



CHAPTER cxxxix.

An Act to confirm a Provisional Order of the Local Government Board relating to the East Lancashire Sea Defence District. A.D. 1913.
[15th August 1913.]

WHEREAS the Local Government Board have made the Provisional Order 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 Order 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 Order as amended and set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in
schedule
confirmed.

2. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 15) Act 1913. Short title.

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SCHEDULE.

EAST LANCING SEA DEFENCE DISTRICT.

*East Lancing
Order.*

To the County Council of West Sussex;—

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

To the Urban District Council of Shoreham-by-Sea ;—

To the Rural District Council of Steyning West;—

To the owners of property in the East Lanc'ing Sea Defence District as herein defined;—

And to all others whom it may concern.

7 Geo. iv. c. x.

32 & 33 Vict.
c. cxxiv.

39 & 40 Vict.
c. cci.
54 & 55 Vict.
c. ccxi.

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as the Confirming Act of the year in which it was passed) and by certain other Provisional Orders confirmed by Parliament which do not affect the subject-matter of this Order;

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And whereas by the Local Act certain trustees appointed thereunder were authorised and required to build make repair and maintain certain sea defences for the protection of the lands referred to therein from encroachments and overflowing of the sea;

And whereas by the Order of 1869 it was provided that the powers of the said trustees should cease and that all the said powers which would not be affected by that Order should vest in and be exercised by the Worthing Local Board of Health (herein-after referred to as "the Local Board");

And whereas by the Order of 1869 as altered by the Order of 1876 the limits of the district of the Local Board for such of the purposes of the Local Act and the said Orders as related to sea defences were defined;

And whereas by the Order of 1891 the provisions defining the said limits were altered so as to provide that so far as might be necessary for the purposes of the Local Act and the Orders the Mayor Aldermen and Burgesses of the Borough of Worthing acting by the Council (being the successors of the Local Board and herein-after referred to as "the Corporation") should have and exercise the powers of an Urban Sanitary Authority over certain lands in the Parish of Lancing in the Administrative County of West Sussex which are coloured pink brown and green on the maps referred to in the Order of 1891 and were referred to in that Order as "the included area";

And whereas by the Order of 1891 provision was made for the constitution of a committee to exercise certain powers and perform certain duties in relation to the said lands coloured brown;

And whereas it was provided by the Order of 1891 that upon the fulfilment of certain conditions the lands coloured blue on the said maps should be deemed to be within the included area and should be subject to certain provisions of that Order with respect to the election of members of the said committee and the payment of the rates to be called Lancing Special Sea Defences rates and otherwise;

And whereas the said conditions have not been fulfilled and it is expedient that other provision should be made with regard to the protection from encroachments by the sea of the said lands coloured blue and certain lands adjacent thereto (all which lands are the lands coloured pink on the maps referred to in Article I. of this Order);

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And whereas it is proposed that the cost of the execution of the works which will be necessary for the purposes of this Order should be defrayed partly out of contributions to the fund to be established under this Order and partly out of the produce of a rate to be made and levied as herein provided and the County Council of West Sussex have agreed to make an annual contribution to such fund equivalent to the annual produce of such rate and the Seaside Land Company Limited have agreed to contribute to the said fund the sum of Five hundred pounds;

And whereas the Corporation have made application to the Local Government Board to repeal alter or amend the Local Act and the Confirming Acts in the manner herein-after set forth:

33 & 39 Vict.
c. 55.

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

Definitions.

Art. I. In this Order—

- (1) The expression “the appointed day” means the date of the Act of Parliament confirming this Order;
- (2) The expression “the Board” means the Local Government Board;
- (3) The expression “the Commissioners” means the Commissioners constituted by this Order;
- (4) The expression “the County Council” means the County Council of the Administrative County of West Sussex the expression “the Urban District Council” means the Urban District Council of Shoreham-by-Sea and the expression “the Rural District Council” means the Rural District Council of Steyning West;
- (5) The expression “the local authorities” means the County Council the Corporation the Urban District Council and the Rural District Council and the expression “local authority” means any one of the local authorities;
- (6) The expression “the maps” means the two maps each marked “Map of the East Lancing Sea Defence District” and sealed with the official seal of the Board;
- (7) The expression “the East Lancing Sea Defence District” includes the area comprised in the lands coloured pink on the maps and the bridge crossed by the main road

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between Brighton and Worthing and known as Norfolk Bridge with the approaches thereto; A.D. 1913.

(8) The expression "the point marked C" or "the point marked D" or "the point marked E" or "the point marked X" or "the point marked Y" (as the case may be) "on the maps" includes any point on a straight line drawn due north and south through the point marked C or the point marked D or the point marked E or the point marked X or the point marked Y (as the case may be) on the maps;

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(9) The expression "owner" has the same meaning as in the Public Health Act 1875 the expression "property" means all kinds of property for the time being assessable to any rate for the relief of the poor and the expression "the owners of property" means the owners of property in the East Lancing Sea Defence District except that in the case of any lease granted by a freeholder before the appointed day of lands other than the lands coloured blue on the map referred to in the Order of 1891 the rent reserved by such lease shall in no case be deemed to be a rackrent for the purpose of determining who is for the purposes of this Order the owner of the property comprised in such lease;

(10) The expression "the main road" means so much of the main road between Brighton and Worthing as lies within the East Lancing Sea Defence District;

(11) The expression "the First Schedule" means the First Schedule to this Order and the expression "the Second Schedule" means the Second Schedule to this Order.

