

A.D. 1906.

SCHEDULE.

CITY OF LINCOLN.

Lincoln Order. Provisional Order for altering the Lincoln Waterworks Act 1871 and the Local Government Board's Provisional Orders Confirmation (Aberavon &c.) Act 1880.

To the Mayor Aldermen and Citizens of the City of Lincoln ;—

And to all others whom it may concern.

34 & 35 Vict.
c. cxlix.

43 & 44 Vict.
c. lxxxvi.

WHEREAS the City of Lincoln (herein-after referred to as "the City") is an Urban Sanitary District of which the Mayor Aldermen and Citizens acting by the council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority and the unrepealed provisions of the Lincoln Waterworks Act 1871 (herein-after referred to as "the Local Act") as altered by a Provisional Order of the Local Government Board dated the Fifteenth day of April one thousand eight hundred and eighty which was confirmed by the Local Government Board's Provisional Orders Confirmation (Aberavon &c.) Act 1880 (which Order and Confirming Act are herein-after respectively referred to as "the Order" and "the Confirming Act") are in force in the City ;

And whereas by the Local Act the Lincoln Waterworks Company (herein-after referred to as "the Company") were authorised to construct additional waterworks and supply water within the limits defined by Section 8 of the Local Act to acquire additional lands and to borrow money for those purposes ;

21 & 22 Vict.
c. 98.

And whereas by virtue of the Local Act and of an agreement confirmed thereby the water undertaking of the Company including all their property effects rights powers and privileges acquired under the local Act or any previous Act relating to the Company or otherwise was transferred to and vested in the Corporation (then acting as the Local Board under and for the purposes of the Local Government Act 1858 and referred to in the Local Act as "the Local Board") ;

And whereas by Section 70 of the Local Act it was enacted that except as otherwise thereby provided on the transfer of the water undertaking the Public Health Acts should in relation to the Corporation acting as aforesaid and the powers by the Local Act conferred upon them be read and construed as though those powers had been conferred upon them by and the provisions of the Local Act with reference to those powers had been contained in the said Public Health Acts but that nothing in the said section

[6 EDW. 7.] *Local Government Board's* [Ch. cxxiii.]
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contained should be deemed to lessen or abridge any of their powers under the Public Health Acts to construct and maintain waterworks; A.D. 1906.
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And whereas by Section 71 of the Local Act the Corporation were empowered to borrow money for the purposes therein mentioned including the construction of any new waterworks which might be undertaken by the Corporation whether authorised by the Local Act or by the Public Health Acts;

And whereas by Section 81 of the Local Act provision was made with regard to the application of all rates and charges which might be received by the Corporation on account of the said water undertaking after its transfer to them as aforesaid;

And whereas by the Order the Local Act was altered so as to enable the Corporation subject to the sanction of the Local Government Board to borrow under the provisions of the Local Act for the purposes of the said water undertaking and of any new waterworks undertaken by the Corporation and for any other purposes connected with their waterworks further sums of money not exceeding in the whole the sum of fifty thousand pounds to be repaid within a period of fifty years from the time of the borrowing of the same;

And whereas the Corporation have accordingly been authorised to borrow for the said purposes certain sums including the sums of thirteen thousand five hundred pounds nine thousand five hundred and fifty pounds and four thousand pounds which sums are being repaid by the Corporation within ten years thirty years and ten years respectively from the respective times of borrowing or where those sums have been raised either wholly or in part by the issue of stock provision has been made for the redemption and extinction or purchase and extinction of the stock within those periods;

And whereas the Corporation propose to purchase additional lands to construct additional works in connection with their water undertaking and to borrow money for these purposes and it is expedient that such provision with respect to those matters as well as to the application of the Public Health Act 1875 to the water undertaking and to any new waterworks to be undertaken by the Corporation should be made as is herein-after mentioned:

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 and the Confirming Act so far as it relates to the Order shall be altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict.
c. 55.

Art. I.—(1) Subject to this Order Section 70 of 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 285 308 327 to 329 and 332 and any other sections of the Public Health Act 1875 which are connected with incidental to or consequent upon the Application of
Public Health
Act 1875 to
water under-
taking.

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provisions herein-before mentioned were with the necessary modifications and in particular with the substitution of references to the water limits of the Corporation for references to the district of a local authority re-enacted in the Local Act and in terms made applicable to the purposes of the water undertaking of the Corporation and of any new waterworks to be undertaken by the Corporation and as if the said purposes comprised the prevention of the pollution or contamination of the water supply or of the sources of the water supply of the Corporation and the protection of the water supply or the sources of the water supply of the Corporation from nuisance or injury.

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

(2) All works executed all lands premises property rights and privileges acquired by vested in enjoyed by or attaching to the Corporation and all things done by the Corporation 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 purposes therein mentioned shall notwithstanding anything in the said provisions enactments and subdivision be deemed where the circumstances so require to be included in the water undertaking of the Corporation and the Local Act shall apply and have effect accordingly.

Saving &c. provisions in Local Act.

(3) Nothing in this Article shall prejudicially affect the saving protection reservation confirmation or validation under the Local Act of any rights interests powers privileges authorities duties liabilities obligations claims or demands and in relation to any such saving protection reservation confirmation or validation the Local Act shall continue to operate as if this Order had not been made.

Alteration of Section 81 of Local Act.

Art. II. Section 81 of the Local Act shall have effect as if the words " or shall be applied otherwise for the public benefit of the inhabitants " of the district and the improvement of such district as the Local Board " shall from time to time think proper " were omitted from the paragraph numbered 4 in that section.

Art. III.—(1) The Order shall have effect—

Period for repayment of loans borrowed under the Order.

