re-fixing of the gas fittings and for securing their safety and (if the circumstances so require) their return to the Council as may be agreed upon between the Council and the person to or for whom the said gas fittings are sold let supplied fixed set up altered removed or re-fixed.

*Supply of gas
in bulk without
the district.*

Art. VIII. The Council may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the district to any other authority or company authorised to supply gas upon such terms and conditions as may from time to time be agreed upon and may exercise for that purpose the powers of the Gasworks Clauses Act 1847 with respect to the breaking up of streets:

Provided that nothing herein contained shall be construed as conferring any powers on the Council in relation to the laying down or placing of any

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Art. VII. The Council may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and re-fix but shall not manufacture any gas fittings and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting supply fixing setting up altering removing or re-fixing of the gas fittings and for securing their safety and (if the circumstances so require) their return to the Council as may be agreed upon between the Council and the person to or for whom the said gas fittings are sold let supplied fixed set up altered removed or re-fixed.

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Provided that nothing herein contained shall be construed as conferring any powers on the Council in relation to the laying down or placing of any

pipe or the breaking up of any road or street or the execution of any work beyond the limits of the district without the consent of the local authority in whose district the works are proposed to be laid down or placed or in which any road or street is proposed to be so broken up.

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Art. IX. The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing place herein-after mentioned a light equal in intensity to the light produced by fourteen sperm candles of six to the pound and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

Art. X. The Council shall within three months after the date of the Act of Parliament confirming this Order provide and maintain on the lands described in the schedule to this Order a suitable photometer and other necessary appliances for the purpose of testing the quality of the gas and shall at all times keep the same in proper order and repair.

Photometer to
be provided.

Art. XI. All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

Pressure.

Art. XII.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place to be provided by the Council as aforesaid and the burner to be used for testing the gas shall be either a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chimney (and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used) or such other burner as the Board of Trade may approve.

Testing place
and burner.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at the prescribed testing place or elsewhere not being the immediate approach to any railway bridge or railway station as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

Art. XIII. No penalty shall be incurred by the Council for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that the insufficiency defect or excess was produced by an unavoidable cause or accident.

No penalty
in case of
unavoidable
cause.

Art. XIV. The price to be charged by the Council for gas supplied by them to consumers shall not exceed four shillings and sixpence per one thousand cubic feet and so on in proportion for any less quantity supplied

Maximum
price.

pipe or the breaking up of any road or street or the execution of any work beyond the limits of the district without the consent of the local authority in whose district the works are proposed to be laid down or placed or in which any road or street is proposed to be so broken up.

A.D. 1905.

Teignmouth
Order.

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Photometer to
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Maximum
price.

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A.D. 1905. Provided nevertheless that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

Teignmouth Order.

Borrowing powers for gas undertaking.

Art. XV. Subject to the provisions of this Order the Council may with the sanction of the Local Government Board for the purposes of their gas undertaking and in addition to the sums already borrowed by them for those purposes borrow money upon the security of the revenue of their gas undertaking and upon the security of the district fund and general district rate of the district or upon either of those securities.

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

Art. XVI. 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.

Period for repayment of borrowed money.

Art. XVII. The money's 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.

Mode of repayment.

Art. XVIII.—(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.

Formation maintenance and application of sinking fund.

(2) Subject* to the provisions of Article XIX. 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—

(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

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Provisional Orders Confirmation (No. 13) Act, 1905.

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Teignmouth Order.

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(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.

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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.

Art. XIX.—(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.

Increase
reduction or
discontinuance
of payments
sinking fund.

(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

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.

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(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.

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Increase
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(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

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Order.*

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

(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.

*Surplus of
sinking fund.*

(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.

*Power to
re-borrow.*

Art. XX. 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 :

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.

*Application
of borrowed
moneys.*

Art. XXI. 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.

Receiver.

Art. XXII.—(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.

(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

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Order.*

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

(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.

*Surplus of
sinking fund.*

(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.

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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 :

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such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him :

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

Art. XXIII.—(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 or of money which in pursuance of Article III. of this Order is deemed to have been borrowed under and by virtue of the Local Act 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 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 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.

Return as to
provision for
repayment
of debt.

(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 Local Act 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.

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Order.

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

Art. XXIII.—(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 or of money which in pursuance of Article III. of this Order is deemed to have been borrowed under and by virtue of the Local Act 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 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 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.