Art. II. This Order shall come into operation from and after the appointed day. Date of operation:

Art. III. The Confirming Act of 1891 to the extent to which it confirms so much of the Order of 1891 as relates to the lands coloured blue on the maps referred to in that Order shall be repealed. Repeal.

Art. IV.—(1) For the purposes of this Order Commissioners shall be constituted who shall be a body corporate by the name of the East Lancing Sea Defence Commissioners having a perpetual succession and a common seal with power to hold lands for the purposes of its constitution without any licence in mortmain. Constitution of Commissioners.

(2) The number of the Commissioners shall be ten and of that number—

Four shall be elected by the owners of property;

Five shall be appointed by the County Council; and

One shall be appointed by the Corporation.

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 Period of
 office.

Art. V.—(1) Subject to the provisions of this Order the Commissioners from time to time to be elected or appointed under this Order shall be elected or appointed for a period of three years commencing on the first Monday in the month of August in the year One thousand nine hundred and thirteen and in every third year thereafter and ending on the first Monday in the month of August in the third year after the year in which they were elected or appointed.

(2) A Commissioner at or after the expiration of his term of office shall be eligible for re-election or re-appointment if otherwise qualified.

Disqualifica-
 tion.

Art. VI.—(1) A person shall be disqualified from being or continuing to be a Commissioner—

(a) In the case of a Commissioner appointed by the Corporation if he is not or ceases to be a member of the Corporation; and

(b) In the case of a Commissioner elected by the owners of property if he is not or ceases to be an owner of property in the East Lancing Sea Defence District.

(2) Section 46 of the Local Government Act 1894 shall apply to the Commissioners as if the Commissioners were members of a council of a district other than a borough.

Election of
 Commis-
 sioners by
 the owners
 of property.

Art. VII.—(1) The election of the Commissioners to be elected by the owners of property and all matters relating to the election shall be governed by the regulations contained in the First Schedule.

(2) The election other than an election to fill a casual vacancy shall be completed so that the result thereof may be ascertained not less than seven clear days before the first Monday in the month of August in the year in which the election is held and the returning officer shall notify in writing in the case of the election to be held in the year one thousand nine hundred and thirteen to the clerk of the County Council and in the case of every subsequent election to the clerk of the Commissioners the names address and occupation of each of the persons so elected.

Appointment
 of Commis-
 sioners by
 local autho-
 rities.

Art. VIII.—(1) Subject to the provisions of this Order the appointment of each of the Commissioners to be appointed by a local authority shall be made at the meeting of the local authority held next before the first Monday in the month of August in the year in which the appointment is to be made or if for any reason no appointment is made at that meeting then at a meeting to be held within such further period as the Board may allow Five days' previous notice in writing of the meeting shall be given to each member of the local authority by the clerk of the local authority.

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(2) Within seven days of the meeting at which the appointment was made the clerk of the local authority shall notify in writing in the case of the appointment to be made in the year one thousand nine hundred and thirteen to the clerk of the County Council and in the case of every subsequent appointment to the clerk of the Commissioners the names address and occupation of the person or persons so appointed.

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Art. IX. Any casual vacancy occurring in consequence of the death resignation or disqualification of a Commissioner shall be filled up by election or appointment (as the case may be) held or made as soon as practicable after the occurrence of the vacancy in the manner provided by this Order in the case of the triennial elections or appointments of Commissioners and the Commissioner so elected or appointed shall hold office for the remainder of the period for which he would have held office if he had been elected or appointed at the last previous triennial election or appointment of Commissioners:

Casual
vacancies.

Provided that nothing in this Order shall authorise or require an election to be held to fill a casual vacancy which occurs amongst the Commissioners elected by the owners of property within six months before the date fixed for the termination of the period of office of the said Commissioners and the vacancy shall be filled at the next triennial election.

Art. X.—(1) The first meeting of the Commissioners shall be held on such date and at such time and place as the County Council may appoint and the time and place so appointed shall be notified by the clerk of the County Council to each of the Commissioners.

Meetings and
procedure.

(2) The subsequent ordinary meetings of the Commissioners shall be held at such times and places as the Commissioners may appoint.

(3) An extraordinary meeting shall be summoned by the clerk of the Commissioners when a requisition for that purpose is addressed to him in writing by the chairman of the Commissioners or by any three Commissioners.

(4) At all meetings of the Commissioners three Commissioners shall constitute a quorum.

(5) Subject to the provisions of this Order the meetings of the Commissioners shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in Schedule I. of the Public Health Act 1875 (as amended by subsequent legislation) as if the Commissioners were a Joint Board.

Art. XI.—(1) The Commissioners shall at their first meeting or at an adjournment thereof and thereafter as occasion requires appoint a

Officers.