(i) As if subject to the provisions of this Article the periods of ten years thirty years and ten years from their respective times of borrowing were and had always been the periods within which the Corporation are and have been required to repay the said sums of thirteen thousand five hundred pounds nine thousand five hundred and fifty pounds and four thousand pounds or to make provision for the redemption and extinction or purchase and extinction of any Stock created and issued to raise the said sums respectively ; and

Powers of Local Government Board to fix or vary periods for repayment of moneys borrowed under the Order.

(ii) As if the Local Government Board were thereby empowered to determine the period not exceeding fifty years within which any sums which may be borrowed by the Corporation with the sanction of the Local Government Board in pursuance of the Order shall be repaid and to alter if they think fit

[6 EDW. 7.] *Local Government Board's* [Ch. cxxiii.]
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the period for the repayment of any sums borrowed or to be borrowed by the Corporation in pursuance of the Order whether by the creation and issue of stock or otherwise.

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(2) Nothing in this Article shall prejudicially affect any mortgage or other security which may have been given in respect of any moneys borrowed in pursuance of the Order or any contract or condition in relation to stock created and issued for raising those moneys or the rights or powers of any person under any such mortgage security contract or condition to enforce the same as if this Order had not been made.

Art. IV. The Corporation may with the sanction of the Local Government Board and subject to the provisions of this Order borrow upon the security of the revenue of their water undertaking and upon the security of the district fund and general district rate of the City or upon either of those securities such sums not exceeding in the whole the sum of two hundred thousand pounds as may be necessary for the purposes of that undertaking and of any new waterworks to be undertaken by the Corporation in addition to the sums which the Corporation were authorised to borrow by the Local Act and the Order for those purposes.

Additional borrowing powers for water undertaking.

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 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. VI. 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 money.

Art. VII.—(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 VIII. 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

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(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which 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 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. VIII.—(1) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to

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repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct. A.D. 1906.
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(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. IX. 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. X. 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 Application of
borrowed
moneys.

A.D. 1906. that moneys which may have been borrowed or re-borrowed in excess of
Lincoln Order. the amount required shall be applied in such manner as the Corporation with
the approval of the Local Government Board determine.

Receiver. Art. XI.—(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 the applicants collectively be not less than five hundred
pounds in the whole.

Return as to
provision for
repayment
of debt.

Art. XII.—(1) The town clerk 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 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

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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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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 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. XIV. The Order may be cited as the Lincoln Order 1880 this Order may be cited as the Lincoln Order 1906 and those Orders may be cited together as the Lincoln Orders 1880 and 1906.

Short titles.

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

(L.S.)

JOHN BURNS President.
S. B. PROVIS Secretary.

URBAN DISTRICT OF UTTOXETER.

Provisional Order for altering the Uttoxeter Water Act 1892.

*Uttoxeter
Order.*

To the Urban District Council of Uttoxeter; —

And to all others whom it may concern.

WHEREAS the Urban District Council of Uttoxeter (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 Uttoxeter (herein-after referred to as "the district") and the provisions of the Uttoxeter Water Act 1892 (herein-after referred to as "the Local Act") as altered by the Uttoxeter Order 1898 (herein-after referred to as "the Order") which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1898 are in force in the district;

55 & 56 Vict.
c. clxxxix.

61 & 62 Vict.
c. lxxxii.

And whereas by virtue of the Local Act and of the Order the powers rights duties capacities liabilities obligations and property therein described have for the purposes of the water undertaking thereby authorised and therein and herein-after referred to as "the water undertaking" passed to and became vested in the Council;

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And whereas in pursuance of the Local Act and of the Order the limits of the Local Act for the supply of water are the district;

And whereas the Council propose to purchase land to obtain a supply of water and to construct works for the purposes of improving the present water supply of the district and to borrow money for those purposes and it is expedient that for the aforesaid purposes certain provisions of the Public Health Act 1875 should be applied subject to any necessary amendment modification or adaptation of the Local Act and that such other provision 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 as altered by the Order shall be further 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 as altered by the Order 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 285 308 327 to 329 and 332 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 for the purpose of empowering the Council to purchase by agreement such additional lands or premises to obtain such an additional supply of water and to construct maintain and improve such additional works as are necessary or expedient for the improvement of the existing water supply of the district.

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

(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 shall notwithstanding anything in the said provisions enactments and subdivision be deemed where the circumstances so require to be included in the water undertaking and the Local Act as altered by the Order shall apply and have effect accordingly.

Additional bor-
rowing powers
for water
undertaking.

Art. II. The Council may with the sanction of the Local Government Board under and for the purposes of this Order in relation to their water undertaking and in addition to the sums which the Council were authorised to borrow by the Local Act as altered by the Order 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.

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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 fifty years from the date of borrowing as the Council with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order and of the Local Loans Act 1875.

Period for repayment of borrowed 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 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 VI. of this Order if the Council determine to repay by means of a sinking fund any moneys borrowed under this Order the sinking fund shall be formed and maintained either—

Formation maintenance and application of sinking fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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Uttoxeter
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 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 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.

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

Inquiries and
expenses.

Art. XI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of 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)

[6 EDW. 7.] *Local Government Board's* [Ch. cxxiii.]
Provisional Orders Confirmation (No. 11) Act, 1906.

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

A.D. 1906.

Uttoxeter
Order.

Art. XII. This Order may be cited as the Uttoxeter Order 1906 and the Order and this Order may be cited together as the Uttoxeter Orders 1898 and 1906.

Short titles.

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

(L.S.)

JOHN BURNS President.
S. B. PROVIS Secretary.

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