



CHAPTER ciii.

An Act to confirm a Provisional Order of the Local Government Board relating to the Improvement Act District of Bingley. A.D. 1888.
[24th July 1888.]

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

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall, from and after the date therein mentioned, have full validity and force. Order in
schedule
confirmed.

2. This Act may be cited as the Local Government Board's Short title. Provisional Order Confirmation (No. 12) Act, 1888.

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Order.*

SCHEDULE.

IMPROVEMENT ACT DISTRICT OF BINGLEY.

Provisional Order for altering the Bingley Improvement Acts of 1847, 1867, and 1881.

To the Bingley Improvement Commissioners, being the Sanitary Authority
for the Urban Sanitary District of Bingley, in the West Riding of the
County of York ; —

And to all others whom it may concern.

WHEREAS the Improvement Act District of Bingley, in the West Riding of
the County of York (herein-after referred to as "the District"), is an Urban
Sanitary District, of which the Bingley Improvement Commissioners (herein-
after referred to as "the Commissioners") are the Urban Sanitary Authority,
and the Bingley Improvement Act, 1847, the Bingley Extension and Improve-
ment Act, 1867, and the Bingley Water and Improvement Act, 1881 (which Acts
are herein-after collectively referred to as "the Local Acts," and each of which
Acts is herein-after separately referred to as the Act of the year in which it was
passed), are in force in the District ;

And whereas by Section 36 of the Act of 1847 the Commissioners were em-
powered to borrow, on the credit of the Bingley Improvement Rate, any sum or
sums of money which, together with any sum previously borrowed on the credit
of the same rate, should not exceed the sum of ten thousand pounds ;

And whereas by Section 41 of the Act of 1867 the amount which the Com-
missioners might borrow under Section 36 of the Act of 1847 was increased to
twenty thousand pounds ;

And whereas by Section 47 of the Act of 1881 it was provided that the Commis-
sioners might invest any money for the time being standing to the credit of any
sinking fund formed by them in pursuance of the provisions of any Act in force
in the District, in or upon any of the funds or securities which Local Authorities
are under the Local Loans Act, 1875, entitled to invest moneys standing to the
credit of any sinking fund formed under that Act ;

And whereas the Commissioners were required by the Acts of 1847 and 1867
to make such payments as therein mentioned into the sinking funds directed
by those Acts to be established, but such payments have not been duly made, and
on the First day of January, One thousand eight hundred and eighty-eight, the
deficiency in the sinking fund on account of the gas loans raised under the Act
of 1867 was two thousand five hundred and fifty-six pounds seventeen shillings
and sixpence, and the amount of debt outstanding under Section 36 of the Act
of 1847, as amended by Section 41 of the Act of 1867, was seventeen thousand
pounds, and no further sum has since been raised on this account ;

And whereas it has been arranged that the Commissioners shall make good the
deficiency of two thousand five hundred and fifty-six pounds seventeen shillings
~~and sixpence~~ in the gas sinking fund by setting aside as a sinking fund and

[51 & 52 VICT.] *Local Government Board's* [Ch. ciii.]
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applying in repayment of gas loans the annual sum of three hundred and sixty-five pounds two shillings and tenpence, and shall repay the outstanding debt of seventeen thousand pounds as herein-after mentioned :

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Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein referred to as the commencement of this Order), the following provisions shall take effect ; viz.,—

Art. I. Sections 36 and 37 of the Act of 1847, and so much of Section 41 as relates to the borrowing of twenty thousand pounds instead of ten thousand pounds, and Sections 44 and 50 of the Act of 1867, shall be repealed so far as the same have not been acted upon.

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

- (1.) The Commissioners shall repay the said sum of seventeen thousand pounds, the balance outstanding under the Act of 1847, as altered by the Act of 1867, by any one or more of the methods, including a sinking fund mentioned in the Local Loans Act, 1875, with respect to the discharge of loans raised in manner provided by that Act ; and the prescribed period for such repayment shall be twenty-four years from the commencement of this Order.
- (2.) The Commissioners shall repay the sum of two thousand five hundred and fifty-six pounds seventeen shillings and sixpence, part of the moneys borrowed for gasworks purposes under the Act of 1867, and being a sum equal to the deficiency of the sinking fund in respect of those moneys, by annually setting aside and applying in repayment of gas loans raised under the Acts of 1847 and 1867 the sum of three hundred and sixty-five pounds two shillings and tenpence.

Art. III. Notwithstanding anything in Section 46 of the Act of 1881 contained, all moneys to be borrowed under the Act of 1881, with the sanction of the Local Government Board, shall be repaid within such respective periods as may from time to time be approved by that Board in each case.

Art. IV. Section 47 of the Act of 1881 shall be repealed, and in lieu thereof the following provisions shall take effect ; viz.,—

The Commissioners shall invest any money at any time standing to the credit of any sinking fund formed by them under any of the Local Acts or this Order, and the interest on and the sums paid into any such fund, in the purchase of Exchequer bills or other Government securities, or in securities in which trustees are by law for the time being authorised to invest, or in mortgages, debentures, debenture stock, or other securities issued by any Local Authority, as defined by Section 34 of the Local Loans Act, 1875, other than the Commissioners, the Commissioners being at liberty from time to time to vary and transpose such investments.

Art. V. The Local Acts shall be further altered so as to provide as follows : viz.,

- (1.) The Commissioners may from time to time re-borrow moneys paid off otherwise than by instalments or by means of a sinking fund, or out of the proceeds of the sale or disposition of land, or out of other moneys received

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on capital account: Provided that the moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made, and the moneys originally borrowed and any amounts from time to time re-borrowed in lieu thereof, shall for the purposes of repayment be deemed to form the same loan, and the obligation of the Commissioners with respect to the repayment of such moneys shall not be in any way affected by reason of such re-borrowing.

(2.) The clerk to the Commissioners shall, within twenty-one days after the expiration of each year ending on the Twenty-fifth day of March in which any sum is required to be paid as an instalment or to be set apart for a sinking fund in respect of moneys borrowed under the provisions of the Local Acts, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing, for the year next preceding the making of such return, the amounts which have been paid as instalments and the amounts which have been invested or applied for the purpose of such 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 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 any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act, 1875, in a summary manner, may be recovered by parties aggrieved within the meaning of that Act.

(3.) If it appears to the Local Government Board by that return, or otherwise, that the Commissioners have failed to pay any instalment required to be paid, or to set apart any sum required for any sinking fund, or have applied any portion of the moneys set apart for any sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, the Local Government Board may, by Order, direct that the sum in such Order mentioned, not exceeding double the amount in respect of which default has been made, shall be paid by way of instalment, or be set apart and invested or applied as part of the sinking fund; and any such Order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Given under the Seal of Office of the Local Government Board, this
Fifth day of June, One thousand eight hundred and eighty-eight.

(L.S.)

CHAS. T. RITCHIE, President.
HUGH OWEN, Secretary.

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