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A.D. 1913. chairman (who shall subject to the provisions of this Order continue
East Lancing chairman for such period not exceeding three years as may be deter-
Order. mined by the Commissioners at the time of his appointment) a treasurer
a clerk and an auditor and they may appoint such other officers and
servants as they think requisite The Commissioners may pay their
treasurer clerk auditor and other officers and servants such reasonable
remuneration as they deem expedient and every such treasurer clerk
auditor and other officer or servant shall be removable by the Commis-
sioners at their pleasure.

(2) The provisions contained in Sections 193 to 196 of the Public
Health Act 1875 as amended by the Public Health (Officers) Act
1884 and by Section 2 of the Public Health (Members and Officers)
Act 1885 shall apply to any officers or servants appointed by the
Commissioners as if those provisions were re-enacted in this Order
and in terms made applicable.

Offices. Art. XII. The Commissioners may provide and maintain such
offices as may be necessary for transacting their business and that of
their officers and servants under this Order.

Construction Art. XIII.—(a) The purposes for which the Commissioners are
&c. of sea constituted are the construction reconstruction restoration repair and
defences maintenance of defences against encroachment by the sea on so much
by Commis- of the seashore beach and foreshore as extends from the point marked C
sioners. to the point marked E on the maps and any defences which may be
necessary to prevent the sea breaking through overflowing or perco-
lating on to or through the main road and to prevent the River Adur
breaking through or overflowing any of the lands comprised in the
East Lancing Sea Defence District and subject to the provisions of
Article XXIV. of this Order the Commissioners shall be and are hereby
empowered to execute all such works and do all such things as in
their opinion may be necessary for those purposes.

(b) If at any time any owner or owners of property liable to be
rated under this Order of the rateable value or the aggregate rateable
value of not less than three hundred pounds represent to the
Board that in consequence of the failure of the Commissioners to exercise
their powers under this Order or in consequence of the manner in which
such powers are being exercised adequate defence against encroachment
by the sea is not being afforded to any portion of the East Lancing
Sea Defence District the Board may after making such investi-
gations as they think fit make such Order in relation thereto as
they may deem desirable and the Commissioners shall duly exercise
their said powers in such manner as the Board may by any such
Order direct 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. XIV.—(1) The Commissioners shall pay or repay to any person any expenses incurred by him from and after the Thirtieth day of April one thousand nine hundred and twelve (otherwise than by way of a contribution under subdivision (1) of Article XX. of this Order) in the construction reconstruction restoration repair and maintenance of any defences which can properly be incorporated in and form part of such works as the Commissioners are by this Order authorised to execute against encroachment by the sea on so much of the seashore beach or foreshore as is specified in Article XIII. of this Order or encroachment by the sea on the main road or the fence or embankment on the south side of the main road :

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 Works may
 be taken over.

Provided that no such expenses shall be paid or repaid by the Commissioners until the expiration of thirty days after public notice shall have been given by them in some newspaper circulating in the district of the application to them for such payment or repayment and if any question shall arise between the Commissioners and the persons by or on whose behalf such application is made whether any such expenses were incurred for works which can properly be so incorporated as aforesaid or if within such thirty days any owner or owners of property liable to be rated under this Order of the rateable value or the aggregate rateable value of not less than three hundred pounds shall give notice in writing to the Commissioners objecting to such payment or repayment then every such question or objection shall be referred to arbitration under the Arbitration Act 1889 the arbitrator being appointed by the Board unless otherwise agreed by the parties concerned.

(2) No payment or repayment shall be made under the provisions of this Article in respect of expenses incurred for works executed after the first meeting of the Commissioners otherwise than in accordance with plans approved by them except works then in progress in accordance with plans previously approved by the engineer of the County Council.

Art. XV. Subject to the provisions of Article XXV. of this Order the Commissioners may enter upon take and use for the purposes of the works which they are by this Order empowered to execute any part of the seashore beach or foreshore between the points marked C and E on the maps or any land on the south side of the main road over which the tide flows or reflows or which is unoccupied or covered with shingle or sand :

Provided that the Commissioners shall not be empowered to remove any shingle sand beach flints or marl from that part of the seashore beach or foreshore which extends from the point marked C to the point marked D on the maps.

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A.D. 1913. Art. XVI.—(1) The Commissioners in addition to any part of the
East Lancing seashore beach or foreshore which they are by this Order empowered
Order. to enter upon take and use may from time to time with the consent
 Acquisition of the Board acquire by agreement for the purposes of this Order either
 of land &c. by by way of purchase or otherwise any land seashore beach or foreshore
 agreement. or any right easement or privilege in over under upon or in respect
 of any land seashore beach or foreshore.

(2) For the purposes of this Article the provisions of the Lands
 Clauses Acts (except with respect to the purchase and taking of lands
 otherwise than by agreement and with respect to the entering upon
 lands by the promoters of the undertaking and except Section 127 of
 the Lands Clauses Consolidation Act 1845) shall be incorporated with
 and form part of this Order.

Disposal of (3) The Commissioners may with the consent of the Board sell or
 land &c. not otherwise dispose of or may let without that consent to such person
 required for in such manner and for such consideration and on such terms and
 purposes of conditions as they think fit any land seashore beach or foreshore or
 this Order. any right easement or privilege acquired by them under this Article
 and not required for the purposes of this Order.