Return as to
provision for
repayment
of debt.

(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 Local Act 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.

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

A.D. 1905.

*Teignmouth
Order.*

Application of
gas revenue.

Art. XXIV.—(1) All moneys from time to time received by the Council by way of revenue from their gas undertaking shall be applied for the following purposes:—

In payment of the gas establishment charges (that is to say) of the expenses properly chargeable to revenue of continuing conducting managing and maintaining the gasworks and the gas undertaking of the Council:

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of the gas undertaking:

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of the gas undertaking in accordance with the provisions applicable to the discharge of those moneys:

In setting apart if the Council think fit a yearly sum not exceeding ten pounds per centum of revenue for the purpose of forming a reserve fund to provide for the expenses attendant upon or occasioned by any sudden accident to the gasworks or any other extraordinary expenditure authorised by this Order. Provided that the reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (3) of Article XVIII. of this Order as to the sinking fund until it amounts according to the market price of the investments to the sum of one thousand pounds and that whenever the reserve fund amounts according to the market price of the investments to the sum of one thousand pounds the income therefrom shall be applied in the same manner as money received by the Council by way of revenue from the gas undertaking:

In payment if the Council think fit of the expenses of executing any permanent works authorised by this Order.

(2) The Council shall carry to the credit of the district fund of the district so much of any balance remaining in any year of the revenue arising from their gas undertaking as may in the opinion of the Council not be required for carrying on the gas undertaking and paying the current expenses connected therewith. Provided that no part of that revenue shall be carried to the credit of the district fund when the price of gas to private consumers exceeds three shillings and sixpence per one thousand cubic feet.

Water under-
taking to be
under Public
Health Act
1875.

Art. XXV. The Local Act shall have effect so as to provide that subject to this Order the water undertaking of the Council shall be carried on by them under and subject to the provisions of the Public Health Act 1875 as if that undertaking had been established by the Council under the powers of that Act.

Charge for
water supply to
fixed baths.

Art. XXVI.—(1) The Council may in addition to any water rate or water rent in respect of a supply of water for domestic purposes demand and take for a supply of water to a fixed bath on any premises such sum as is authorised for the time being by a scale of charges specified in an order made by the Local Government Board on the application of the Council.

[Ch. lxxxvi.] *Local Government Board's* [5 EDW. 7.]
Provisional Orders Confirmation (No. 13) Act, 1905.

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In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of the gas undertaking in accordance with the provisions applicable to the discharge of those moneys:

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In payment if the Council think fit of the expenses of executing any permanent works authorised by this Order.

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[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

(2) Every such scale shall fix the charges to be made by the Council in accordance with such rules as the scale prescribes in relation to the quantity of water to be supplied or the size of the bath its character and mode of use or supply or the period during which the supply is furnished and in relation to such other matters as in the opinion of the Local Government Board may properly be the subject of terms and conditions applicable to the said charges.

A.D. 1905.
—
Teignmouth
Order.

Art. XXVII. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order or of the Local Act 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 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.

Inquiries and
expenses.

Art. XXVIII. This Order may be cited as the Teignmouth Order 1905.

Short title.

The **SCHEDULE** above referred to.

A piece of land situate in the Parish of Bishopsteignton in the Rural District of Newton Abbot bounded on or towards the south and west respectively by the River Teign on or towards the north by the Great Western Railway Company's line and on or towards the east partly by the Great Western Railway Company's line and partly by the River Teign and containing an area of 3,412 square yards or thereabouts.

A piece of land situate in the Parish of Bishopsteignton in the Rural District of Newton Abbot bounded on or towards the south by the highway leading from Teignmouth to Newton Abbot on or towards the north by a pasture field the property of the Reverend George Comyns on or towards the west by a cartway leading to the said piece of land and to other land and on or towards the east by a pasture field the property of Messieurs Crompton and Company Limited.

Given under the Seal of Office of the Local Government Board this
Tenth day of May One thousand nine hundred and five.

(L.S.)

G. W. BALFOUR President.
S. B. PROVIS Secretary.

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ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

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[5 EDW. 7.] *Local Government Board's* [Ch. lxxxvi.]
Provisional Orders Confirmation (No. 13) Act, 1905.

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A.D. 1905.
—
Teignmouth
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