East Lancing Art. XVII. Any expenses which may be incurred by the Com-
Sea Defence missioners under this Order shall be defrayed out of a Fund established
Fund. for that purpose and called "the East Lancing Sea Defence Fund"
 into which shall be paid any moneys which may be received by the
 Commissioners under this Order including the produce of any rate
 made and levied by them thereunder and the treasurer of the
 Commissioners shall open and keep an account called "the East
 Lancing Sea Defence Fund Account" of all moneys carried to the
 credit of the said fund.

East Lancing Art. XVIII.—(1) For the purpose of defraying any expenses incurred
Sea Defence by them in the execution of their powers and the performance of their
rate. duties under this Order the Commissioners shall from time to time
 as occasion may require make by writing under their common seal and
 levy a rate or rates to be called "East Lancing Sea Defence rates."

(2) The said rate or rates shall be made and levied on the owners
 of property and shall be assessed on the rateable value of the property
 ascertained by the valuation list for the time being in force:

Provided that—

(a) No such rate or rates levied for any one year in respect of
 any property (other than Norfolk Bridge and its
 approaches and so much of the lands coloured blue on
 the maps referred to in the Order of 1891 as shall not

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for the time being consist of houses shops or farm-buildings with the yards outbuildings and gardens (not being market gardens) appurtenant thereto) shall exceed an amount equivalent to three shillings and fourpence in the pound calculated on such rateable value ;

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- (b) No such rate or rates levied for any one year in respect of Norfolk Bridge and its approaches and so much of the lands coloured blue on the said maps as shall not for the time being consist of houses shops or farm buildings with the yards outbuildings and gardens (not being market gardens) appurtenant thereto shall exceed an amount equivalent to ten shillings in the pound calculated as aforesaid ;
- (c) All property shall be liable to be rated equally up to an amount equivalent to three shillings and fourpence in the pound calculated as aforesaid ; and
- (d) Where any such rate is assessable on the rateable value of part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole hereditament.

(3) For the purpose of making assessing levying and recovering the said rate or rates the Commissioners shall subject to the provisions of this Order have all the powers and duties which they would have with regard to the making assessing levying and recovering general district rates under the Public Health Act 1875 if they were an urban authority within the meaning of that Act and the East Lancashire Sea Defence District were the district of the urban authority :

Provided as follows viz. :—

- (a) Section 211 of the Public Health Act shall not apply to such rate ; and
- (b) In the case of any lease granted by a freeholder before the appointed day if the tenant under such lease or any other person on his behalf or under any contract with him shall pay the rate in respect of the property comprised in such lease then notwithstanding any agreement to the contrary contained in such lease the tenant thereunder may deduct from his rent in the same manner as income tax may be deducted a sum equal to one-third part of the amount of the rate so paid except that if such one-third part exceeds three-fifths of what the rate would have amounted to if calculated upon the rent reserved by the lease instead of upon the rateable value of the property the sum which the tenant may deduct as aforesaid shall be reduced to a sum equal to three-fifths of

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what the rate would have amounted to if so calculated as aforesaid and any person entitled to claim a deduction from his rent under this clause shall if the rate shall have been paid by an under-tenant by virtue of the terms of his under-tenancy allow a deduction of equal amount to be made out of the rent payable in respect of such under-tenancy notwithstanding any agreement made before the appointed day to the contrary.

(4) Every rate or assessment made under this Order shall be entered in a book provided for that purpose and shall be open to inspection by any person interested in or assessed to the rate and the production of the book purporting to contain any rate or assessment made under this Order (if such rate or assessment bear the seal of the Commissioners of which no proof other than the production of the book shall be necessary) shall without any other evidence whatever be received as *prima facie* evidence of the making and validity of the rate mentioned therein.

Commis-
sioners may
borrow.

Art. XIX. The Commissioners may with the sanction of the Board borrow upon the security of the East Lancing Sea Defence Fund and the East Lancing Sea Defence rates any moneys which may from time to time be required for defraying such of the expenses incurred by the Commissioners under this Order as in the opinion of the Board should be defrayed out of borrowed moneys and the provisions contained in the Second Schedule shall apply to any sums borrowed under this Article.

Contribu-
tions by local
authorities.

Art. XX.—(1) The County Council may and as hereinafter provided shall and any urban rural local or other authority may from time to time contribute towards the cost of any of the works which may be executed by the Commissioners under this Order or of any works which can properly be incorporated in and form part of any such works or towards the repayment of any moneys payable by the Commissioners in respect of moneys borrowed by them for the purposes of this Order.

(2) The amount of the contributions to be made by the County Council shall in each year be not less than the amount received by the Commissioners from the East Lancing Sea Defence rates.

(3) The amount of any contribution so made by a local authority shall be defrayed in the case of a contribution by the County Council as expenses incurred for general county purposes in the case of a contribution by the Corporation or the Urban District Council as expenses incurred for the purposes of the Public Health Act 1875 and in the case of a contribution by the Rural District Council as part of their general expenses under that Act.

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Art. XXI. The County Council may lend to the Commissioners or to any local authority any moneys which the Commissioners or the local authority are authorised to borrow in pursuance of this Order and subsection (2) of Section 12 of the Local Government Act 1894 and the Order made by the Board thereunder and dated the Fifth day of November One thousand eight hundred and ninety-five shall apply as if for references therein to a parish council there were substituted references to the Commissioners or to the local authority as the case may be.

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 Loans by
 County
 Council.

Art. XXII.—(1) The accounts of the Commissioners and of their officers and servants shall be made up yearly to such date as the Commissioners may appoint and shall be submitted with the necessary vouchers and papers to the auditor appointed by the Commissioners.

Audit.

(2) The auditor shall audit the said accounts and within fourteen days after the completion of the audit shall report on the accounts audited and examined and shall deliver the report to the clerk of the Commissioners who shall cause the same to be deposited in their office.

(3) The said accounts and report and all minute books of the Commissioners shall at all reasonable times be open to inspection and transcription without payment by any of the owners of property or by any member of a local authority or by any officer of a local authority authorised by the local authority for that purpose.

Art. XXIII. Subject to the provisions of Article XV. of this Order no person shall remove or cause to be removed any shingle sand beach flints or marl from any part of the seashore beach or foreshore extending from the point marked C to the point marked E on the maps otherwise than for the purpose of such construction reconstruction restoration repair or maintenance as is mentioned in Article XIV. of this Order:

Prohibition
 of removal
 of shingle &c.

Provided that nothing in this Article shall affect the continuance exercise or enjoyment of any right or privilege exerciseable by any person or persons over that part of the seashore beach or foreshore which extends from the point marked X to the point marked Y on the maps but nothing in this Order shall be deemed to recognise or confirm any right or privilege over the portion of the seashore beach or foreshore extending from the point marked X to the point marked Y on the said maps but the right and title to the same shall remain in the same state as if this Order had not been made.

Art. XXIV. Subject to the provisions of this Order any of the works authorised by this Order to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced

Works below
 high-water
 mark to be
 subject to
 approval of
 Board of
 Trade.

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A.D. 1913. have been approved by the Board of Trade in writing under the hand of
East Lancing one of the secretaries or assistant secretaries of the Board of Trade.
Order.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this Article the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

Crown rights. Art. XXV. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Saving for existing covenants &c. Art. XXVI. Except as provided by Article XVIII. (3) of this Order nothing in this Order shall alter or affect any lease contract covenant or agreement made or entered into between the landlord and tenant or the vendor and purchaser of any premises.

Deposit of maps. Art. XXVII.—(1) One of the maps shall be deposited in the office of the Board and the other shall be deposited in the office of the Commissioners.

Copies of map to be evidence. (2) Copies of or extracts from the map deposited with the Commissioners certified by the clerk of the Commissioners to be true shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the contents of the map so far as it relates to the area or points defined by this Order and the map shall at all reasonable times be open to inspection by any owner of property in the East Lancing Sea Defence District and any such person shall be entitled to a copy of or extract from the map certified by the clerk of the Commissioners to be true on payment of a reasonable fee to be determined by the Commissioners. All fees so received shall be carried to the credit of the East Lancing Sea Defence Fund.

Compensation. Art. XXVIII. Where any person sustains any damage by reason of the exercise by the Commissioners of any of their powers under this Order in relation to any matter as to which he is not himself in

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default full compensation shall be made to him by the Commissioners and any dispute as to the fact of damage or the amount of compensation shall be settled by arbitration in manner provided by the Arbitration Act 1889 Provided that the arbitrator if not agreed upon between the parties shall be appointed by the Board.

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Art. XXIX. In case of difference respecting any matter arising out of the provisions of this Order (except in any case otherwise herein provided for) the difference may on the application of all the parties affected be referred to the Board for determination otherwise than as arbitrators and the Board may by Order determine the difference and their determination shall be final and conclusive.

Determina-
tion of dif-
ferences.

Art. XXX. If owing to exceptional circumstances it is expedient to vary any of the times and dates fixed by this Order and by the regulations in the First Schedule the County Council may substitute for the said times and dates in any particular year such other times and dates as may appear to them to be suitable and in connexion therewith may modify or vary the said regulations.

Power of
County
Council to
vary dates.

Art. XXXI. The County Council may from time to time appoint out of their own body one or more Committees to exercise any of the powers or perform any of the duties of the County Council under this Order which in the opinion of the County Council may properly be exercised or performed by Committees but the acts of every such Committee shall unless the County Council otherwise direct be submitted to the County Council for their approval.

Committees
of County
Council.

Art. XXXII. The Commissioners shall forthwith consider with such advice as they consider expedient to what extent the removal of shingle sand beach flints and marl from the seashore beach or foreshore extending from the point marked X to the point marked Y on the maps facilitates or increases encroachments by the sea on any part of the East Lancing Sea Defence District or is likely to injure sea defences already erected or hereafter to be erected under the powers of this Order and shall report the result of their consideration to the Board within twelve months from the date of this Order and the Commissioners shall take such steps (if any) as the Board shall direct on consideration of such report.

Removal of
shingle &c.

If the Commissioners shall fail to make such report as aforesaid or if any owner or owners of property liable to be rated under this Order of the rateable value or the aggregate rateable value of not less than three hundred pounds shall be dissatisfied with such report or if at any time such owner or owners as aforesaid shall prove to the satisfaction of the Board that owing to altered circumstances the removal of such shingle sand beach flints and marl from the said portion of the said seashore beach or foreshore facilitates or increases

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A.D. 1913. encroachments by the sea on any part of the East Lancing Sea
East Lancing Defence District or is likely to injure sea defences already erected
Order. or hereafter to be erected under the powers of this Order the Board
may on the request of such owner or owners make such investigation
as the circumstances may require and give such directions as they
think expedient.

Costs of this Art. XXXIII. All costs charges and expenses preliminary to and of
Order may and incident to the obtaining of this Order or otherwise in relation
be paid by thereto including the costs charges and expenses of the opposition to
Commissioners. this Order of (a) James Martin Carr Lloyd not exceeding two hundred
and twenty-five pounds (b) Henry Smith and Frank Dean not
exceeding fifty pounds and (c) Stephen Easter not exceeding twenty-
five pounds shall be paid by the Commissioners out of the East
Lancing Sea Defence Fund.

Inquiries and Art. XXXIV. Where the Board cause any local inquiry to be held
expenses. 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 Commissioners 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 Commissioners shall be a debt due to
the Crown from the Commissioners.

Short title. Art. XXXV. This Order may be cited as the East Lancing Sea
Defence Order 1913.

The **SCHEDULES** above referred to.

THE FIRST SCHEDULE.

REGULATIONS FOR ELECTION OF COMMISSIONERS BY OWNERS OF PROPERTY.

Qualification of Electors and Scale of Voting at Elections.

1. In this schedule the expression "owner" means any one of the owners of property as defined by Article I. of this Order.

2. No owner shall be entitled to vote or to have a voting paper delivered to him or to his proxy at any election unless the name of the owner and in the case of an owner who is a nominee appointed under clause 4 of this schedule the names or description of the person or persons by whom he was appointed is or are on the register of owners entitled to vote at that election.

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3. Every owner whose name is on the register shall be entitled to vote in accordance with the following scale that is to say:—

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If the property in respect of which the person is entitled to vote is rated to the poor rate on a rateable value of less than fifty pounds he shall have one vote if such rateable value amounts to fifty pounds and is less than one hundred pounds he shall have two votes if it amounts to one hundred pounds and is less than one hundred and fifty pounds he shall have three votes if it amounts to one hundred and fifty pounds and is less than two hundred pounds he shall have four votes if it amounts to two hundred pounds and is less than two hundred and fifty pounds he shall have five votes and if it amounts to or exceeds two hundred and fifty pounds he shall have six votes:

Provided that in no case shall an owner be entitled to give to any one candidate more than the number of votes according to the above scale.

4.—(a) Where a corporation aggregate a joint stock or other company or any body of proprietors undertakers commissioners or trustees or any guardian trustee or committee (of the estate) of a lunatic or idiot are or is the owner of any property within the East Lancing Sea Defence District or where two or more persons are owners of any such property as joint tenants co-parceners or tenants in common in undivided shares such owners shall nominate in writing some one person who shall be deemed to be the owner of such property on his or their behalf for the purposes of this schedule and in the case of any corporate body such nomination shall be made under their corporate seal and in the case of persons who are joint tenants co-parceners or tenants in common in undivided shares the nominee shall be one of such persons.

(b) The appointment of a nominee shall be sent to the returning officer at such time and place as is specified in the notice referred to in clause 8 of this schedule.

Returning Officer.

5.—(a) The returning officer for the purposes of the election to be held in the year One thousand nine hundred and thirteen shall be the chairman of the county council or some person appointed by him and for the purposes of every subsequent election the Commissioner who holds or last held the office of chairman of the Commissioners or failing him such person as the Commissioners may appoint.

(b) The Commissioners or (in case of the first election) the returning officer shall before or during the election appoint a competent number of persons to assist the returning officer in conducting and completing the same.

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Formation and Revision of Register.

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Order.*

6. The returning officer shall in the year 1913 and in every third year thereafter cause to be prepared a register of owners entitled to vote at elections of Commissioners (herein-after referred to as "the register") and shall prescribe a form of claim (herein-after referred to as "the prescribed form") for use by persons claiming to be entitled to vote at such elections.

7. The returning officer shall enter in the register—

- (a) a description of every hereditament or part of a hereditament assessable to the East Lancing Sea Defence rates ;
- (b) the rateable value of the hereditament or the part of the hereditament ;
- (c) the names and address of the person entitled to vote in respect of the hereditament or the part of the hereditament and the number of votes to which he is entitled ; and
- (d) if the person entitled to vote is a nominee appointed under clause 4 of this schedule the names or description and address of each of the persons by whom he was appointed.

8. For the purposes of the preparation and revision of the register the returning officer shall not later than the Fourteenth day of May in each year of revision publish by advertisement in each of two successive weeks in one or more of the local newspapers circulating in the East Lancing Sea Defence District a notice fixing the times and place at which—

- (a) claims of owners in the prescribed form and instruments appointing nominees in pursuance of clause 4 of this schedule will be received ;
- (b) copies of the prescribed form may be obtained and a copy of the Act of Parliament confirming this Order may be inspected ;
- (c) the register may be inspected ;
- (d) objections by owners to any of the particulars entered in the register will be accepted provided that a copy of the objection is sent to the owner affected thereby ;
- (e) objections will be heard and the final revision of the register will be made.

9. The returning officer shall cause the register to be revised by comparison with the valuation lists for the time being in force and by such other means as he may think fit and shall cause the register

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxxix.]
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as so revised to be open for inspection by every owner or duly authorised agent of an owner during such hours in each of six consecutive days (the first of such days to be not later than the Thirty-first day of May) as he may appoint. A.D. 1913.
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Order.

For the purposes of the preparation and revision of the register any person appointed by the Returning Officer may inspect take copies of or make extracts from any valuation list of any Parish wholly or partly comprised in the East Lancing Sea Defence District.

10. Any owner whose name is not entered on the register may not less than three clear days before the first day to be fixed for making objections send in a claim in the prescribed form. The returning officer shall cause such claims to be open for inspection by any owner or authorised agent of an owner for three consecutive days prior to the last day fixed for making objections.

11.—(1) Any owner himself claiming to be entitled to vote at the election may send to the returning officer on or before the time specified in the notice an objection to any particulars entered on the register or to any claim made under clause 10 of this schedule.

(2) An owner making an objection shall at the same time send a copy of his objection to the owner affected thereby.

12. The returning officer shall appoint a day or days the first of such days not being earlier than the third day after the last day on which objections will be accepted for hearing objections for hearing claims provisionally disallowed by the returning officer and for final revision of the register.

13. The returning officer shall determine the validity of any claim or objection or any entry on the register and for that purpose may call for such evidence as he may think fit.

14. The returning officer shall revise the register in accordance with the facts which may be proved to his satisfaction and his decision shall be final and conclusive on all parties.

15. The returning officer shall sign the register so revised by him and the register so revised and signed shall be the register of owners entitled to vote at any election held before the completion of the next revision of the register.

Nomination and Election of Members.

16. In every year in which an election is to be held the returning officer shall after the close of the revision of the register but not less than fourteen days before the last day appointed for delivery to him of nomination papers publish by advertisement in

[Ch. cxxxix.] *Local Government Board's* [3 & 4 GEO. 5.]
Provisional Order Confirmation (No. 15) Act, 1913.

A.D. 1913. each of two successive weeks in one or more of the local newspapers
East Lancing circulating in the East Lancing Sea Defence District a notice signed
Order. by him and specifying—

The number of the persons to be elected;

The place and times at which the nominations and instruments appointing proxies are to be delivered or sent to him;

The day or days on which the voting papers in case of a contest will be sent out and the day on or before which and the place to which and the manner in which they are to be returned; and

The place for the examination and for the casting up of the votes;

and shall also cause copies of such notice to be delivered or sent to every person entitled to vote at the address entered in the register.

17. Any person entitled to vote at an election may give his vote either personally or by proxy and every proxy shall be appointed under the hand of the appointor but shall not be entitled to vote unless the instrument appointing him was delivered or sent to the returning officer at the place and time specified in the notice referred to in clause 16 of this schedule.

18. Any owner entitled to vote at an election may nominate for the office of Commissioner himself or any other owner or owners not exceeding the number to be elected.

19. Every such nomination shall be in writing and shall state the names address and occupation of each person nominated and shall be signed by the nominator. The returning officer shall decide in each case whether the nomination is valid and shall send notice of his decision (by post or otherwise) to the person nominated. A person shall not be deemed to have been nominated unless the returning officer decides that the nomination is valid.

20. Any person nominated may withdraw from his candidature by giving notice to that effect signed by him to the returning officer not less than two clear days before the day for sending out the voting papers in the case of a contest.

21. If the number of persons nominated who have not withdrawn from their candidature is the same as or less than the number to be elected those persons (if duly qualified) shall be deemed and shall be certified by the returning officer under his hand to be elected.

22. If the number of persons nominated who have not withdrawn from their candidature exceeds the number to be elected the returning officer shall cause voting papers to be prepared and shall insert therein the full names and addresses of the persons nominated who have not

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxxix.]
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withdrawn from their candidature in the alphabetical order of the surnames of such persons. A.D. 1913.

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Order.*

23. The returning officer shall not less than seven days before the last day on which the voting papers are to be returned to him cause a voting paper to be delivered to each person entitled to vote at the election and shall insert in the voting paper the name and address of the person and the number of votes to which he is entitled. The voting paper shall be delivered to the person by an officer appointed by the returning officer for that purpose or be sent to him by post at the address of the person entered in the register.

24. Each voter shall write his initials in the proper column of the voting paper against the name of the candidate or candidates (not exceeding the number of Commissioners to be elected) for whom he intends to vote and shall sign the voting paper. The voter shall be deemed to have given to each candidate against whose name he shall have duly placed his initials the number of votes to which the voter is entitled in accordance with clause 3 of this Schedule.

25. If any person entitled to receive a voting paper has not received a voting paper or has lost or damaged his voting paper he shall on personal application to the returning officer on or before the last day for returning the voting papers be entitled to receive a voting paper from him and to fill up the voting paper in his presence and then and there to deliver the voting paper to him.

Counting of Votes.

26.—(1) The returning officer shall on the day immediately following the day on or before which the voting papers were to be returned attend at the place appointed for the examination and casting up of the votes and shall cast up such of the votes as he finds to be valid and to have been duly given and shall ascertain the number of such votes given for each candidate.

(2) Any candidate may himself attend or may appoint any agent to attend the examination and casting up of the votes and any candidate or agent so attending who obstructs or in any way interferes with the examination and casting up of the votes may by order of the returning officer be forthwith removed from the place appointed for that purpose and if so removed shall not be permitted to return.

27. The candidates to the number to be elected who being duly qualified have obtained the greatest number of votes shall be deemed and shall be certified by the returning officer under his hand to be elected and to each person so elected the returning officer shall forthwith send or deliver notice of his election.

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*East Lancing
Order.*

28. The returning officer shall also cause to be made a list containing the names of the candidates together with (in case of a contest) the number of votes given for each and the names of the persons elected and shall sign and certify such list and shall deliver the same together with the nomination and voting papers which he has received to the Commissioners at their next meeting who shall cause the same to be deposited in their office.

Elections to fill Casual Vacancies.

29. The provisions contained in this Schedule shall apply to any election to fill a casual vacancy occurring amongst the Commissioners elected by the owners of property with such modifications as may be necessary.

General Provisions.

30. Whenever the day appointed for the performance of any act in relation to any election is a Sunday or a bank holiday or any day appointed for public fast or thanksgiving such act shall be performed on the day next following unless it is one of the days excluded as aforesaid and in that case on the day following such excluded day.

31. Such reasonable expenses attendant on the election and the proceedings preliminary or incidental thereto and such reasonable remuneration to the returning officer and any person appointed to assist the returning officer for services performed and expenses incurred by them as the Commissioners may allow shall be paid out of the East Lancing Sea Defence fund.

THE SECOND SCHEDULE.

PROVISIONS WITH RESPECT TO THE RAISING AND REPAYMENT OF
MONEYS BORROWED BY THE COMMISSIONERS.

Local Loans
Act and cer-
tain provi-
sions of Pub-
lic Health
Act made
applicable.

I. For the purpose of raising money in the exercise of the powers of borrowing conferred by this Order the provisions of the Local Loans Act 1875 shall be available to the Commissioners and Sections 236 to 238 of the Public Health Act 1875 shall apply to all moneys borrowed on mortgage under this Order as if those sections were re-enacted in this Order and in terms made applicable.

Period for
repayment

II. The moneys borrowed under Article XIX. of this Order shall be repaid within such period not exceeding sixty years from the date

[3 & 4 GEO. 5.] *Local Government Board's* [Ch. cxxxix.]
Provisional Order Confirmation (No. 15) Act, 1913.

of borrowing as the Board in each case determine and the period so determined is herein-after referred to as "the prescribed period" and shall with reference to the repayment of those moneys be the prescribed period for the purposes of this Schedule and of the Local Loans Act 1875.

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Order.
of borrowed
moneys.

III.—(1) The Commissioners 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 clause IV. of this Schedule if the Commissioners 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 applica-
tion of sink-
ing 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 Commissioners and the Commissioners shall be 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 Commissioners towards the equal annual payments to the fund.

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 —
*East Lancashire
 Order.*

(5) The Commissioners may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed :

Provided that in the case of an accumulating sinking fund the Commissioners shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by 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 Commissioners :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the 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 Schedule shall be paid by the Commissioners in addition to the payments provided for by this Schedule.

Increase re-
 duction or
 discontinu-
 ance of pay-
 ments to
 sinking fund.

IV.—(1) If it appears to the Commissioners at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Schedule 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 Commissioners to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose :

Provided that if it appears to the Board that any such increase is necessary the Commissioners shall increase the payments to such extent as the Board may direct.

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

(3) If in the opinion of the Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Schedule 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 Commissioners

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may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve. A.D. 1913.
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Order.

(4) If in the opinion of the 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 Commissioners 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 Commissioners with the consent of the Board may determine. Surplus of
sinking fund.

V.—(1) The Commissioners shall have power—

Power to re-
borrow.

(A) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(B) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Commissioners in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this clause shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this clause.

(3) The Commissioners shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Commissioners shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) by instalments or annual payments; or

(B) by means of a sinking fund; or

(C) out of moneys derived from the sale of land; or

(D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

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Provisional Order Confirmation (No. 15) Act, 1913.

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Application
of borrowed
moneys.

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

Receiver.

VII.—(1) Subject to the provisions of this clause any mortgagee of the Commissioners 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.

VIII.—(1) The clerk to the Commissioners 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 Schedule or in respect of any money raised thereunder and at any other time when the 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.

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(2) If it appears to the Board by that return or otherwise that the Commissioners have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether the instalment or annual payment or sum is required by this Schedule 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. 1913.

*East Lancashire
Order.*

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

(L.S.)

JOHN BURNS President.

H. C. MONRO Secretary.

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